Federal Court Cour fédérale

Date: 20250122

Docket: IMM-6266-23

Citation: 2025 FC 130

Ottawa, Ontario, January 22, 2025

PRESENT: Mr. Justice Norris

BETWEEN:

GURPREM SINGH BRAR

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. OVERVIEW

[1] The applicant is a 27-year-old citizen of India. In March 2023, he applied for a work permit under the Temporary Foreign Worker Program so that he could take up employment as a nursery worker with JRT Nurseries Inc in Aldergrove, British Columbia.

[2] By letter dated April 14, 2023, the applicant was convoked for an interview at the High Commission of Canada in New Delhi on April 28, 2023. The letter stated that the Immigration, Refugees and Citizenship Canada (IRCC) Migration Officer dealing with the work permit application had concerns that the documents provided with the application were insufficient to demonstrate one or more of the following: the applicant's language ability, his previous work experience, his ability to perform the work sought, and the genuineness of the job offer. The letter instructed the applicant to bring to the interview, among other things, his work experience documents, proof of his English language proficiency, information to demonstrate his prospective employer's ability to hire him and to pay his wages, and any other information the applicant felt would address the officer's concerns.

[3] The applicant attended the interview on April 28, 2023. As it happened, the applicant's counsel (who continues to act for him on the present application) was in New Delhi on the day of the interview and she attended at the High Commission with the applicant. (As discussed further below, counsel was also the legal representative for JRT Nurseries, the prospective employer, and for several other individuals who had applied for work permits on the strength of job offers from the same employer and who had also been convoked for interviews on the same day as the applicant.) Counsel asked to be allowed to sit in on the interview with the applicant but the officer refused because there was nothing on record stating that the applicant had an authorized representative.

[4] The officer refused the work permit application in a decision dated April 28, 2023. The decision letter states that the officer was not satisfied that the applicant would leave Canada at

the end of his authorized stay, as required by paragraph 200(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227, because the purpose of the applicant's visit to Canada was not consistent with a temporary stay given the information the applicant had provided in his application.

[5] The officer provides more detailed reasons for her decision in her Global Case Management System (GCMS) notes. The notes state that, following the interview, the officer had been left with several concerns. The officer noted that the applicant had provided evasive answers and made contradictory statements. In summary, the officer found that the applicant knew little about his prospective employer or the duties he would be expected to perform. The officer also found that the applicant had not provided satisfactory evidence that he was actively engaged in farming in India, as he claimed. Finally, the officer found that the applicant could not explain in a consistent fashion how he had learned of and applied for the position. On the one hand, he said that a friend had recommended the position to him but, on the other hand, he said that he had found the position online. On the basis of these concerns, the officer concluded that the applicant was not a *bona fide* temporary worker who would leave Canada by the end of his authorized stay.

[6] The applicant now applies for judicial review of this decision under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (*IRPA*). He submits that the process leading to the decision did not comply with the requirements of procedural fairness. He also submits that the officer's decision is unreasonable.

[7] For the following reasons, this application will be dismissed.

II. PRELIMINARY ISSUE: THE ADMISSIBILITY OF THE PARTIES' AFFIDAVITS

[8] Together, the parties filed eight affidavits on this application. Each party objects to the admissibility of at least some of the evidence the other relies on.

[9] It is well established that, as a general rule, only material that was before the original decision maker may be considered on an application for judicial review. Consequently, generally speaking, a party to an application for judicial review cannot submit new evidence. See *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at paras 17-20; *Bernard v Canada (Revenue Agency)*, 2015 FCA 263 at paras 13-28; *Sharma v Canada (Attorney General)*, 2018 FCA 48 at paras 7-9; and *Andrews v Public Service Alliance of Canada*, 2022 FCA 159 at para 18.

[10] The rationale for this rule is grounded in the respective roles of the administrative decision maker and the reviewing court (*Access Copyright*, at paras 17-18; *Bernard*, at paras 17-18; *Andrews*, at para 18). The administrative decision maker decides the case on its merits; the reviewing court reviews the legality, rationality, and fairness of what the decision maker has done (*Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 13, 23-24, and 82). If persuaded that the decision under review is flawed in one or more of these respects, the reviewing court must also determine the appropriate remedy under section 18.1 of the *Federal Courts Act*, RSC 1985, c F-7.

