

CANADA / JUDGMENT

Famugbode v. Canada (Citizenship and Immigration)

2026 FC 348

COURT

Federal Court

DECIDED

13 March 2026

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

Famugbode v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions
Date 2026-03-13 Neutral citation 2026 FC 348 File numbers IMM-4491-25 Decision Content Date:
20260313 Docket: IMM-4491-25 Citation: 2026 FC 348 Ottawa, Ontario, March 13, 2026 PRESENT:
Madam Justice Azmudeh BETWEEN: IBIYEMI OLUWADARE FAMUGBODE Applicant and THE
MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I.
Overview [1] The Applicant, Ibiyemi Oluwadare Famugbode, seeks judicial review of a decision
denying his work permit application and restoration. He applied for a Labour Market Impact
Assessment (LMIA) exempt work permit. On February 13, 2025, the immigration officer (Officer)
found that the Applicant had not met the regulatory requirements of the LMIA-exempt work
permit under the Immigration and Refugee Protection Regulations, SOR/2002-227 [IRPR].

- [2] Before his work permit expired, the Applicant applied for a work permit extension
(Application number W310710997) under the International Mobility Program. To support his
extension application, he sought an LMIA-exempt work permit under exemption code C51
(Charitable Work) for an Employer Liaison position with ACCES Employment. The employer
submitted the required employer compliance fee and provided the LMIA-exemption
number A0924728. The extension application was then refused.
- [3] Then, on November 1, 2024, the Applicant submitted a new application for an LMIA-exempt
work permit under the International Mobility Program, together with an application for
restoration of temporary resident status. However, he failed to submit a new fee or a new
LMIA-exempt number.
- [4] On February 13, 2025, the Officer refused the Applicant's work permit application and the
associated restoration application. The Officer's reasons in the Global Case Management
System (GCMS) notes explained that the Applicant needed to provide a new A#, an LMIA-
exempt number) and compliance fee, which the Applicant had not done: Client is requesting
an LMIA-exempt work permit; however, has failed to produce a valid A# and employer
compliance fee as per R200(3)(f.1) LMIA-E (A0924728) that client provided is already linked
to another application that has been refused, as client has failed to provide a new A#,

application is consequently refused, restoration is also refused. Refusal letter sent, Advised of to leave Canada as they are no longer restorable.

- [5] Paragraph 200(3)(f.1) of IRPR expresses that either not providing information set out in section 209.11 or the fee set out in section 303.1 will bar the issuance of a work permit:
- (3) An officer shall not issue a work permit to a foreign national if (f.1) in the case of a foreign national referred to in subparagraph (1)(c)(ii.1), the fee referred to in section 303.1 has not been paid or the information referred to in section 209.11 has not been provided before the foreign national makes an application for a work permit.
- [6] The refusal letter outlines the requirements set out in paragraph 200(3)(f.1) of IRPR: [X] On February 21, 2015, regulations pertaining to employers hiring Labour Market Impact Assessment exempt foreign nationals under the International Mobility Program (IMP) came into effect:
- Before the foreign national makes their application for a work permit, the employer must submit an Offer of Employment to the Minister using the electronic system made available by the Department for that purpose;
 - Employers must pay the employer compliance fee of \$230.00, unless they are exempt from the fee requirement under subsection R303.1(5). As of November 21, 2015, all employers under the IMP must submit the Offer of Employment/information and the employer compliance fee using the Employer Portal. However, there may be emergency situations where the employer has been authorized to submit the Offer of Employment to a Foreign National Exempt from a Labour Market Impact Assessment (LMIA) form [IMM 5802] using the email submission method. As you have not provided the Offer of Employment (Labour Market Impact Assessment [LMIA] -exempt) ID number with your work permit application which includes the \$230.00 employer compliance fee, your application has been refused under R200(3)(f.1).
- [7] Even though the Applicant continued to hold valid biometrics, the refusal letter also contained the erroneous statement that he had not complied with the requirement to provide the biometric barcode or to complete biometrics within the given timeframe: A review of our system for biometrics, incoming correspondence and client history, indicates that you have not complied with the request to provide biometrics barcode or to complete biometrics within the given timeframe.
- [8] The application was refused for non-compliance under paragraph 41(a) and subsection 16(1) of the Immigration and Refugee Protection Act, SC 2001 c 27 [IRPA]. II. Decision [9] For the following reasons, I dismiss the Applicant's judicial review. I find that the decision was reasonable and reached in a procedurally fair manner. III. The Issues and Standard of Review [10] I agree with the parties that the main issue is whether the Officer's decision was reasonable.

- [11] The standard of review applicable to visa decisions is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 23 [Vavilov]; *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1645 at para 13; *Shah v Canada (Citizenship and Immigration)*, 2022 FC 1741 at para 15). A reasonable decision is “based on an internally coherent and rational chain of analysis” and “is justified in relation to the facts and law that constrain the decision maker” (Vavilov at para 85). The reviewing court must ensure that the decision is justifiable, intelligible, and transparent (Vavilov at para 95). Justifiable and transparent decisions account for central issues and concerns raised in the parties’ submissions to the decision maker (Vavilov at para 127).
- [12] The Applicant also submits that the Officer breached the principles of procedural fairness because they failed to give adequate notice to the Applicant of their concerns. Regarding questions of procedural fairness, as Mr. Justice Régimbald recently wrote in *Nguyen v Canada (Citizenship and Immigration)*, 2023 FC 1617 at para 11: [T]he reviewing court must be satisfied of the fairness of the procedure with regard to the circumstances (*Singh v Canada (Citizenship and Immigration)*, 2023 FC 215 at para 6; *Do v Canada (Citizenship and Immigration)*, 2022 FC 927 at para 4; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54 [Canadian Pacific Railway]). In *Canadian Pacific Railway*, the Federal Court of Appeal noted that trying to “shoehorn the question of procedural fairness into a standard of review analysis is ... an unprofitable exercise” (at para 55). Instead, the Court must ask itself whether the party was given a right to be heard and the opportunity to know the case against them, and that “[p]rocedural fairness is not sacrificed on the altar of deference” (*Canadian Pacific Railway* at para 56). IV. Analysis A. The Officer’s decision was reasonable [13] The decision is reasonable. It is responsive to the evidence before the Officer and complies with the requirements of the program to which the Applicant had applied.
- [14] The Applicant does not dispute the facts of this case. When the Applicant reapplied for his work permit, he relied on LMIA-exemption number A0924728, which was linked to the previous work permit extension application that had already been refused. A valid employer compliance fee had then not been provided in support of the current application. On these facts, the Officer then concluded that the regulatory requirements were not met and refused the application.
- [15] The IRCC’s published Guideline offers an interpretative aid to the IRPR (Government of Canada, “Employer-specific work permits – General processing – International Mobility Program” (1 December 2024), online: <Canada.ca> [<https://web.archive.org/web/20241201040808/https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/foreign-workers/eligibility/employer-specific-labour-market-impact-assessment-exemptions.html>] [Guideline]).

