

Federal Court



Cour fédérale

Date: 20250911

**Dockets: IMM-17442-24
IMM-17456-24**

Citation: 2025 FC 1503

Toronto, Ontario, September 11, 2025

PRESENT: The Honourable Mr. Justice Lafrenière

BETWEEN:

AMIR RASHEED

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] By two separate applications, the Applicant, Amir Rasheed, seeks judicial review of two back-to-back decisions rendered by an Immigration, Refugees and Citizenship Canada Officer.

[2] In the first decision dated August 29, 2024, the Officer refused the Applicant's application for Permanent Residence in Canada under the Express Entry Program: PNP Class [Refusal Decision] because the Applicant had submitted the wrong World Education Services [WES] document in support of the application.

[3] At the hearing, counsel for the Applicant conceded that there is no error in the Refusal Decision and that the application for judicial review in Court File No. IMM-17456-24 should be dismissed. An order shall go accordingly.

[4] In the second decision dated September 4, 2024, the Officer refused the Applicant's request for reconsideration of the Refusal Decision [Reconsideration Decision]. The Applicant submits that the Officer's reasons for refusing his reconsideration request do not engage with the Applicant's explanation for the omission of the required document, nor do they consider the fact that the Applicant was able to produce the required document on the very same day that the application was refused. The Applicant contends that the Officer's failure to consider the explanation and engage with it in any way in the reasons renders the decision unreasonable. I agree.

[5] The jurisprudence makes it clear that the Officer had the jurisdiction to reconsider: *Xu v Canada (Citizenship and Immigration)* 2024 FC 839 at paras 19-21. When a request for reconsideration is made there is a two-step process – first, the officer must consider whether there is sufficient evidence adduced to reopen the file, and then, if the file is reopened, the officer

must consider whether to rescind the previous decision and render a decision favourable to the applicant.

[6] In the present case, the Officer appears to have been satisfied that there was sufficient evidence adduced to reopen the file, as stated in the Decision:

Your request for reconsideration has been reviewed and a thorough re-examination of your application has taken place.

[My emphasis.]

[7] It was certainly open to the Officer to refuse to reopen the application on the basis that there was no error in the processing of the Applicant's application for permanent residence. However, having agreed to undertake a "re-examination" of the application, it was no longer open to the Officer to completely disregard the Applicant's explanation. Instead of engaging with the Applicant's explanation and considering whether it provided a basis to reopen the file, the Officer merely reiterates the facts that are already known – that a WES report was not included in the application, that the Applicant included the wrong WES report, and the correct WES report is a required document. As a result, the request for reconsideration was summarily refused.

[8] The Officer's "thorough" analysis equates to nothing more than circular reasoning.

II. Conclusion

[9] For the above reasons, I conclude that the Reconsideration Decision is unreasonable and should be set aside.

JUDGMENT IN IMM-17442-24 AND IMM-17456-24

THIS COURT’S JUDGMENT is that:

1. The application in IMM-17456-24 is dismissed.
2. The application in IMM-17442-24 is allowed.
3. The Reconsideration Decision is set aside and the Applicant’s request is remitted back for reconsideration on its merits by a different officer.
4. No question is certified.

“Roger R. Lafrenière”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-17442-24
IMM-17456-24

STYLE OF CAUSE: AMIR RASHEED v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 10, 2025

JUDGMENT AND REASONS: LAFRENIÈRE J.

DATED: SEPTEMBER 11, 2025

APPEARANCES:

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Motwani Meva	FOR THE RESPONDENT

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