[11] It is equally well established that there are exceptions to the general rule. The exceptions "are best understood as circumstances where the rationale behind the general rule is not offended" (*Bernard*, at para 14). Exceptions will be made only in situations where the receipt of evidence by the reviewing court "is not inconsistent with the differing roles of the judicial review court and the administrative decision-maker" (*Access Copyright*, at para 20).

[12] Three main exceptions have been recognized in the jurisprudence: (1) background information such as a summary of relevant information that was before the administrative decision maker; (2) evidence to establish the absence of evidence before the administrative decision maker concerning a particular subject matter; and (3) evidence relevant to an issue of natural justice, procedural fairness, improper purpose or fraud that could not have been placed before the administrative decision maker and that does not interfere with the role of the administrative decision maker as the merits-decider (*Bernard*, at para 27).

[13] The list of exceptions is not closed. Reviewing courts may receive affidavit evidence falling outside these recognized exceptions as long as it "facilitates their reviewing task and does not invade the administrative decision-maker's role as fact-finder and merits-decider" (*Bernard*, at para 28).

[14] Finally, where a party seeks to rely on new evidence in an application for judicial review, they should address the admissibility of that evidence directly in their written submissions. Unfortunately, neither party did so here.

A. *The applicant's affidavits*

(1) The affidavit of the applicant sworn August 8, 2023

[15] The applicant swore an affidavit in support of this application on August 8, 2023. In it, he recounts how he came to receive a job offer from JRT Nurseries and submitted his application for a work permit. A copy of the work permit application is attached as an exhibit. The applicant also describes receiving the letter of April 14, 2023, convoking him for an interview at the High Commission. The letter is also attached as an exhibit.

[16] The applicant states that JRT Nurseries informed him that they had retained a lawyer, Rashim Sharma, of Sharma Law Corporation in Surrey, British Columbia, to represent him during the interview. The applicant signed the requisite authorization forms on April 24, 2023. Copies of the forms are attached as an exhibit to the applicant's affidavit.

[17] The applicant describes attending at the High Commission on April 28, 2023, with Ms. Sharma and his interpreter. The applicant states that Ms. Sharma asked to be allowed to join the interview as his authorized representative but the officer refused.

[18] The applicant then describes the interview with the IRCC officer, recounting the questions he was asked and his responses. The applicant states that at times the officer was sarcastic to him, was intimidating throughout the interview, and interrupted him several times as he was trying to answer her questions.

[19] The applicant also attaches as an exhibit to his affidavit handwritten notes of the interview that he made after leaving the visa office. (The exhibit consists of the original handwritten notes along with a typed English translation of the notes.) The applicant states that he made the notes at the suggestion of his counsel. The notes set out in detail what the applicant recalls of his exchanges with the officer during the interview, including the questions he was asked and answers he provided.

[20] I do not understand the respondent to object to the admissibility of the applicant's affidavit itself. In my view, while the affidavit obviously was not before the officer, most of its contents fall squarely within the general background exception mentioned above. Other parts of the affidavit provide support for the applicant's procedural fairness arguments, another exception mentioned above.

[21] The respondent does, however, object to the admissibility of the applicant's notes of his interview with the officer, which are attached as an exhibit to the affidavit. In my view, the notes are admissible on this application. Although, like the affidavit itself, the notes are new in the sense that they were not before the officer when the decision was made, they are not new in the important sense that they purport to describe the interview with the officer. Far from supplementing the information that was before the officer, the notes are offered as evidence of what transpired during the interview, including details of the information the applicant provided in response to the officer's questions. In other words, they are offered to complete the picture of the information that was before the officer when the decision was made. Admitting them on this application would facilitate this Court's role in determining the reasonableness and the fairness

of the decision under review and it would not undermine the role of the administrative decision maker: see *Bernard,* at para 28.

[22] The weight such notes should be given is a separate question from their admissibility. As will be seen below, however, I find that there is little, if any, conflict between the applicant's account of the interview and the one provided by the officer.

(2) The affidavit of Gurmail Singh Brar sworn August 8, 2023

[23] Gurmail Singh Brar swore an affidavit in support of this application on August 8, 2023. Mr. Brar states that he and the applicant have been friends since childhood. He also states that he is the one who informed the applicant of the opportunity for employment with JRT Nurseries and who encouraged him to apply.

[24] The contents of the affidavit are only relevant to the reasonableness of the decision. Even though those contents are consistent with the account the applicant provided to the officer during the interview, the affidavit can serve only one purpose – namely, to corroborate the applicant's account of how he came to apply for the job with JRT Nurseries, something about which the officer expressed concerns during the interview and in the decision. This supplements the record on this application impermissibly. As a result, the affidavit is not admissible and it will not be considered further on this application.

(3) The affidavit of Rashmi Gupta sworn August 8, 2023

[25] When she swore her affidavit, Ms. Gupta was a legal assistant with Ms. Sharma's law office in Surrey. She states that on or about April 25, 2023, she submitted the authorization forms signed by the applicant to the IRCC office at the High Commission in New Delhi via email and using an online portal. The covering email sent with the forms indicates that authorization forms for a total of twelve individuals (including the applicant) were being submitted. It appears that all of these individuals had applied for work permits with the same employer and that they had all been convoked for interviews on April 28, 2023. The original email, the applicant's signed authorization forms, and confirmation that the documents had been submitted via the online portal are attached as an exhibit.

[26] The affidavit and the documents attached to it are relevant to the applicant's procedural fairness arguments and, as such, are admissible on this application.

(4) The affidavit of Aakriti Sharma sworn May 17, 2024

[27] When she swore her affidavit, Ms. Aakriti Sharma was a legal assistant with Ms. Rashim Sharma's law office. Her affidavit simply states that on April 25, 2023, in addition to the documents mentioned by Ms. Gupta in her affidavit (see paragraph 25, above), the law office also provided the High Commission with signed authorization documents relating to the firm's representation of JRT Nurseries as well as a covering letter of the same date addressing the employer's need for temporary foreign workers. The covering letter confirms that the

applicant was one of twelve individuals who had been offered employment as temporary foreign workers by JRT Nurseries. Copies of these documents are attached as an exhibit to the affidavit.

[28] The affidavit and the documents attached to it are not relevant to any of the issues raised on the application for judicial review. The fact that Ms. Sharma had been appointed as authorized representative for the company is irrelevant to the applicant's procedural fairness arguments, as is the employer's letter dated April 25, 2023. Further, since the documents were submitted to the High Commission prior to the decision being rendered, at least in theory, they were available to the officer at the time the decision was made and they contain potentially relevant information, especially the covering letter. On the other hand, it is not clear whether the officer had seen them when the decision was made, which raises the question of whether they can be considered in assessing the reasonableness of the decision. It is not necessary to resolve this issue, however, because the covering letter speaks only to the employer's need for temporary foreign workers and the genuineness of the applicant's job offer, neither of which figured in the officer's decision. As a result, the letter is also irrelevant to the grounds on which the applicant alleges the decision is unreasonable.

[29] In short, even if they could be admissible under different circumstances, the affidavit and the attached documents will be disregarded because they are irrelevant to the grounds of review being advanced.

(5) The affidavit of Jagjit Aujila sworn May 17, 2024

[30] Jagjit Aujila is the Director of JRT Nurseries. His affidavit describes his efforts to recruit nursery workers in early 2023, including the applicant. While, for the most part, the affidavit simply repeats information already in the record, to the extent that it is intended to corroborate the applicant's account of how he came to receive a job offer from the company, the affidavit is not admissible for that purpose because it was not before the officer when the decision was made.

[31] On the other hand, Mr. Aujila also states that, after reviewing the letter convoking the applicant for an interview at the High Commission, he provided the applicant with documents to submit to the visa office at the interview. The documents are listed in the affidavit. The affidavit also states that Mr. Aujila retained Ms. Sharma to represent the applicant during his interview with the visa office. In these respects, the affidavit is admissible because this information is relevant to the applicant's procedural fairness arguments.

(6) The affidavit of the applicant sworn on May 17, 2024

[32] Following the order granting leave, the applicant swore a further affidavit on May 17, 2024. In it, he describes having brought two packages of documents with him to the interview at the High Commission on April 28, 2023. One was a package of documents from JRT Nurseries that had been provided to him by his counsel, Ms. Sharma. (It appears that this is the same package of documents referred to in Mr. Aujila's affidavit.) The other was a package of the applicant's own documents, including the job offer from JRT Nurseries, his passport, land

title documents, farming receipts, and photographs of the applicant engaged in farming activities. The applicant explains that he intended to give all these documents to the officer during the interview but he was only allowed to bring the package of his own documents into the High Commission. He states that he was instructed at the entry gate that the package of his employer's documents was too large to bring in and, in any event, the visa officer would not be accepting any new documents during the interview. The applicant did not mention any of this in his first affidavit.

