

CANADA / JUDGMENT

Ullah v. Canada (Citizenship and Immigration)

2026 FC 70

COURT

Federal Court

DECIDED

16 January 2026

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Decision Content

Date: 20260116

Docket: IMM-945-25

Citation: 2026 FC 70

Ottawa, Ontario, January 16, 2026

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

TAYYAB ULLAH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

- [1] This is an application for judicial review of a decision [the Decision] dated December 3, 2024, by an Immigration, Refugees and Citizenship Canada [IRCC] officer [the Office] affirming the refusal of the Applicant's employer-specific work permit application made in the Labour Market Impact Assessment [LIMA] stream.
- [2] The Applicant has established that the Decision is unreasonable considering the factual and legal constraints acting upon the Officer. The application is therefore granted for the reasons that follow.

I. Background [3] The Applicant is a citizen of Pakistan in his early 20s. He resides in Pakistan with his parents and brother. Another of his brothers resides in Saudi Arabia while his sister resides in Pakistan also. All of the members of his immediate family are citizens of Pakistan.

- [4] On April 24, 2023, the Applicant received a job offer from Minster Interiors Inc. [Minster Interiors], a Canadian business, for a full-time Rug Sewer position for a duration of two years. Minster Interiors held a positive LMIA issued by Employment and Social Development Canada for one Rug Sewer position under National Occupational Classification 94132 [the NOC], with an expiry date of December 12, 2024. The Applicant submitted an employer-specific work permit application from outside Canada in September 2023 [the Application] to take advantage of the offer provided to him.
- [5] An IRCC officer refused the Application in June 2024. The Applicant filed an application for leave and judicial review of that decision and the parties resolved the proceeding by having the Application redetermined by the Officer. The Officer had not previously been involved in the matter.
- [6] The IRCC invited the Applicant to provide updated or new documentation as it pertained to his Application in the context of the agreed upon reconsideration. The Applicant acted on the invitation and filed additional application documentation in November 2024.
- [7] The Officer conducted a fresh review of the Application and rejected it through their Decision.

II. The Decision [8] The Decision sets out that the Officer reviewed the Application and found that it did not meet the requirements of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA] and of paragraph 200(1)(b) the Immigration and Refugee Protection Regulations, SOR/2002-227 [IRPR].

[9] The Application was rejected because the Officer was not satisfied that the Applicant would leave Canada at the end of his stay as required by the IRPR. The Decision also set out more particularly that the Officer came to this conclusion because:

- a) the purpose of the Applicant's visit to Canada was not consistent with a temporary stay given the details provided in the Application;
- b) the Applicant's current employment in Pakistan does not show that he is financially established in his country of residence;
- c) the Applicant was not able to demonstrate that he will be able to adequately perform the work he was seeking; and
- d) the Applicant does not have significant family ties outside Canada.

[10] The Officer's Global Case Management System [GCMS] notes (which form part of the reasons for the Decision (*Singh v Canada (Citizenship and Immigration)*, 2022 FC 1387 at para 12), reflect that the Officer refused the Application on the basis of two principal conclusions:

- a) they were not satisfied that the Applicant would be able to perform the work sought; and,
- b) they were not satisfied that the Applicant would depart Canada after any authorized period of stay.

[11] Regarding whether the Applicant would be able to perform the work sought, the Officer's GCMS notes recorded that:

- a) the Applicant was a 22-year-old single male citizen of Pakistan who sought a work permit with LMIA to work as a sewing machine operator;
- b) the Applicant stated that he has been working for SBR Enterprises in Pakistan as a rug and carpet sewer, earning PKR 45,500 per month (approximately CAD 230), paid in cash;
- c) the Applicant provided a reference letter attesting to his then current employment with SBR Enterprises;
- d) the reference letter was not supported by payslips or corresponding bank deposits resulting in the Officer giving "less weight" to the reference letter "presented in isolation"; and
- e) there was "limited other evidence pointing to the applicant having suitable experience in the intended occupation and so I am not satisfied he can perform the work sought."

[12] Regarding whether the Applicant would depart Canada after any authorized period of stay, the Officer's GCMS notes recorded that:

- a) the Applicant provided a bank statement showing funds, as of September 11, 2023, of approximately PKR 4,983,230.83 (approximately CAD 25,204);

- b) the origin of such a large amount of funds, given the Applicant's "claimed (unsubstantiated) income is unclear";
- c) the Applicant provided some land documents, "but there is limited evidence showing that it generates income";
- d) the Officer therefore gave "less weight" to the bank statement; and
- e) given that the Applicant had no dependent family members, limited evidence of income and employment, and limited financial establishment in Pakistan, the Officer concluded that the Applicant was "not well established in Pakistan to the point that he would have an incentive to return".

III. The Issue [13] The only issue before the Court is whether the Decision is reasonable.

IV. Standard of Review [14] The parties submit, and I agree, that the applicable standard of review of the Decision is reasonableness as discussed and described in set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov].

[15] A reasonableness review is concerned with the Decision as a whole and with whether the outcome and the reasoning that supports it are justified, intelligible, and transparent in light of the factual and legal constraints bearing on the decision maker (Vavilov at paras 15, 86, 99, 101). 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 (Vavilov at para 85). The court must be satisfied that any shortcomings or flaws in a decision are sufficiently central or significant to render the decision unreasonable (Vavilov at para 100; *Pepa v Canada (Citizenship and Immigration)*, 2025 SCC 21 at para 49 [Pepa]). The reviewing court must not substitute its own view, but instead assess only whether the administrative decision, including its rationale and outcome, was unreasonable (Pepa at para 48).

[16] Officers who make temporary resident and work permit decisions are required to make frequent determinations under time and resource constraints. They are not required to provide lengthy reasons because of this institutional context (*Roodsari v Canada (Citizenship and Immigration)*, 2023 FC 970 at para 11 [Roodsari]; Vavilov at para 91), and their decisions are to be afforded deference (*Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at para 7 and the jurisprudence cited therein). However, the reasons read together with the record must allow the Court to understand the rationale behind the officer's findings. The reasons may be brief and need not be particularly detailed. They nevertheless need to set out the key elements of the deciding officer's analysis and be responsive to the core of the applicant's submissions on the most relevant points (Roodsari at para 12 and the jurisprudence cited therein).

V. Statutory and Regulatory Framework [17] Subsection 11(1) of the IRPA provides that a foreign national must, before entering Canada, apply to an officer for a visa or other required document. The visa or document may be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of the IRPA.

- [18] Under paragraph 20(1)(b) of the IRPA, a foreign national who seeks to become a temporary resident must establish that they hold the required visa or other document and will leave Canada by the end of the period authorised for their stay. Subsection 22(1) provides that a foreign national becomes a temporary resident if, among other things, an officer is satisfied that the person has met the obligations in paragraph 20(1)(b).
- [19] Paragraph 200(1)(b) of the IRPR provides that, subject to other listed conditions, an officer shall issue a work permit to a foreign national if, following an examination, it is established that the foreign national will leave Canada by the end of the period authorised for their stay.
- [20] Paragraph 200(3)(a) of the IRPR provides that an officer shall not issue a work permit to a foreign national if there are reasonable grounds to believe that the foreign national is unable to perform the work sought.
- [21] An applicant bears the onus of establishing, on the materials they choose to file, that they meet the requirements for the issuance of a work permit (*Singh v Canada (Citizenship and Immigration)*, 2022 FC 240 at para 7; *Cruz v Canada (Citizenship and Immigration)*, 2018 FC 1283 at para 8). These include satisfying the officer that they will leave Canada at the end of their authorised stay, and avoiding a situation in which there are reasonable grounds to believe that they are unable to perform the work sought (IRPR, ss. 200(1)(b), 200(3)(a)). If an applicant fails to do so on either ground, an officer is not authorised to issue a work permit.

VI. The Applicant's Submissions [22] The Applicant argues that the Decision as a whole is unreasonable because the Officer's reasons fail to meet the requirements of justification, intelligibility and transparency as discussed in *Vavilov*.

- [23] The Applicant argues that the Officer's reasons do not meaningfully engage with the important aspects of the evidence and submissions regarding both his ability to perform the work and his intention to leave Canada. This failure, he argues, does not permit one to understand the chain of reasoning that led to the Decision.
- [24] The Applicant submits that paragraph 200(3)(a) of the IRPR must be applied light of the requirements set out in the NOC. The requirements for industrial sewing machine operators, as is at issue here, require only a secondary school diploma or equivalent experience and some experience operating a sewing machine, with on-the-job training provided by Minster Interiors. The Application set out that the Applicant had the requisite secondary school diploma and had experience as a rug and carpet sewer, first as an apprentice for 15 months, and then as rug and carpet sewer in earnest for 24 months. His experience had been confirmed by a reference letter from his employer in Pakistan, SBR Enterprises, and a letter from Minster Interiors expressing confidence in his suitability for

the job.

- [25] The Applicant argues that the Officer's focus on the absence of payslips or bank deposits unreasonably imposes requirements that do not appear in the NOC description, the LMIA, or the legislative framework. He argues that the Officer did not grapple with his explanation that he was paid in cash, did not analyse the detailed description of his training and duties, and did not explain why the corroborating letter from the Canadian employer was insufficient.
- [26] The Applicant relies on several Federal Court decisions where refusals based on an applicant's ability to perform the work were found unreasonable because the decision-making officers failed to explain why they discounted documentary evidence of relevant skills or imposed additional requirements not grounded in the applicable job criteria (*He v Canada (Citizenship and Immigration)*, 2021 FC 1027 [He]; *Longa Diaz v Canada (Citizenship and Immigration)*, 2021 FC 538; *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596; *Pal v Canada (Citizenship and Immigration)*, 2025 FC 1008 [Pal]; *Mohammad v Canada (Citizenship and Immigration)*, 2025 FC 1343 [Mohammad]; *Azizulla v Canada (Citizenship and Immigration)*, 2021 FC 1226; *Pirhadi v Canada (Citizenship and Immigration)*, 2023 FC 153; *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1718; *Thavaratnam v Canada (Citizenship and Immigration)*, 2022 FC 967.
- [27] The Applicant submits that he provided all the required forms and certificates in his Application. These forms and certificates show that the Applicant's parents and siblings, his extended family and his social circle all reside in Pakistan. He also argues that the Officer's statement that he has "no dependent family members" is not responsive to the evidence and does not explain why his extensive family ties do not constitute significant ties outside Canada and disregards jurisprudence that establishes that refusals based youth, single status, or lack of dependents as determinative without further analysis are unreasonable (*Zoie v Canada (Citizenship and Immigration)*, 2022 FC 1297; *Hassani v Canada (Citizenship and Immigration)*, 2023 FC 734; *Singh*, above; *Sadeghinia v Canada (Citizenship and Immigration)*, 2023 FC 107; *Seyedsalehi v Canada (Citizenship and Immigration)*, 2022 FC 1250; *Obot v Canada (Citizenship and Immigration)*, 2012 FC 208; *Mohammadaghahi v Canada (Citizenship and Immigration)*, 2023 FC 294; *Tehrani v Canada (Citizenship and Immigration)*, 2023 FC 159; *Khosravimashizi v Canada (Citizenship and Immigration)*, 2023 FC 1744). The Applicant submits that this line of jurisprudence shows that a bare reference to being single, mobile, or without dependants is insufficient where the record shows strong ties to the home country.
- [28] Finally, with respect to the purpose of visit, the Applicant submits that the boilerplate statement in the refusal letter that his purpose of visit is not consistent with a temporary stay is not supported by any analysis in the Officer's GCMS notes. The Applicant argues the Officer's reasoning here is similar to the defective reasoning this Court criticized in *Boukhanfra v Canada (Citizenship and Immigration)*, 2019 FC 4, *Persaud v Canada (Citizenship and Immigration)*, 2021 FC 1252, and *Rengasamy v Canada (Citizenship and*

Immigration), 2009 FC 1229.

VII. The Respondent's Submissions [29] The Respondent submits that the Decision is reasonable.

- [30] The Respondent argues that officers have wide discretion in assessing temporary resident and work permit applications and that courts owe a high degree of deference to those decisions, particularly in light of the volume and time-sensitive nature of such determinations.
- [31] With respect to the Applicant's ability to perform the work sought, the Respondent relies on paragraph 200(3)(a) of the IRPR, which provides that an officer shall not issue a work permit if there are reasonable grounds to believe the foreign national is unable to perform the work sought. The Respondent submits that the onus rests on the Applicant to provide sufficient evidence that he can perform the work, and that officers are required to independently assess whether this onus has been met (*Singh v Canada (Citizenship and Immigration)*, 2022 FC 240 at para 7; *Singh v Canada (Citizenship and Immigration)*, 2024 FC 792 at para 18; *Cruz v Canada (Citizenship and Immigration)*, 2018 FC 1283 at para 8; *Gill v Canada (Citizenship and Immigration)*, 2021 FC 934 at para 33).
- [32] The Respondent characterises the Applicant's SBR Enterprises reference letter as the primary evidence of the Applicant's work experience. That letter describes the Applicant's employment and salary, paid in cash. The Respondent argues that the Applicant did not provide payslips corresponding to this income, and his bank statements did not show deposits aligned with that amount and submits that the Officer therefore gave the letter reduced weight. The Respondent argues that, given the limited other evidence of the Applicant's skills and experience, the Officer reasonably concluded that there were reasonable grounds to believe the Applicant was unable to perform the work sought.
- [33] The Respondent distinguishes the jurisprudence relied on by the Applicant, such as *He*, *Pal*, and *Mohammad*. The Respondent argues that in those cases, applicants had provided payslips, multiple reference letters, and/or education and training certificates, and officers either failed to engage with that evidence or imported requirements from visa office instructions that did not appear in their reason. The Respondent submits that here, by contrast, the Applicant provided only a single reference letter regarding his work experience, without independent corroborating documentation, the Officer expressly considered that letter, explained why he attached limited weight to it, and noted that there was limited other evidence. The Respondent submits that this constitutes an adequate and transparent chain of reasoning (*He* at para 22-26; *Pal* at paras 6, 16-18; *Mohammad* at paras 8-9).
- [34] The Respondent submits that the Officer was entitled to reach a conclusion on suitability that differed from *Minster Interiors'* view, provided that the Officer explained the difference. The Respondent relies on *Singh v Canada (Citizenship and Immigration)*, 2025 FC 1294, and argues that a positive LMIA and job offer are not determinative of an applicant's ability to perform the work. The Respondent argues that the Officer was required to form his own

view, and he gave a transparent reason why he did not share the prospective employer's confidence: the employer considered the Applicant's experience at SBR Enterprises sufficient, but the Officer found that the Applicant had not sufficiently evidenced his experience (*Singh v Canada (Citizenship and Immigration)*, 2025 FC 1294 at para 26).

- [35] The Respondent submits that the Officer's finding under paragraph 200(3)(a) of the IRPR is independently sufficient to refuse the Applicant's work permit, regardless of the findings concerning ties to Pakistan. Given that an officer must not issue a work permit if there are reasonable grounds to believe the applicant is unable to perform the work sought, the Respondent submits that the refusal was justified on this basis alone.
- [36] The Respondent submits that the Officer's analysis with respect to the Applicant's intention to leave Canada after any authorized period of stay was also reasonable. The Officer considered the Applicant's age, single status and lack of dependents, as well as the limited evidence of income and employment in Pakistan once the SBR Enterprises letter was given reduced weight. The Respondent submits that the Officer reasonably questioned the origin of the Applicant's significant savings, given his modest claimed income, and that it was open to the Officer to give less weight to the bank statements the Applicant provided, and to conclude that the Applicant was not well established in Pakistan.
- [37] The Respondent notes that, while officers must consider all the evidence, they are not required to refer to every piece of evidence or to resolve every point expressly in reasons, particularly in the context of high-volume processing. The Respondent submits that the Applicant's disagreement with the Officer's weighing of his family and financial ties to Pakistan does not amount to an error reviewable on judicial review (*Zhou v Canada (Citizenship and Immigration)*, 2013 FC 465 at para 20).

VIII. Analysis [38] The Applicant has advanced several arguments in his submissions, but they do not all need to be considered in detail. The fate of this application turns on whether the Decision is reasonable in its reasoning and conclusions regarding the Applicant's ability to perform the work offered by Minster Interiors. This is so because a failure to meet the requirements of paragraph 200(3)(a) of the IRPR will lead to a refused application. The matter of the Officer's assessment of whether the Applicant will leave Canada at the expiry of his work permit becomes relevant only if the Officer's determination in contemplation of paragraph 200(3)(a) of the IRPR is unreasonable.

- [39] The Officer's GCMS notes show that the Officer focussed on the Applicant's remunerated employment experience as a rug and carpet sewer with SBR Enterprises but reasoned that the reference letter from his employer should be given less weight because the Applicant did not produce supporting payslips or corresponding bank deposits. The Officer's reasoning appears to be that represented employment experience without proof of remuneration in consideration of the alleged work is a sufficient basis for reasonable grounds to be found as to whether the Applicant's stated employment experience as a rug sewer was actually gained. Such reasoning is unreasonable and unjustified on the facts of this matter.

- [40] The Officer does not engage meaningfully with the Applicant's 2.5 years of unimpeached experience as a rug sewing apprentice and as a rug sewer or explain why that stated experience, which far surpasses the required experience level of seven months to less than one year required by Minster Interiors, leads to a finding of reasonable grounds that the Applicant would be unable to perform the job requirements even if they give "less weight" to the SBR Entreprises letter.
- [41] The Officer discounts the Applicant's experience despite SBR Enterprises' letter that states that the Applicant "has been a valued member of our team since June 10, 2020", and the Applicant "underwent comprehensive training in rug and carpet sewing, acquiring proficiency in various skills and mastering the use of essential machines and tools associated with our trade". The absence of a pay stub when salary is stated as being paid in cash and the inability to track a cash payment into a bank account does not meaningfully explain why the Officer was unsatisfied that the Applicant could perform the work, particularly when the Applicant's credibility about his work experience is not questioned or found to be lacking. The limited reasons contained in the GCMS notes do not reflect whether the Officer actually assessed the application based on the requirements of the NOC or the LMIA in light of the Applicant's experience as stated in his application. The Officer's reasoning on this key point is not reasonable (He at para 25; Ghodsi v. Canada (Citizenship and Immigration), 2024 FC 620 at para 11). The Officer's fundamental flaw in their assessment of the Applicant's ability to perform the work of a rug sewer in Canada makes the Decision unreasonable.
- [42] The Applicant has in my view established that the Officer was equally unreasonable in their assessment of whether the Applicant would return to Pakistan at the expiry of the sought permit.
- [43] The Officer was factually incorrect in asserting that that the Applicant did not have "significant family ties outside of Canada" when the Applicant's entire immediately family resides in Pakistan, and therefore outside Canada. The GCMS notes do not show that the Officer considered the Applicant's family and social ties, or weighed those ties in determining the Applicant's incentive to return to Pakistan.
- [44] The Officer also failed to explain how "the applicant's current employment situation does not show that they are financially established in their country of residence" when his current employer, SBR Entreprises stated in its letter of reference that the Applicant was being granted a two-year leave of absence from his employment, and that his employer intended to rehire the Applicant as a production manager upon his return from Canada at nearly twice his previous salary. There is no discussion at all about this evidence in the Officer's Decision or in the GCMS notes.

[45] Lastly, the Officer's statement in their GCMS notes that the Applicant's lack of dependents in Pakistan, without further analysis, indicates that the Applicant would not leave Canada at the expiry of the sought permit is unreasonable. The Applicant is in his early to mid 20s, at the beginning of his career, and it is quite usual for an individual of his age and stage to be without dependents (*Iyiola v Canada (Citizenship and Immigration)*, 2020 FC 324 at para 20; *Obot v Canada (Citizenship and Immigration)*, 2012 FC 208 at para 20, by analogy).

[46] The Applicant has met his burden and has established that the Decision is unreasonable

JUDGMENT in IMM-945-25

THIS COURT'S JUDGMENT is that:

The Applicant's application is granted.

This matter is remitted for reconsideration by a different IRCC officer.

The Applicant shall be provided with a reasonable opportunity to update his application prior to it being reconsidered.

"Benoit M. Duchesne"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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