- [16] The Guideline explains that an offer of employment number (i.e. the LMIA-exemption number) is generated through the Employer Portal and matched to a specific work permit application, and that, once a decision is made on that application, the same offer of employment number cannot be reused for another work permit application. The Guideline further confirms that, if a new work permit application is submitted, a new offer of employment (with the fee) must also be submitted.
- [17] The Officer simply applied the requirements of the program, as articulated in the IRPR and interpreted by the Guideline, to the facts presented to them. The Officer reached their decision with a clear chain of reasoning. Applying the IRPR and the Guideline to the facts is not unreasonable, particularly in this case, where the officer did not have any discretion. The Guideline states that the new offer of employment with the fees “must” be submitted. It is not open to the Court on judicial review to re-weigh the evidence before a decision-maker (Vavilov at para 125).
- [18] I find that the determinative issue for the Officer was the Applicant’s non-compliance with the two conditions set out in paragraph 200(3)(f.1) of the IRPR. Their erroneous reference to the Applicant’s invalid biometrics was not determinative. Further, given the determinative findings, even if the Officer had not made the error on biometrics and known that the Applicant’s biometrics remained valid, they could not have issued the work permit (*Pham v Canada (Citizenship and Immigration)*, 2026 FC 225 at paras 23–24; *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175 at para 48). I agree with the Respondent that the error concerning biometrics, which was not determinative, does not make the decision unreasonable. B. The Officer reached their decision in a procedurally fair manner [19] I find that the Officer reached their decision in a procedurally fair manner.
- [20] This Court has held that in the context of work permit applications, the level of procedural fairness provided is low (*Jamali v Canada (Citizenship and Immigration)*, 2023 FC 1328 [Jamali]; *Singh v Canada (Citizenship and Immigration)*, 2021 FC 635 at para 21; *Sulce v Canada (Citizenship and Immigration)*, 2015 FC 1132 at para 10 [Sulce]; *Grusas v Canada (Citizenship and Immigration)*, 2012 FC 733 at paras 34, 63).
- [21] The Applicant bore the onus to know the legal requirements of the program under which he applied and needed to provide sufficient evidence to support a finding that they met those requirements (*Sulce* at para 11; *Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001 at para 37 [Penez]). The Applicant argues that the Officer should have notified him or the employer of their concerns about the LMIA’s number and unpaid fees. More specifically, the Applicant suggests that the wording of the answer to the following question in the Guideline implies a notice requirement: I paid the employer compliance fee, but the temporary worker’s application for a work permit was refused. Can I get a refund? Yes. You will get a refund automatically. You do not have to apply for it. If you do not receive a notice about your refund within 8 weeks, follow the instructions to obtain a refund.

- [22] First, I note that the “I” addressed is the individual who pays the employer compliance fee (i.e. the employer). Under paragraph 303.1(1) of the IRPR, an “employer” pays the Employer Compliance Fee. Any duty of the Respondent to notify a party of the refund would be owed to the employer, rather than to the Applicant.
- [23] Second, even if I accept that this passage addressed the Applicant themselves, the above answer clarifies that the refund for a refused application, in this case the Applicant’s employer’s payment with respect to the first application, was automatic. The duty to be notified of a refund would therefore not apply to a subsequent application. If there was a delay in an applicant being notified of a refund, the Applicant could follow up. The Guideline does not express that the Applicant would be notified of an unpaid fee on a subsequent application.
- [24] It is well established that an officer is not required, as a matter of procedural fairness, to advise an applicant of shortcomings, weaknesses or other concerns arising from the application of the criteria established in the IRPR (*Masam v Canada (Citizenship and Immigration)*, 2018 FC 751 at para 11; *Penez* at para 37; *Sulce* at paras 10-11, 16; *Jamali* at para 50).
- [25] There is no breach of procedural fairness when an officer refuses an application simply because the evidence provided does not meet statutory requirements. There was no issue in this case with credibility, accuracy or the genuine nature of the information submitted by the Applicant, any of which might have triggered a duty to notify the Applicant. V.
- Conclusion [26] The Application for judicial review is dismissed.
- [27] The parties did not propose a certified question, and I agree that none arises in this case. JUDGMENT IN IMM-4491-25 THIS COURT’S JUDGMENT is that The application for Judicial Review is dismissed. There is no question for certification. blank “Negar Azmudeh” blank Judge FEDERAL COURT SOLICITORS OF RECORD Docket: IMM-4491-25 STYLE OF CAUSE: IBIYEMI OLUWADARE FAMUGBODE v. MINISTER OF CITIZENSHIP & IMMIGRATION PLACE OF HEARING: VIA videoconference DATE OF HEARING: March 10, 2026 REASONS FOR JUDGMENT AND JUDGMENT: AZMUDEH J. DATED: march 13, 2026 APPEARANCES: Osazee Imafidon For The Applicant Ferishtah Abdul-Saboor For The Respondent SOLICITORS OF RECORD: Osazee Imafidon Barrister and Solicitor North York Ontario For The Applicant Ferishtah Abdul-Saboor Department of Justice Canada Toronto, Ontario For The Respondent

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/fc-cf/decisions/en/item/530145/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/famugbode-v-canada-citizenship-and-immigration-2026>

Prepared on 26 October 2026 · Esheria