[33] The applicant states that he did bring his own documents into the interview. He does not say what he did with the package of the employer's documents. Both packages of documents are attached as exhibits to the affidavit.

[34] The affidavit and the attached documents are relevant to the applicant's procedural fairness arguments and, as such, are admissible on this application. On the other hand, any documents that were not provided to the officer are not admissible for the purpose of assessing the reasonableness of the decision. As it happens, however, out of all the documents attached to the applicant's further affidavit, the only ones the officer had not seen are the photographs depicting the applicant engaged in farm work. The rest had been submitted to the officer previously.

B. *The respondent's affidavits*

(1) The affidavit of Anthony Berrios sworn September 7, 2023

[35] At the pre-leave stage, the respondent filed an affidavit sworn on September 7, 2023, by Anthony Berrios, a paralegal with the British Columbia Regional Office of the Department of Justice. The affidavit simply attaches as an exhibit a copy of the letter dated April 14, 2023, convoking the applicant to an interview at the High Commission. While they are redundant (the letter of April 14, 2023, was attached as an exhibit to the applicant's affidavit sworn on August 8, 2023), there is no issue that the affidavit and attached exhibit are admissible.

(2) The affidavit of Harpreet Kaur sworn on May 31, 2024

[36] Harpreet Kaur is the IRCC Migration Officer who interviewed the applicant on April 28, 2023, and who made the decision under review.

[37] Ms. Kaur states that there is no recording or transcript of the interview on April 28, 2023. She confirms that her notes of the interview are found in the GCMS. She does not comment on the completeness or the accuracy of the notes.

[38] Ms. Kaur states that she found the applicant's responses to her questions evasive and contradictory. She also states that the applicant provided "very limited" evidence to support his work experience as a farmer in India.

[39] Ms. Kaur states that she reviewed the applicant's affidavit sworn on May 17, 2024, which sets out the difficulties the applicant says he had bringing documents into the interview. Contrary to the applicant's account, Ms. Kaur states that the applicant "was permitted to bring any number of documents to the interview." She also states that she reviewed what was presented to her during the interview. Ms. Kaur adds: "The Applicant did not advise me that there were other documents that an unidentified individual prevented him from bringing to the interview." Indeed, Ms. Kaur observes that, as also recorded in the GCMS notes, she had asked the applicant why he did not bring the requested documentation to the interview and he replied that he did not know.

[40] Finally, Ms. Kaur states that, in any event, of all the documents the applicant had attached to his affidavit sworn on May 17, 2024, the only ones not already on file were the photographs depicting him engaged in farm work in India.

[41] Ms. Kaur does not address the applicant's earlier affidavit sworn on August 8, 2023, nor does she comment on the accuracy of the applicant's notes of the interview that were attached as an exhibit to that affidavit.

[42] The applicant acknowledges that, to the extent that Ms. Kaur's affidavit is responsive to his evidence relating to his procedural fairness arguments, it is admissible on this application. He submits, however, that in some respects the affidavit supplements the reasons for refusing the work permit application and, to that extent, it is inadmissible.

[43] While I agree that it is not permissible for an administrative decision maker to use an affidavit filed on judicial review to improve on the reasons that were originally provided (*Sellathurai v Canada (Public Safety and Emergency Preparedness)*, 2008 FCA 255 at paras 46-47), I do not agree that Ms. Kaur has done that here. Rather, I am satisfied that her affidavit simply reiterates the reasons for refusal found in the original GCMS notes. As a result, her affidavit is admissible in its entirety.

III. ANALYSIS

A. *Standards of Review*

[44] As stated above, the applicant challenges both the reasonableness of the decision under review and the fairness of the process that led to it. The applicable standards of review are not in dispute.

[45] To determine whether the requirements of procedural fairness were met, a reviewing court must conduct its own analysis of the process followed by the decision maker and determine for itself whether the process leading to the decision was fair in all the circumstances (*Canadian Pacific Railway Co v Canada (Attorney General)*, 2018 FCA 69 at paras 54-56). Although, strictly speaking, no standard of review is implicated, it has been said that this inquiry is functionally the same as applying a correctness standard (*Canadian Pacific Railway Co*, at para 54; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35). The questions the reviewing court must answer are

whether the applicant knew the case he had to meet and whether he had a full and fair chance to meet that case (*Canadian Pacific Railway Co*, at para 56).

[46] The substance of the officer's decision, on the other hand, is reviewed on a reasonableness standard. 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). A decision that displays these qualities is entitled to deference from the reviewing court (*ibid*.). To establish that the decision should be set aside because it is unreasonable, the applicant must demonstrate that "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov*, at para 100).

B. *Did the decision-making process comply with the requirements of procedural fairness?*

[47] The applicant submits that the decision-making process did not comply with the requirements of procedural fairness in two respects: first, because his authorized representative was prevented from attending the interview; and second, because he was prevented from providing the officer with relevant information.

[48] I am not persuaded that the applicant has established a basis to interfere with the decision in either respect.

[49] Looking first at the officer's refusal to allow Ms. Sharma to attend the interview, the right to have counsel present at an interview has been recognized as an element of procedural fairness

(*Ha v Canada (Minister of Citizenship and Immigration)*, 2004 FCA 49 at paras 66-69). As well, while visa officers have the discretion to exclude counsel from an interview, that discretion must be exercised consistently with the duty of fairness and in light of the particular facts of the case (*Ha*, at paras 70-71; *Shala v Canada (Citizenship and Immigration)*, 2019 FC 416 at paras 31-32).

[50] On the basis of the evidence presented on this application, I find that Ms. Sharma had been duly appointed as the applicant's authorized representative at the time of the interview. I also find that Ms. Sharma's law office in Surrey had submitted the requisite documents to the High Commission the evening of April 25, 2023, which would be the morning of April 26, 2023, in New Delhi. Thus, I find that the officer was mistaken in believing that Ms. Sharma was not the applicant's duly appointed authorized representative and that, as a result, the officer's reason for excluding Ms. Sharma from the interview was erroneous.

[51] Nevertheless, it is difficult to fault the officer for thinking that the applicant did not have an authorized representative. There was no indication in the original work permit application that the applicant was being assisted by an authorized representative. While forms appointing Ms. Sharma as the applicant's authorized representative had been submitted to the High Commission prior to the interview, there is no evidence that the officer had seen them. Indeed, it would be surprising if she had given that they were submitted to the High Commission electronically barely two days before the interview. There is no evidence that Ms. Sharma told the officer that the forms had been sent to the High Commission or that she asked the officer to

see if she could find them. Finally, there is no evidence that either Ms. Sharma or the applicant had copies of the forms with them when they attended the interview.

[52] Be that as it may, even assuming for the sake of argument that the officer should not have excluded Ms. Sharma from the interview, the applicant has not established that this breached the requirements of procedural fairness.

[53] In her memorandum of fact and law on this application, Ms. Sharma notes several ways in which, during the interview, she might have been able to persuade the officer to take a different view of the answers the applicant had provided, if only she had been permitted to attend the interview. Playing such a role arguably exceeds the role of counsel that has been recognized in the case law, which is to attend and observe the interview: see *Ha*, at para 66. However, it is not necessary to decide whether what Ms. Sharma submits she could have done would have been within the scope of the applicant's right to have her present during the interview. This is because, in the present case, the argument that Ms. Sharma's presence could have made a difference does not amount to anything more than speculation. There is no reason to think that, even if the officer had allowed Ms. Sharma to be present and to make submissions to her, Ms. Sharma's contribution would have made any difference to the ultimate result.

[54] As well, the claim that Ms. Sharma could have made submissions to the officer arises too late in the day. Procedural fairness objections cannot be made on judicial review "[w]here the party could reasonably be taken to have had the capacity to object before the administrative decision-maker and does not do so" (*Bernard*, at para 26). The submissions Ms. Sharma says she

could have made are responsive to the concerns the officer shared with the applicant at the conclusion of the interview. Presumably the applicant shared those concerns with Ms. Sharma when he left the interview room yet she did not even attempt to address them with the officer before a decision was made. Instead, she waited to raise them on judicial review.

[55] Finally in this regard, Ms. Sharma submits that she could have taken accurate notes of the interview, which would have obviated any disputes about what actually happened in the interview. With all due respect to Ms. Sharma's note-taking abilities, this, too, is a matter of speculation. In any event, once the dust kicked up by the parties' various affidavits settled, there is actually little dispute about what happened during the interview. To the extent that the applicant's affidavits and notes cover the same things as the officer's GCMS notes, the evidence is largely consistent. While the applicant also provides additional information that is not found in the GCMS notes, the officer has not called the accuracy of any of that information into question. In short, there does not appear to be any real dispute about what took place during the interview.

[56] Turning to the applicant's argument that he was prevented from providing relevant evidence to the officer, as set out above, in the end this comes down to the contention that he was prevented from providing the officer with photographs depicting him engaged in farming activity in India. All of the other documents the applicant was allegedly prevented from giving to the officer had been provided previously. It is immaterial that he could not provide duplicates of documents the officer already had.

[57] As for the photographs, the applicant has not established that the officer (or anyone else associated with the High Commission) prevented him from providing them during the interview. On the contrary, according to the applicant's own evidence, the photographs were part of the package of documents he *was* permitted to bring with him into the interview room. He alone is responsible for the fact that, despite having the photographs with him at the time, he did not present them to the officer during the interview. There was no breach of procedural fairness.

[58] Finally, for the sake of completeness, I would note that, despite the applicant's evidence concerning the tone with which the officer conducted the interview (see paragraph 18, above), the applicant has not challenged the decision on the basis of bias, whether actual or reasonably apprehended, or on any other ground related to the officer's manner during the interview.

[59] For these reasons, there is no basis to interfere with the decision on procedural fairness grounds.

C. *Is the decision unreasonable?*

[60] The applicant submits that the decision is unreasonable because the officer fixated on his experience as a farmer in India when no prior experience was required for the position with JRT Nurseries, because the officer had unreasonable expectations of what the applicant should know about his prospective employer and the duties he would be performing, and because the officer found that the applicant had provided an inconsistent account of how he came to apply for the job when, in fact, his account during the interview was entirely consistent.

[61] I do not agree that the decision is fundamentally flawed in any of these respects.

[62] While it is true that the job offer stated that no experience was required, the applicant had presented himself in his work permit application as someone with seven years of experience in farming in India. It was therefore not unreasonable for the officer to test the applicant's claims that he was knowledgeable about and experienced in farming and to seek some corroboration for those claims. The officer found that the information the applicant provided in response to her inquiries did not satisfy her that he had the knowledge and experience he claimed to have, especially considering the length of time the applicant claimed to have been involved with farming. This finding was reasonably open to the officer on the information before her.

[63] Likewise, it was not unreasonable for the officer to test the applicant's knowledge of his employer's operations and the work he would be doing. While the applicant demonstrated some knowledge of these things, in other respects his knowledge was lacking. The officer reasonably found that the applicant should have known more about his future employment than he did.

[64] Finally, it was open to the officer to find that the applicant did not give a consistent account of how he came to apply for the position with JRT Nurseries. Even if I might not have found that his account was self-contradictory, as the officer suggests, it does seem to lack logical coherence and it evolved in the face of questions from the officer. In any event, this was only one of several factors on which the officer relied in rejecting the work permit application.

[65] In sum, the officer was not satisfied that the applicant was a *bona fide* temporary worker who would leave Canada at the end of his authorized stay. The officer's concerns about the applicant reasonably supported her ultimate conclusion. While the reasons are brief, they set out the basis for the decision in a way that allows the applicant, and the reviewing court, to understand why the work permit application was refused. The officer took the relevant information into account and she did not overlook any material information. She had the singular advantage of being able to question the applicant directly and to observe him during the interview. Her weighing of all the information before her is entitled to deference. There is no basis to find that the decision is unreasonable.

IV. CONCLUSION

[66] For these reasons, the application for judicial review is dismissed.

[67] The parties did not propose any serious questions of general importance for certification under paragraph 74(d) of the *IRPA*. I agree that no question arises.

JUDGMENT IN IMM-6266-23

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

2. No question of general importance is stated.

"John Norris"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-6266-23
STYLE OF CAUSE:	GURPREM SINGH BRAR v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	VANCOUVER, BRITISH COLUMBIA
DATE OF HEARING:	JULY 24, 2024
JUDGMENT AND REASONS:	NORRIS J.
DATED:	JANUARY 22, 2025

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