Federal Court  Cour fédérale

Date: 20250904

Docket: IMM-6059-24

Citation: 2025 FC 1463

Ottawa, Ontario, September 4, 2025

PRESENT: Mr. Justice Norris

BETWEEN:

BALJIT SINGH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The applicant is a 31-year-old citizen of India. He entered Canada in August 2019 on a study permit but he did not comply with the requirement that he actively pursue his studies and then, when his status in Canada finally lapsed, he failed to leave. This rendered the applicant inadmissible to Canada. Still wishing to remain here to work despite his inadmissibility, in July 2023, the applicant applied for a temporary resident permit (TRP) under subsection 24(1) of

the *Immigration and Refugee Protection Act*, SC 2001, c 27 (*IRPA*). In conjunction with the TRP application, the applicant also requested an open work permit.

[2] In a decision dated March 22, 2024, an officer with Immigration, Refugees and Citizenship Canada (IRCC) concluded that the applicant had not established that granting a TRP was justified in the circumstances and, accordingly, refused the application. It followed from this refusal that the applicant was not eligible for a work permit so that request was refused as well.

[3] The applicant has applied for judicial review of this decision under subsection 72(1) of the *IRPA*. He submits that the decision is unreasonable because it does not meaningfully account for his reasons for requesting a TRP. As I will explain, I am not persuaded that the decision is unreasonable. This application for judicial review will, therefore, be dismissed.

[4] The parties agree, as do I, that the officer's decision should be reviewed on a reasonableness standard. While reasonableness review "finds its starting point in the principle of judicial restraint and demonstrates a respect for the distinct role of administrative decision makers," it is nevertheless "a robust form of review" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 12; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 63). 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). When conducting reasonableness review, a reviewing court must take a "reasons first" approach that examines and evaluates the justification the administrative decision maker has given for its decision, always bearing in mind

the history of the proceeding and the administrative context in which the decision was made (*Mason*, at paras 58-60). Among other things, the principles of justification and transparency "require that an administrative decision maker's reasons meaningfully account for the central issues and concerns raised by the parties" (*Vavilov*, at para 127).

[5] Subsection 24(1) of the *IRPA* provides that an officer may issue a temporary resident permit to a foreign national who is inadmissible to Canada or who does not meet the requirements of the Act if the officer is of the opinion that doing so "is justified in the circumstances." It is well established that the objective of this provision is to provide flexibility in situations where a strict application of the *IRPA* would result in undue hardship because there are compelling reasons to allow a foreign national to enter or remain in Canada despite their inadmissibility or non-compliance with the Act: see *Farhat v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1275 at para 22; and *Ogbonna v Canada (Citizenship and Immigration)*, 2024 FC 1467 at paras 19-29.

[6] In the present case, for various reasons, the applicant's studies in Canada did not follow a straight path. The applicant switched programs and schools several times and, critically, he had a gap of more than 150 days between two programs of study. This meant he had failed to maintain full-time studies, as his study permit required. While the applicant had been granted one extension of his study permit, this non-compliance resulted in a request for a second extension being refused. The applicant applied for a post-graduate work permit (PGWP) but that application was refused because the applicant did not have a valid study permit.

[7] In his application for a TRP, the applicant noted that he had completed several programs of study and submitted there were good reasons for why it had taken him as long as it did to switch from one program to another – in particular, the financial pressures he and his family experienced as a result of the COVID-19 pandemic. He also maintained that he had been prejudiced by IRCC's decision to grant only a short extension of his study permit in July 2021 (which then required another extension request, which was refused) and he had been "unfairly" refused a post-graduate work permit (PGWP) because he should have been granted a second extension of his study permit.

[8] I do not agree with the applicant that the officer failed to meaningfully account for the circumstances on which he relied in seeking a TRP. The officer's reasons demonstrate that the officer understood the applicant's immigration history (including the challenges the applicant faced in pursuing studies here) and why he was seeking a TRP. As the officer recognized, it was not their role to second-guess the decision refusing the PGWP (or the second study permit extension, for that matter). Crucially, the officer found that a TRP was not justified because the applicant could regularize his status from India and he had not provided any evidence that he would "experience difficulty" if he were required to do so. Given the information before the officer, which did not address this issue at all, this was an altogether reasonable conclusion. Since this was determinative of the TRP application, there was no need for the officer to say more about why a TRP was not justified in the circumstances.

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

JUDGMENT IN IMM-6059-24

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

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