

Federal Court



Cour fédérale

Date: 20250325

Docket: IMM-1510-24

Citation: 2025 FC 554

Toronto, Ontario, March 25, 2025

PRESENT: The Honourable Madam Justice Turley

BETWEEN:

MUHAMMAD AURANGZAIB

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of a decision by an Immigration Refugees and Citizenship Canada visa officer [Officer] dated November 29, 2023 refusing his application for a work permit under the Temporary Foreign Worker Program. For the following reasons, I am allowing the application based on a breach of procedural fairness.

[2] The Applicant is a practicing lawyer from Pakistan. He received a job offer from a law firm in Mississauga to act as a law clerk. The firm received a positive Labour Market Impact Assessment and subsequently submitted applications for the Applicant's closed work permit, in addition to an open work permit for his spouse and study permits for their four children.

[3] The Officer refused the applications because they were not satisfied that the Applicant would leave Canada at the end of his stay pursuant to paragraph 200(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. The Officer based their decision on four grounds: (i) the purpose of the Applicant's visit is not consistent with a temporary stay; (ii) the Applicant has limited employment possibilities in Pakistan; (iii) the Applicant's current employment fails to demonstrate financial establishment in Pakistan; and (iv) the Applicant failed to demonstrate that he can adequately perform his prospective work.

[4] The Global Case Management System [GCMS] notes provide further context. The Officer found that the Applicant had provided inconsistent information about his employment history in different applications, diminishing his overall credibility:

[The Applicant] has provided inconsistent information to IRCC across applications; in 2017 [the Applicant] applied for a TRV and indicated his only employment since Mar/2010 was as Director of Product Development for Techverx. When [the Applicant] applied for another TRV in May/2022, he indicated he was working as Mgmt for the Zaib Law firm from Mar/10 to May/22 while also working at Techverx. Finally, in the WP before me, [the Applicant] indicates work part time for Techverx (as Mgr and Legal) and as partner of Law Firm R&R (formerly Zaib Law). [The Applicant] has not provided consistent information to IRCC over time, diminishing overall credibility.

GCMS notes dated November 29, 2023, Certified Tribunal Record at 4-5.

[5] The duty of procedural fairness owed to applicants applying for work permits is at the lower end of the spectrum: *Shoaie v Canada (Citizenship and Immigration)*, 2025 FC 12 at para 20; *Sadeghieh v Canada (Citizenship and Immigration)*, 2024 FC 442 at para 22; *Do v Canada (Citizenship and Immigration)*, 2022 FC 927 at para 29 [Do]; *Bains v Canada (Citizenship and Immigration)*, 2020 FC 57 at para 56. An officer has no obligation to seek clarification on deficiencies, to provide a “running score” of an application’s weaknesses, or to advise applicants about concerns with the sufficiency of supporting materials: *Haghshenas v Canada (Citizenship and Immigration)*, 2023 FC 464 at para 21; *Al Aridi v Canada (Citizenship and Immigration)*, 2019 FC 381 at para 20; *Sulce v Canada (Citizenship and Immigration)*, 2015 FC 1132 at para 16.

[6] However, before making an adverse credibility finding, an applicant must be given an opportunity to respond to the officer’s concerns: *Ojji v Canada (Citizenship and Immigration)*, 2024 FC 1322 at para 4; *Obasi v Canada (Citizenship and Immigration)*, 2024 FC 746 at para 17; *Do* at para 29; *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 10. The failure to do so is a breach of procedural fairness. Here, the Officer did not provide the Applicant an opportunity to address the alleged inconsistencies in his employment history before finding that these inconsistencies diminished his overall credibility. This error alone is sufficient to overturn the decision.

[7] For these reasons, the application is allowed. The decision is set aside and the matter must be redetermined by another officer. The Applicant must be afforded an opportunity to address any concerns about his employment history.

[8] The parties did not propose any certified questions and I agree that none arise.

[9] Finally, the original style of cause names the Respondent as the Minister of Immigration, Refugees and Citizenship. As I explained at the hearing, the proper Respondent is the Minister of Citizenship and Immigration. While the Respondent is now commonly known as the former, its name under statute remains the Minister of Citizenship and Immigration: *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22, s 5(2)(b) and the *Immigration and Refugee Protection Act*, SC 2001, c 27, s 4(1). As a result, the style of cause is amended to name the Respondent as the Minister of Citizenship and Immigration.

JUDGMENT in IMM-1510-24

THIS COURT'S JUDGMENT is that:

1. The style of cause is amended to reflect the Minister of Citizenship and Immigration as the Respondent.
2. The application for judicial review is allowed.
3. The decision dated November 29, 2023 is set aside and the matter is remitted to a different officer for redetermination.
4. No question is certified for appeal.

" Anne M. Turley "

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1510-24

STYLE OF CAUSE: MUHAMMAD AURANGZAIB v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 24, 2025

JUDGMENT AND REASONS: TURLEY J.

DATED: MARCH 25, 2025

APPEARANCES:

Robert Israel Blanshay	FOR THE APPLICANT
Rachel Hepburn Craig	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Blanshay Law Barrister and Solicitor Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT