

Federal Court



Cour fédérale

**Date: 20250909**

**Docket: IMM-16671-24**

**Citation: 2025 FC 1490**

**Ottawa, Ontario, September 9, 2025**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**MARK EL HELOU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Mark El Helou, applied for a work permit under the Temporary Foreign Worker Program to work as a cook at a restaurant in Montreal. An officer at Immigration, Refugees and Citizenship Canada (“IRCC”) refused the application, finding Mr. El Helou had not demonstrated that he could “adequately perform” the proposed work due to the lack of evidence of his English or French language abilities.

[2] 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). 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".

[3] 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] Mr. El Helou is a citizen of Lebanon. His prospective employer, a restaurant owner in Montreal ("the Employer") offered him a position as a cook for a two-year period. The Employer obtained a positive Labour Market Impact Assessment ("LMIA"). The LMIA indicates that verbal and written English or French are requirements for the position. The employment contract indicates that the position involves some supervision of other employees.

[5] Mr. El Helou indicated by checking a box on his immigration forms that he was able to communicate in English and French. Mr. El Helou also provided a resume that stated "English – Advanced" and "French – Intermediate." The parties agree that this was the totality of the information provided on Mr. El Helou's English and French language abilities.

[6] Mr. El Helou did not address his English or French language abilities in his submissions in support of his work permit application. There was no evidence of schooling in English or French, experience working in English or French, nor language testing in the record before the Officer.

[7] In my view, in the face of this record, where the only indication of language ability was a checkbox on a form and bullet points on a resume, it was reasonable for the Officer to find no evidence of language ability in English or French had been provided. This Court considered a very similar issue in *Puyda v Canada (MCI)*, 2022 FC 82 where Justice McHaffie found in those circumstances where the applicant had not described their level of verbal and written proficiency in their submissions, and only described their proficiency in imprecise terms in their resume, as was done here, it was reasonable for the Officer to find sufficient evidence of language proficiency had not been provided.

[8] While it would have been better for the Officer to have mentioned Mr. El Helou's resume, in these circumstances, where language ability was a requirement for the work, I cannot find it unreasonable. Reasons are not reviewed against a standard of perfection (*Vavilov* at para 91). The Officer's determinative finding that there was no evidence on which to evaluate whether Mr. El Helou could adequately perform the work he was seeking to do was a reasonable one.

[9] I note that the Officer specifically mentioned that Mr. El Helou had not provided language test results to demonstrate his English or French language abilities. I do not understand

this as the Officer imposing a language test requirement for Mr. El Helou. Language test results are an example of the kind of evidence that could be provided but other evidence may have been sufficient to demonstrate language capacity depending on the nature of the work and the employer's requirements (*Nguyen v Canada (Citizenship and Immigration)*, 2024 FC 1852 at para 25).

[10] Ultimately, I find that because there was no evidence to explain Mr. El Helou's language abilities and the job required some level of English or French verbal and written 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.

**JUDGMENT in IMM-16671-24**

**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"

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Judge

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

**DOCKET:** IMM-16671-24

**STYLE OF CAUSE:** MARK EL HELOU v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** AUGUST 20, 2025

**JUDGMENT AND REASONS:** SADREHASHEMI J.

**DATED:** SEPTEMBER 9, 2025

**APPEARANCES:**

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