

CANADA / JUDGMENT

Kaur v. Canada (Citizenship and Immigration)

2026 FC 173

COURT

Federal Court

DECIDED

6 February 2026

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Kaur v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-02-06 Neutral citation 2026 FC 173 File numbers IMM-17577-24 Decision Content Date: 20260206 Docket: IMM-17577-24 Citation: 2026 FC 173 Toronto, Ontario, February 6, 2026 PRESENT: The Honourable Madam Justice Aylen BETWEEN: SANDEEP KAUR Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The Applicant is a 33-year-old citizen of India, who came to Canada as a student on a study permit that was valid from July 2, 2022, to January 15, 2023. In January 2023, the Applicant successfully applied for a Post-Graduation Work Permit [PGWP], which was valid from March 19, 2023, to March 19, 2024.
- [2] On March 19, 2024, the Applicant applied for an extension of her PGWP on the advice of an immigration consultant.
- [3] On June 14, 2024, after changing immigration consultants, the Applicant applied for a study permit. On the IMM5709 form “Application to Change Conditions, Extend My Stay or Remain in Canada as a Student”, the Applicant indicated that she was applying to, among other things, restore her status as a student.
- [4] On June 19, 2024, the Applicant contacted Immigration, Refugees and Citizenship Canada [IRCC]’s helpline to withdraw her PGWP extension application, which was ultimately withdrawn. In that regard, IRCC issued two letters to the Applicant confirming the withdrawal — one dated June 30, 2024, and one dated September 9, 2024. The Applicant asserts that she did not receive the June 30, 2024 letter at the relevant time.
- [5] By letter dated September 9, 2024, the Applicant’s study permit application was refused by an officer from IRCC’s Edmonton Case Processing Centre [Officer]. The letter went on to state: [X] You are a person in Canada without temporary resident status who is not eligible for restoration under Section 182 of the Immigration and Refugee Protection Regulations. [X] You are a person in Canada without legal status and as such are required to leave Canada immediately. If you do not leave Canada voluntarily, enforcement action may be taken

against you.

- [6] The Global Case Management System [GCMS] notes, which constitute as part of the IRCC's reasons, detail the basis for the Officer's decision and provide as follows: Client is applying for a restoration to study permit extension. The applicant held status on a work permit until 2024/03/19. The current application was made on 2024/06/14. As per the PDI, to be eligible as per R182 the client cannot restore for one type of temporary residence to another (i.e. from post-graduate work permit to student permit). There is currently no public policy to overcome this requirement either. As such I am unable to proceed with the application. Application refused.
- [7] On September 23, 2024, the Applicant requested reconsideration of her study permit refusal. On October 15, 2024, IRCC refused her request.
- [8] The Applicant now seeks judicial review of the Officer's decision refusing her application for a study permit.
- [9] Despite the Applicant's framing of the issues, I find that the sole issue raised on this application is whether the Officer's decision was reasonable. When reviewing for reasonableness, the Court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible and justified. A reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision-maker [see *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 15, 85]. The Court will intervene only if it is satisfied there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency [see *Adeniji-Adele v Canada (Citizenship and Immigration)*, 2020 FC 418 at para 11].
- [10] The Applicant asserts that the Officer erred in finding that the Applicant did not have legal status in Canada after her PGWP expired on March 19, 2024, as she had "maintained status" pursuant to subsection 183(5) of the Immigration and Refugee Protection Regulations, SOR/2002-227 [IRPR] since she submitted her PGWP extension application prior to the expiry of her PGWP. The Applicant also asserts that this amounted to a denial of her legitimate expectation that she would be accorded maintained status and that her application would be assessed in accordance with established legal principles. While framed as a procedural fairness issue, I find that this properly goes to the reasonableness of the decision. That said, the Officer did not state in the GCMS notes that the Applicant did not have status after March 19, 2024, and the Respondent acknowledges that she had maintained status at the time the Officer rendered their decision. The statements by the Officer in the refusal letter regarding the Applicant's lack of temporary resident status, her ineligibility for restoration and her obligation to leave Canada all relate to her status following the denial of her study permit application.

- [11] The Applicant takes issue with the Officer's statement that the Applicant could not restore from one type of temporary status (PGWP) to another (study permit). The Applicant asserts that, under paragraph 215(1)(c) of the IRPR, a foreign national may apply for a study permit after entering Canada if they hold a work permit and, as such, this contradicts the Officer's finding that she could not restore from one type of temporary status to another. There is no merit to this argument. The Applicant did not hold a valid work permit at the time of her study permit application. Rather, she was in maintained status. Moreover, under subsection 182(1) of the IRPR, the Applicant was not eligible to restore her former status as a student since she was clearly past the 90-day window for restoration of her study permit, which had expired on January 15, 2023, and subsection 182(1) does not permit restoration to a different temporary resident status. This is expressly confirmed in the Program Delivery Instructions referenced by the Officer in the GCMS notes, which state: Possible restoration scenarios Situations de rétablissement possibles A foreign national can only apply to restore their status and authorization to one they held immediately prior to the loss of status. For example, a temporary resident with authorization to study who is out of status cannot apply to restore their temporary resident status with authorization to work. They must apply to restore their temporary resident status with authorization to study. Un étranger peut seulement demander le rétablissement de son statut et de l'autorisation qu'il détenait immédiatement avant la perte de statut. Par exemple, un résident temporaire détenant un permis d'études qui perd son statut ne peut pas demander le rétablissement de son statut de résident temporaire en présentant une demande de permis de travail. Il doit demander le rétablissement de son statut de résident temporaire à titre d'étudiant. [Emphasis in original.] [En gras dans l'original.]
- [12] The Applicant also takes issue with the statement by the Officer that she was applying to restore her study permit, asserting instead that she was applying for a new study permit. However, this assertion is undermined by the Applicant's application form, whereon she ticked the box indicating that she was seeking restoration of her status as a student.
- [13] The Applicant further asserts that she was unaware of the June 30, 2024 letter issued by IRCC confirming the withdrawal of her PWGP extension application until after this application was commenced; and that the existence of two separate withdrawal letters creates confusion and undermines the integrity of the withdrawal process. There is no merit to this assertion as the withdrawal of the PGWP extension application had no bearing on the Officer's decision in relation to the study permit.
- [14] As the Applicant has failed to demonstrate that the Officer's decision was unreasonable, the application for judicial review shall be dismissed.
- [15] No question for certification was raised and I agree that none arises. JUDGMENT in IMM-17577-24 THIS COURT'S JUDGMENT is that: The application for judicial review is dismissed. The parties proposed no question for certification and none arises. "Mandy Aylen" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-17577-24 STYLE OF CAUSE: SANDEEP KAUR v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF

HEARING: TORONTO, ONTARIO DATE OF HEARING: FEBRUARY 5, 2026 JUDGMENT and reasons: AyLEN J. DATED: FEBRUARY 6, 2026 APPEARANCES: Dildeep Kaur Sidhu Vineet Kaushal For The Applicant Alison Engel-Yan For The Respondent SOLICITORS OF RECORD: Sierah Law Barristers and Solicitors Mississauga, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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Prepared on 28 October 2026 · Esheria