

Federal Court



Cour fédérale

**Date: 20250905**

**Docket: IMM-12885-24**

**Citation: 2025 FC 1468**

**Ottawa, Ontario, September 5, 2025**

**PRESENT: Mr. Justice Pentney**

**BETWEEN:**

**JINISHMON SEBASTIAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Jinishmon Sebastian, seeks judicial review of a decision of an immigration officer (Officer) refusing to reconsider the refusal of his work permit application.

[2] The hearing of this matter proceeded in two installments. During the first hearing it became evident that the Applicant's counsel did not have the Certified Tribunal Record and the hearing was adjourned so that a copy could be provided to him so that he could have review it. The hearing was subsequently completed a few days later.

[3] The Applicant is a citizen of India who was working in Saudi Arabia at the time he applied to come to Canada. He applied for a closed work permit to work as a Quality Control Technician at Pine River Food Products, located in Ripley, Ontario (near Lake Huron, north of London, Ontario). His work permit application was rejected, and the Applicant applied for reconsideration. The reconsideration request was also refused and the Applicant seeks judicial review of that decision.

[4] The core of the Officer's reasons for refusing the reconsideration request was expressed as follows:

PA's representative lists financial assets PA has in home country most of which are immovable assets. Concern remains that PA earns a very modest salary and has very limited liquid funds to be able to afford costs of transportation, accommodation and move to Canada. While financial assets are usually not taken into account in work permit application, low savings and employment income could be considered as signs of weak ties outside of Canada to compel departure at end of authorized stay.

[5] The Applicant submits that the Officer's decision is unreasonable on two main grounds: first, the Officer's treatment of the financial information, and second, the failure to discuss his family ties in India. On the financial question, the Applicant points out that he was slated to earn a salary in Canada that was far above the minimum wage, and argues that the Officer failed to explain the concerns about his ability to sustain himself in Canada. The Applicant further argues that his liquid funds were in fact sufficient to support his move to Canada, contrary to the Officer's concerns. Finally, the Applicant argues that the decision is internally inconsistent because it states that financial assets are not usually taken into account but then denied his application based on financial considerations. On the issue of family ties, the Applicant submits

that the Officer failed to explain why his family ties in India did not outweigh any concerns that he would not leave Canada at the end of his permit. He claims that the Officer's failure to discuss the evidence about his family ties makes the decision unreasonable.

[6] These issues are to be assessed under the framework for reasonableness review set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov], and confirmed in *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 [Mason].

[7] In summary, under the *Vavilov* framework, a reviewing court is to review the reasons given by the administrative decision maker and determine whether the decision is based on an internally coherent chain of reasoning and is justified in light of the relevant legal and factual constraints (*Vavilov* at para 85; *Mason* at para 8). The onus is on the Applicant to demonstrate that “any shortcomings or flaws ... are sufficiently central or significant to render the decision unreasonable” (*Vavilov* at para 100). Absent exceptional circumstances, reviewing courts must not interfere with the decision-maker's factual findings and cannot reweigh and reassess evidence considered by the decision-maker (*Vavilov* at para 125).

#### I. Financial Information

[8] In his reconsideration request, the Applicant highlighted certain information that he had already provided about his financial assets. Specifically, he emphasized the value of his assets in India which he describes as a “home and plot worth... equivalent to CAN \$86176.44”. He also argued that he has provided bank statements showing “CAN 10568.81” and “(h)as shown liquid funds amounting to CAN \$5,816.42”.

[9] In this judicial review, the Applicant's submissions focused largely on the salary he would earn in Canada once he started working. He questions why the Officer had any concerns given that he would be earning a salary of \$28.10 per hour, which is \$11.55 above the minimum wage in Ontario for 2024.

[10] *Financial information:* I am not persuaded by the Applicant's submissions about his wages in Canada because this argument does not correspond to the Officer's reasons. The Officer did not discuss the wage the Applicant would be earning in Canada, but rather expressed concerns about whether he has the financial means to successfully establish himself in his new work location. That is clear from the Officer's reasons: "(c)oncerns remain that the PA earns a very modest salary and has very limited liquid funds to be able to afford costs of transportation, accommodation and move to Canada." This was an appropriate factor for the Officer to consider, consistent with the legal and policy framework that governs temporary resident permits including work permits. The Applicant further argued at the hearing and in his reconsideration request that CAD \$5,816.42 is sufficient for the Applicant to travel to Canada and support himself while becoming established. On this argument, I note that the Applicant did not provide any new evidence to the reconsideration Officer to support his claim that CAN \$5,816.42 in liquid funds was sufficient to afford the move to Canada. The Applicant also did not argue on judicial review that any of his financial information was ignored or disbelieved by the Officer.

