

CANADA / JUDGMENT

Hasan v. Canada (Citizenship and Immigration)

2026 FC 351

COURT

Federal Court

DECIDED

16 March 2026

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Hasan v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-03-16 Neutral citation 2026 FC 351 File numbers IMM-24012-24 Decision Content Date: 20260316 Docket : IMM-24012-24 Citation: 2026 FC 351 Ottawa, Ontario , March 16, 2026 PRESENT: Madam Justice McDonald BETWEEN: SHAMS HASAN ORUJ FATMA ABDULLAH SHAMS HASAN (Through litigation Shams Hasan) UMAR SHAMS HASAN (Through litigation Shams Hasan) OTHMAN SHAMS HASAN (Through litigation Shams Hasan) Applicants and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The Applicant family are citizens of India but reside in the United Arab Emirates (UAE). The Principal Applicant, Shams Hasan, applied for a work permit under the Start Up Business class [R205(a)-A77 – International Mobility Program]. The other family members also sought visas to come to Canada, but their visas were dependant on Mr. Hasan's work permit application. Mr. Hasan's work permit was refused on various grounds, including that he did not meet all the requirements of A77.
- [2] For the following reasons, this judicial review is dismissed, as the Officer's decision is reasonable and no procedural fairness issues arise. I. Background [3] The Applicants are citizens of India, but Mr. Hasan has resided outside India for at least 20 years, primarily in Qatar and the UAE.
- [4] The Principal Applicant describes himself as a "serial entrepreneur with over 19 years of international career experience". He completed degrees at the University of Texas – Austin, Columbia Business School, and London Business School. He claims to have held a variety of positions in the technology sector, including working for Dell Technologies for almost 7 years and co-founding several technology startups.
- [5] The Principal Applicant and a business partner intended to start a business in the Toronto area that would use artificial intelligence to provide trade opportunities and data analysis to small and medium-sized businesses, the Principal Applicant planned to serve as the corporation's Chief Business Officer.

- [6] On May 23, 2024, the Applicants applied for temporary residence in Canada. An Immigration Officer rejected these applications on October 21, 2024. II. Issues [7] The Applicants challenge the reasonableness of the Officer's decision and argue that they were not afforded a fair process.
- [8] In assessing the reasonableness of the decision, the question is "whether the decision bears the hallmarks of reasonableness—justification, transparency and intelligibility—and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision" (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 at para 99 [Vavilov]). The Court considers the decision as a whole (Vavilov at paras 15, 85, 99, and 116) and does not engage in a "line-by-line treasure hunt for error" (Vavilov at para 102). Further, any error must be "sufficiently central and significant to render the decision unreasonable" (Vavilov at para 100).
- [9] On the procedural fairness issue, the Court undertakes a correctness-like review while recognizing that the duty of procedural fairness is eminently variable, inherently flexible, and context-specific and to be assessed against the question: was the procedure fair, having regard to all of the circumstances (Canadian Pacific Railway Company v Canada (Attorney General), 2018 FCA 69 at para 54)? III. Analysis A. Is the decision reasonable? (1) Ability to perform work [10] The Applicants argue that the Officer provided no reasoning to support the finding that the Principal Applicant did not establish that he could do the work for which he sought a work permit. They submit that the Officer failed to justify this finding considering the Principal Applicant's extensive education and experience. The Applicants argue that he provided all the documents requested in the Program Delivery Instructions and he met all eligibility requirements.
- [11] The Officer noted Mr. Hasan's listed education and work experience but found insufficient evidence supporting Mr. Hasan's claimed employment. The relevant instructions, "Employer-specific work permit applications for start-up business class permanent residence applicants received before October 3, 2024", state that "officers should be satisfied that they have the following documentary evidence to make an assessment: ... sufficient proof of [the applicant's] education and work experience that satisfies the officer that the applicant will be able to perform the work sought".
- [12] The Applicants point to Mr. Hasan's education, resume, and a letter of support from the Toronto Business Development Centre as proof of his ability to do the work sought. The Officer explicitly states that they noted Mr. Hasan's education and resume. However, the Officer also, correctly, noted that the resume merely states positions that Mr. Hasan claims to have held. It was open to the Officer to find this evidence insufficient to prove Mr. Hasan could do the work sought. Likewise, the Letter of Support makes no reference to Mr. Hasan's ability to do the work sought, or that the organization conducted due diligence into Mr. Hasan's ability to do the work sought.

- [13] The Applicant bore the burden of providing sufficient evidence to satisfy the Officer that he met the requirements for the work permit sought. He failed to do so. The argument is effectively a request for the Court to impermissibly reweigh the evidence before the Officer and reach a different conclusion.
- [14] The Officer reasonably concluded that the Principal Applicant failed to meet the requirements for a work permit as a start-up business class applicant as set out in the Program Delivery Instructions. The Officer was not satisfied that the Principal Applicant had adequately demonstrated that he will be able to perform the proposed work in Canada due to his failure to file sufficient objective evidence of his work experience.
- [15] The Officer's finding on this issue is sufficient to uphold the overall reasonableness of this decision on judicial review. As such, it is unnecessary to address the Applicants' other arguments regarding the reasonableness of the Officer's decision. B. Did the Applicants have a fair process? [16] The Applicants argue that they were denied procedural fairness because the Officer's reasons were brief and do not explain why the Officer was not satisfied that Mr. Hasan could perform the work sought.
- [17] The starting point for this issue is context. Namely, the duty of procedural fairness owed in work permit cases is low and an officer's duty to provide reasons is minimal (*Hamza v Canada (Citizenship and Immigration)*, 2013 FC 264 at para 23; *Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at para 7).
- [18] In this case, I am satisfied that the Officer met any procedural fairness duty as the reasons explain that the Officer was not satisfied due to the lack of objective corroborating evidence supporting Mr. Hasan's claimed work experience. IV. Conclusion [19] This judicial review is dismissed. There is no question for certification. JUDGMENT IN IMM-24012-24 THIS COURT'S JUDGMENT is that : The application for judicial review is dismissed; and There is no question for certification. blank "Ann Marie McDonald" blank Judge FEDERAL COURT SOLICITORS OF RECORD Docket : IMM-24012-24 STYLE OF CAUSE: HASAN et al v THE MINISTER OF CITIZENSHIP AND IMMIGRATION HEARING HELD BY VIDEOCONFERENCE AT : Ottawa, Ontario DATE OF HEARING: february 25, 2026 JUDGMENT AND REASONS: McDonald J. DATED: March 16, 2026 APPEARANCES : Pushkar Prehar FOR THE APPLICANTS Brad Bechard FOR THE RESPONDENT SOLICITORS OF RECORD: Greenberg Hameed PC Toronto, Ontario FOR THE APPLICANTS Attorney General of Canada Toronto, Ontario FOR THE RESPONDENT

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