Federal Court  Cour fédérale

Date: 20250828

Docket: IMM-2687-24

Citation: 2025 FC 1440

Ottawa, Ontario, August 28, 2025

PRESENT: Madam Justice Pallotta

BETWEEN:

MIRSAD GUTIC

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The applicant, Mirsad Gutic, is a foreign national who seeks judicial review of an officer's January 30, 2024 decision that refused his work permit application.

[2] Paragraph 200(3)(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*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. In

Mr. Gutic's case, the officer was not satisfied that he met the English language requirements of the prospective job as a concrete finisher. The officer's notes recorded in the Global Case Management System state in part:

> …oral and written English abilities are requirements for the prospective job. Client has failed to provide any official international language test results as proof of English oral/writing abilities such as IELTS. As such, application refused as per R200(3)(a).

[3] Mr. Gutic submits that the officer's decision was unreasonable. While English ability was a job requirement, he argues there was no requirement for official language test results, particularly since the job did not require formal education at any level. Mr. Gutic states the officer ignored his submissions that he met with the prospective employer, saw the work, and interacted with the team, and that he understands the work and communicates well with the team. Mr. Gutic states his circumstances are similar to *Choi v Canada (Citizenship and Immigration)*, 2008 FC 577, where this Court set aside an officer's decision for failure to give weight to evidence that included a letter from the prospective employer expressing confidence that the applicant's language skills "will be satisfactory in short order."

[4] On judicial review, the burden is on an applicant to show that there are sufficiently serious shortcomings in a decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 100. For reasons that substantially agree with the respondent's submissions, I find Mr. Gutic has not met his burden to show that the officer's decision was unreasonable.

[5] It was Mr. Gutic's onus to prove that he met the requirements for the prospective job. The ability to write and speak English was a job requirement and Mr. Gutic provided no evidence of his language ability. His submissions to the officer, which stated that he met the employer, understands the work, and communicates well with the team, were unsupported assertions by his counsel. Counsel's submissions are not evidence, nor were these submissions indicative of a level of English language proficiency.

[6] I agree with the respondent that *Choi* is distinguishable because the prospective employer did not provide a letter about Mr. Gutic's language skills. In any event, an officer is not bound by an employer's statement about an applicant's language skills: *Puyda v Canada (Citizenship and Immigration)*, 2022 FC 82 at paras 13, 15.

[7] Given that Mr. Gutic provided no evidence of his English language ability, I am not persuaded that the officer was demanding a specific type of evidence to prove language proficiency, as opposed to giving an example of a type of evidence that could satisfy the language requirement. The officer's language may have been imprecise, but reasonableness review is not a "line-by-line treasure hunt for error" (*Vavilov* at para 102) and any error in this regard was neither central nor significant. The officer reasonably refused Mr. Gutic's work permit application based on *IRPR* s 200(3)(a), and the officer's reasons allow Mr. Gutic to understand why his application was refused. As Mr. Gutic has not established a basis for the Court to intervene, I must dismiss this application.

[8] Neither party proposed a question for certification. I find there is no question to certify.

JUDGMENT in IMM-2687-24

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.

2. There is no question to certify.

"Christine M. Pallotta"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-2687-24
STYLE OF CAUSE:	MIRSAD GUTIC v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	MARCH 5, 2025
JUDGMENT AND REASONS:	PALLOTTA J.
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APPEARANCES:

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