[11] In these circumstances, I find that the Officer's determination on this point should be given deference. The Officer found that the Applicant had "very limited funds to be able to afford costs of transportation, accommodation and move to Canada". This court has often

reiterated that an immigration officer's assessment for a work permit should be given a high degree of deference due to the fact-specific nature of these decisions and because the officers are presumed to be experts in the applicable criteria: *Vahdad v. Canada (Citizenship and Immigration)*, 2024 FC 2009 at para 21, *Shoaib v. Canada (Citizenship and Immigration)*, 2020 FC 479 at para 11, *Khayati v. Canada (Citizenship and Immigration)*, 2024 FC 1402 at para 14, *Nazari v. Canada (Citizenship and Immigration)*, 2024 FC 546 at para 12.

[12] Based on this, I am unable to accept the Applicant's argument that the Officer's decision is unreasonable in its treatment of the Applicant's financial information.

[13] I am also unable to agree with the Applicant's assertion that the decision is internally inconsistent. The Officer reasonably observed that financial considerations are not usually a factor in assessing a work permit application. No issue can be taken with that statement, it is simply an observation the Officer made in order to set the context for the analysis that follows; it is another way of saying: "this is a somewhat unusual case". In reality, however, the Applicant does not really object to this statement; his complaint is about the Officer's treatment of the financial information as a sign that he would not leave Canada at the end of his permit.

[14] I am not persuaded by this argument. It is clear that the reconsideration decision was made first and foremost on the basis that the Applicant did not have sufficient liquid funds to support his move to Canada. The Officer then goes on to address the issue of whether the Applicant will depart at the end of his stay. On this question, the Officer notes that while financial assets are not usually significant factors in assessing work permit applications, the low

savings and employment could be considered as weak ties outside of Canada to compel departure at end of authorized stay. The Officer is simply stating that an additional basis for the decision could be the weak financial ties outside of Canada. It was not illogical or contradictory for the Officer to proceed in this way.

[15] The Applicant does not dispute that the Officer was required to assess the “push and pull” factors that might compel him to remain in Canada beyond his authorized stay as well as the factors that would compel him to return to India. That is what the Officer did here, focusing on the Applicant’s financial situation. The Applicant has not pointed to any significant evidence that was ignored by the Officer in this analysis. Instead, I find the Applicant’s arguments amount to a request to the Court to assign different weight to the evidence, which is not my role on judicial review: Vavilov at para 125.

[16] Based on the analysis set out above, I find the Officer’s analysis of the Applicant’s financial situation to be reasonable.

## II. Family ties

[17] The Applicant submits that the Officer’s finding that he was unlikely to leave Canada at the end of his authorized stay is unreasonable because his obvious family ties to India were ignored. He points out that the record shows that his wife and three young children, as well as his elderly father, all live in India, whereas he has no family at all in Canada. In the face of this evidence, the Applicant asks how the Officer could have concluded that he would not likely leave Canada to return to his family.

[18] I am not persuaded that the Officer erred in analyzing the Applicant's family ties. First, I agree with the Respondent's submission that the decision does not rest on any specific finding about the Applicant's family ties. Instead, the Officer focused the analysis on the Applicant's financial situation.

[19] A second important consideration is that the record showed that at the time of his application for a work permit, the Applicant was living in Saudi Arabia where he had been for the previous 9 years. The Applicant did not submit any evidence or arguments to the Officer about the nature and extent of his ongoing connections to his family in India, other than stating in his reconsideration request that he was "living in Saudi Arabia as Worker, leaving his parents and spouse, children in India [sic]". In light of this, the Officer can hardly be faulted for failing to delve into the question of family ties as a significant pull factor that would compel the Applicant to leave Canada at the end of his authorized stay.

[20] Based on this, I am unable to find that the absence of discussion about the Applicant's family ties is a fatal flaw in the decision.

[21] For the reasons set out above, the application for judicial review is dismissed. There is no question of general importance for certification.

[22] One final point: there was a small typographical error in the spelling of the Applicant's first name in the style of cause. On consent, the style of cause is amended to correct this minor error.

**JUDGMENT in IMM-12885-24**

**THIS COURT’S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. There is no question of general importance for certification.
3. The style of cause is amended, with immediate effect, to reflect the proper spelling of the Applicant’s first name as “Jinishmon”.

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"William F. Pentney"

Judge



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

**DOCKET:** IMM-12885-24  
**STYLE OF CAUSE:** JINISHMON SEBASTIAN v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION  
**PLACE OF HEARING:** TORONTO, ONTARIO  
**DATE OF HEARING:** AUGUST 27 AND 29, 2025  
**JUDGMENT AND REASONS:** PENTNEY J.  
**DATED:** SEPTEMBER 5, 2025

**APPEARANCES:**

Rajender Singh	FOR THE APPLICANT
Stephen Jarvis	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT