Federal Court  Cour fédérale

Date: 20250722

Docket: IMM-1315-24

Citation: 2025 FC 1311

Ottawa, Ontario, July 22, 2025

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

CHINTANKUMAR GIRISHKUMAR PATEL
PRINCE CHINTANKUMAR PATEL
BHAVIKABEN CHINTANKUMAR PATEL
ARYA CHINTANKUMAR PATEL

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicants are a family. The principal Applicant, Chintankumar Girishkumar Patel, applied for a work permit under the Temporary Foreign Worker Program. His wife applied for a work permit under the International Mobility Program to accompany him and their two children, who applied for a work permit and a study permit. As the permits for Mr. Patel's family

members were refused because of his work permit refusal, my reasons only address the reasonableness of the decision to refuse Mr. Patel's application.

[2] Mr. Patel is a citizen of India. Mr. Patel's prospective employer, a restaurant owner in Ontario (the "Employer") offered him the position of "food service supervisor" for a duration of three years. In May 2023, the Employer obtained a positive Labour Market Impact Assessment ("LMIA"). The LMIA specifies that the employee must have completed secondary school and that verbal and written English is required for the job. With the support of the positive LMIA from his Employer, Mr. Patel applied for a work permit in September 2023 under the Temporary Foreign Worker Program.

[3] An officer at Immigration, Refugees and Citizenship Canada (the "Officer") refused Mr. Patel's work permit application principally on the grounds that he could not "adequately perform the proposed work" due to insufficient evidence of his English language ability. The parties agree, as do I, that I ought to review the substance of the Officer's decision on a reasonableness standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at para 23).

[4] Having considered the evidence before the Officer, I find the Officer's determination that there was insufficient evidence of English language ability, a requirement to perform the work being sought, was reasonable and determinative of the application.

[5] The requirement that an officer be satisfied that an individual can perform the work sought is found in paragraph 200(3)(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR]. This necessarily can include a person's ability to communicate in a language required for the job (See, for example, *Sen v Canada (Citizenship and Immigration)*, 2022 FC 777).

[6] The Officer's findings on language ability are determinative because paragraph 200(3)(a) of the IRPR states 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". As I have found the Officer's determination on the ability to do work sought to be reasonable, it is unnecessary for me to address Mr. Patel's other arguments.

[7] The Officer's reasons for refusal are limited to the following:

> The LMIA stated English proficiency is required in oral and written. The applicant submitted limited evidence to demonstrate that this requirement was met for the work sought. Document on file indicating some English proficiency were a couple of transcripts from secondary school with English course completed: however, there was little to no evidence to demonstrate what level was taught. The applicant did not submit any other proof of English skills.

[8] Mr. Patel takes issue with the Officer's use of the term "English proficiency". He argues that this term indicates that the Officer was requiring a certain level of English language ability despite the LMIA only stating that verbal and written English was required.

[9] I do not agree.

[10] The Officer's use of the term "English proficiency" does not suggest they imposed a particular threshold of proficiency. There is no indication that the Officer made a finding on Mr. Patel's level of proficiency. Instead, the Officer found that there was limited evidence provided to demonstrate that Mr. Patel met the language requirements. In other words, the absence of evidence made it impossible to evaluate whether this particular requirement was met.

[11] The Applicants are not arguing that the Officer ignored the evidence of Mr. Patel's English language ability. The Officer considered the limited evidence in the record, namely, Mr. Patel's secondary school transcripts that demonstrate he took an English course. Mr. Patel also argued before me that his degree in engineering was done in the English language and he spent one year in the UK as a student. There was no evidence before the Officer, other than noting on the application form that he travelled to the UK to study, about his experience in the UK, nor was there any evidence provided about the language of instruction for his university degree. There were also no submissions with respect to his language ability in his submissions with the application.

[12] This Court has considered a similar situation in the case of *Hou v Canada (Citizenship and Immigration)*, 2024 FC 1938 [*Hou*], where Justice Southcott found that, given the limited evidence about the language of instruction of the school the applicant had attended, it was reasonable for the officer to find the language requirement to perform the job was not met (*Hou* at paras 16-17; See also, *Nandha v Canada (Citizenship and Immigration)*, 2024 FC 1694 at paras 15, 20-21).

[13] I find that because Mr. Patel provided little evidence of and no explanation of his English language ability and the job required some level of English proficiency, it was reasonable for the Officer to find that they were not satisfied that he would be able to adequately perform the proposed work (*Nguyen v Canada (Citizenship and Immigration)*, 2024 FC 1852).

[14] Ultimately, the Officer's conclusion as to Mr. Patel's language ability and its connection to his ability to perform the work was a reasonable one based on the information in the record (*Vavilov* at paras 125-126).

[15] The application for judicial review is dismissed. Neither party raised a question for certification and I agree none arises.

JUDGMENT in IMM-1315-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and

2. No serious question of general importance is certified.

"Lobat Sadrehashemi"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-1315-24
STYLE OF CAUSE:	CHINTANKUMAR GIRISHKUMAR PATEL, PRINCE CHINTANKUMAR PATEL, BHAVIKABEN CHINTANKUMAR PATEL, AND ARYA CHINTANKUMAR PATEL v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	TORONTO, ONTARIO
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