

Federal Court



Cour fédérale

**Date: 20250305**

**Docket: IMM-13128-23**

**Citation: 2025 FC 407**

**Toronto, Ontario, March 5, 2025**

**PRESENT: The Honourable Madam Justice Ayles**

**BETWEEN:**

**MD RAISUL ISLAM**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, a citizen from Bangladesh, seeks judicial review of the decision of a visa officer [Officer] dated September 25, 2023, refusing the Applicant's application for a work permit to work as a pizza cook. The Officer refused the application as 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. The Officer identified two factors supporting this conclusion: (i) the purpose of the Applicant's visit to

Canada was not consistent with a temporary stay given the details the Applicant provided in his application; and (ii) the Applicant was not able to demonstrate that he would be able to adequately perform the work.

[2] On this application, the Applicant has only challenged the reasonableness of the Officer's determination that the Applicant had not demonstrated that he could perform the work. Even if the Applicant could demonstrate that this finding was unreasonable, his failure to challenge the Officer's determination that the visit is not consistent with a temporary stay is fatal to his request that the Court quash the Officer's decision, as each of the Officer's determinations are stand-alone grounds for refusing the work permit. On this basis alone, the application can be dismissed. However, I have nonetheless considered the Applicant's submissions regarding the reasonableness of the Officer's determination regarding his ability to perform the work.

[3] The parties agree that the substance of the Officer's decision is reviewable on a reasonableness standard. 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 (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 (Minister of Citizenship and Immigration)*, 2020 FC 418 at para 11].

[4] The Global Case Management System [GCMS] notes, which form part of the reasons for decision, shed light on the basis for the Officer's determination that the Applicant did not demonstrate that he would be able to adequately perform the work. The GCMS notes provide as follows:

PA is applying for NOC 63200 cooks at 12102214 CO. INC. As per docs submitted, PA states to be employed as Pizza Chef at Pizza World from Feb2018. Emp letter does not detail salary. Paystubs are given but are hand-written. Limited evidence is submitted to substantiate proof of employment, as no bank statement is given showing salary transfers, no tax assessments given despite PA working for several years. PA only submitted proof of secondary school completion. No proof of english [sic] language proficiency submitted, as required in the LMIA. Based on docs/info submitted not satisfied that PA meets LMIA and NOC requirements. Refused.

[Emphasis added.]

[5] The Applicant asserts that this determination is unreasonable and claims that he had in fact provided proof of having studied English in secondary school, as detailed in the Higher Secondary Certificate Examination [Certificate] submitted by the Applicant in support of his application. While the Applicant admits he did not excel in the subject (having received a C grade), he submits that he did pass the course and the positive Labour Market Impact Assessment [LMIA] for the position of pizza cook only requires that English be spoken. The Applicant asserts that the Officer thus failed to consider the Certificate as submitted by the Applicant.

[6] Contrary to the Applicant's assertion, the positive LMIA submitted by the Applicant in support of his application clearly states that the pizza cook position requires both verbal and written English skills. The only evidence submitted by the Applicant regarding his English language proficiency was the Certificate, which provided the Officer with no information as to his actual

verbal or written proficiency in English. It was certainly open to the Applicant to submit proof of his proficiency in English by, for example, submitting the results of one of the various language tests accepted by IRCC, which he did not do. Accordingly, I find that the Officer's determination that proof of English language proficiency had not been provided was reasonable.

[7] Moreover, contrary to the Applicant's submission, it is clear the Certificate was not ignored by the Officer as the GCMS notes expressly state that the Applicant submitted proof of secondary school completion in the form of the Certificate.

[8] Finally, contrary to the Applicant's submissions at the hearing, I find that the Officer's reasons are sufficiently justified so as to enable the Applicant to understand the rationale for the Officer's determination.

[9] As the Applicant has failed to demonstrate that the Officer's decision was unreasonable, the application for judicial review shall be dismissed.

[10] No question for certification was raised and I agree that none arises.

**JUDGMENT in IMM-13128-23**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. The parties proposed no question for certification and none arises.

“Mandy Ayles”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-13128-23

**STYLE OF CAUSE:** MD RAISUL ISLAM v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 4, 2025

**JUDGMENT AND REASONS:** AYLEN J.

**DATED:** MARCH 5, 2025

**APPEARANCES:**

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