

Federal Court



Cour fédérale

Date: 20250912

Docket: IMM-15600-23

Citation: 2025 FC 1520

Ottawa, Ontario, September 12, 2025

PRESENT: Madam Justice Pallotta

BETWEEN:

GURVIR SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The applicant, Gurvir Singh, seeks judicial review of an officer's decisions that refused his applications for a work permit and a temporary resident permit (TRP) under section 24 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[2] Mr. Singh is a citizen of India. He came to Canada in 2020 on a study permit and began his studies in the summer of 2021 but stopped in November 2021. Mr. Singh believed he could work full time until his study permit expired in March 2023, even though he was no longer

studying. He worked as a shipper/packer and then as a truck driver. As a result, Mr. Singh breached the conditions of his study permit and worked without authorization. By remaining in Canada, he also overstayed his visa.

[3] Mr. Singh received a job offer to work in Canada as a mushroom harvester, which he accepted. To work in Canada legally, Mr. Singh needed a TRP and a work permit. The employer retained counsel to submit the necessary immigration applications. Mr. Singh was still in Canada when he submitted these applications in May 2023.

[4] An officer reviewed Mr. Singh's applications and refused them on December 5, 2023. The officer found Mr. Singh to be inadmissible under *IRPA* s 41(a) and was not satisfied that a TRP was justified in the circumstances. The reasons for the refusal were:

- Mr. Singh's study permit authorized him to stay in Canada until March 31, 2023 but he lost his status;
- Mr. Singh did not apply to restore his status and he was not eligible for restoration; he was also inadmissible to Canada for failing to continue his studies, working without authorization, and overstaying his visa;
- there is a mechanism for foreign nationals to rectify their loss of status by leaving Canada and applying for a new permit and visa from abroad; Mr. Singh did not provide sufficient evidence that he would experience difficulty if he returned to his home country to regularize his status;

- an applicant bears the onus of showing that a TRP is justified in the circumstances; having considered Mr. Singh's submissions, the officer was not satisfied that his circumstances justified granting a TRP.

[5] Mr. Singh alleges that the officer's decisions to refuse a TRP, and consequently, to refuse to issue a work permit, were unreasonable.

[6] The guiding principles for reasonableness review are set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65. The Court's role is to conduct a deferential but robust form of review that considers whether the decision, including the reasoning process and the outcome, was transparent, intelligible, and justified: *Vavilov* at paras 13, 99.

[7] Mr. Singh argues that the officer's reference to restoration shows that they were confused. Restoration was irrelevant because a TRP could fix the problem, and the officer failed to consider this remedy. The officer's inadmissibility findings were similarly problematic because a TRP can overcome inadmissibility. Mr. Singh contends the only remedy the officer considered for rectifying loss of status was leaving the country; the officer failed to consider that the TRP application was another mechanism to rectify a loss of status and inadmissibility.

[8] Mr. Singh contends that the officer did not explain why they refused the application—the reasons contain no analysis. He states that the officer's decision merely lists the ways he failed to comply with immigration laws without addressing his explanations for the noncompliance that were described in the work permit and TRP applications. He contends it was not enough for the

officer to list the noncompliance and then make a blanket statement that they considered the application and all submissions in their entirety and were not satisfied that a TRP was justified.

[9] Mr. Singh submits the officer erred by not engaging with his evidence and submissions. A decision maker must consider all the material before them and address relevant evidence, particularly evidence that would contradict a finding: *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC). Mr. Singh states that neither the refusal letter nor the reasons for refusal provide any indication that the officer considered and assessed the documents and information submitted with his applications. Reasons are the primary mechanism for an administrative decision maker to show that their decision is reasonable: *Vavilov* at para 81. Mr. Singh contends that the officer's reasons are so inadequate that they do not allow a reasonable person to understand why the applications were refused or allow the Court to determine whether the reasoning process and the outcome can withstand judicial review.

[10] For the reasons below, Mr. Singh has not established that the officer's decisions were unreasonable. Accordingly, I am dismissing this application for judicial review.

[11] The purpose of a TRP is to mitigate harsh consequences that may arise from a strict application of *IRPA*. If an officer is of the opinion that a TRP is justified, a foreign national who is otherwise inadmissible or who does not meet *IRPA*'s requirements may be allowed to enter Canada or to remain in Canada.

[12] TRPs must be issued cautiously, as they grant their bearers more privileges than other temporary statuses: *Dhaliwal v Canada (Citizenship and Immigration)*, 2024 FC 1463 at paras 19-20; see also *Kaur v Canada (Citizenship and Immigration)*, 2024 FC 337 at para 13. The decision to grant a TRP involves a high degree of discretion; considerable deference is owed, and the decision must be highly irregular to justify intervention on judicial review: *ibid.*

[13] The onus is on an applicant to provide sufficient evidence to show that a TRP, which grants an exception to *IRPA* rules, is justified; this requires more than inconvenience: *Dhaliwal* at paras 19-20.

[14] Contrary to Mr. Singh's argument, the officer did not fail to consider the remedy of a TRP. The officer referred to *IRPA* s 24(1) and found that a TRP was not justified. The officer's reference to restoration and admissibility did not demonstrate confusion or a lack of understanding. Government guidance on TRPs states that an officer can consider issuing a TRP to an applicant who is already present in Canada if they are inadmissible, reportable for an *IRPA* violation, or ineligible for a restoration of status.

[15] I agree with the respondent that the officer provided adequate reasons for refusing Mr. Singh's TRP application. Noting that *IRPA* s 24(1) is reserved for situations where the issuance of a TRP is justified, the officer found that a TRP was not justified in Mr. Singh's case because he had another option: he could return to his country of origin and apply for a work permit from there. It is reasonable for an officer to refuse a TRP when an applicant has other options available to them, including returning to their home country to apply for status through

the regular immigration process: *Stanley v Canada (Citizenship and Immigration)*, 2024 FC 1601 at para 34; *Sun v Canada (Citizenship and Immigration)*, 2024 FC 944 at paras 13-15.

Mr. Singh's application did not give reasons why he could not apply from India.

[16] Mr. Singh submits the officer did not consider the totality of the information that was before them, which is a reviewable error. He states the officer did not consider the reasons for his noncompliance, including that he could not continue his studies due to the emotional stress from the pandemic and that he worked in order to be productive and not burden his Canadian sister. The officer also failed to consider that he wanted to remain in Canada to work on a farm that grows food for Canadians, and the farmer could not find Canadians to fill the position.

[17] I am not persuaded that the officer ignored Mr. Singh's submissions. The officer said they considered all submissions. The officer's finding that Mr. Singh could apply from India was dispositive, and Mr. Singh does not point to anything in his submissions to the officer showing that applying from India is not an option or that it would be a hardship to do so in his circumstances.

[18] I disagree with Mr. Singh that the officer's reasons were inadequate. The stated reasons for refusing the application were that Mr. Singh has the option of returning to India to regularize his status, and he had not proven that he would experience difficulty using this option. These reasons provide a sufficient basis for refusing a TRP, and consequently, a work permit. The officer's reasons allowed Mr. Singh to understand why his applications were refused.

[19] The parties did not propose a question for certification. I find there is no question to certify.

JUDGMENT IN IMM-15600-23

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-15600-23

STYLE OF CAUSE: GURVIR SINGH v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 6, 2025

JUDGMENT AND REASONS: PALLOTTA J.

DATED: SEPTEMBER 12, 2025

APPEARANCES:

Cathryn Sawicki, J.D	FOR THE APPLICANT
Kevin Doyle	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Serotte Law Canada Barristers and Solicitors Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT