

Federal Court



Cour fédérale

Date: 20250912

Docket: IMM-12830-23

Citation: 2025 FC 1518

Ottawa, Ontario, September 12, 2025

PRESENT: Mr. Justice Pentney

BETWEEN:

KOMALBEN LAVKUMAR RAVAT

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Komalben Lavkumar Ravat, is a citizen of India. She is married with one child and works as a nurse. She applied for permanent residence in Canada under the Home Childcare Provider Pilot Program (Pilot Program). The immigration officer (Officer) refused her application on the basis that her educational credential assessment (ECA) did not demonstrate that she met the program requirements.

[2] The key document that forms the basis for the Officer's decision is the ECA done by World Education Services (WES Report), an agency accredited by Immigration, Refugees and Citizenship Canada to conduct such assessments. The WES Report acknowledged the

Applicant's Diploma in General Nursing and Midwifery from Gujarat Nursing Council. The "Canadian Equivalency Summary" in the WES Report indicated that her diploma was equivalent to "[t]hree and one-half years of hospital study and training." However, the "Remarks" section of the WES Report indicated that "[t]he credential is not comparable to a completed Canadian education credential." Based on this, the Officer denied the Applicant's application. Her representative asked for a reconsideration, but this too was denied.

[3] The Applicant seeks judicial review of the original refusal decision, arguing that she was denied procedural fairness because she was never given notice of the Officer's concerns about her credentials, or an opportunity to address the issue. She also submits that the decision is unreasonable because the Officer failed to consider her academic and professional qualifications as a whole, but instead fettered their discretion by treating the Pilot Program guidelines (Program Guidelines) as binding rules.

[4] The first point raised by the Applicant is procedural fairness. She says that the Officer should have provided her with notice of the concerns about the WES Report so that she could respond to them. She believed that the WES Report demonstrated that she met the educational qualifications element of the Pilot Program.

[5] I do not agree that there was any denial of procedural fairness. The Applicant and her representative had the opportunity to know the educational qualification she needed to demonstrate in order to qualify under the Pilot Program because the Program Delivery Instructions (Instructions) were available online. These state clearly that a credential that was not

equivalent to a completed Canadian post-secondary credential would not be sufficient. The Officer did not make any negative credibility finding or question any other aspect of the Applicant's application. The Applicant knew the "case she had to meet" on the educational qualifications, and she had an opportunity to demonstrate that she met the requirements. That is all that procedural fairness demanded in the circumstances.

[6] Turning to the argument on the merits of the decision, the Applicant submits that the decision is unreasonable because the Officer did not explain why they relied on the statement that her education credential was not comparable to a completed Canadian education credential, while seemingly ignoring the other statement in the WES Report under the heading: "Canadian Equivalency Summary" that indicated "Three and one-half years of hospital study and training." The Applicant argues that the Officer's decision is not transparent and is based on an unreasonable chain of analysis. Rather than verifying her credentials with WES or with the Gujarat Nursing Council, the Officer chose to rely on one part of the WES Report while ignoring other elements in the report as well as the other material she had provided showing her education and work history.

[7] In addition, the Applicant argued that the Officer fettered their discretion by relying on the Program Guidelines, which do not have the force of law. She says that the Officer erred by focusing only on one part of the WES Report rather than examining the entirety of the record. The Applicant contends that her education and work history demonstrate that she is fully qualified for the position of Home Childcare Provider. Had the Officer assessed her actual

credentials and work experience, the Applicant contends that she would have been found eligible for the program.

[8] While I have some sympathy for the Applicant's position given her prior work experience, I cannot accept her arguments given the clear program instructions, and the recent case-law of this Court.

[9] This Court has considered education equivalency reports done by WES in the context of the Pilot Program in a number of recent cases: *Preeti v Canada (Citizenship and Immigration)*, 2023 FC 551; *Ajaz v Canada (Citizenship and Immigration)*, 2023 FC 876; *Chatha v Canada (Citizenship and Immigration)*, 2024 FC 1028; and *Sidhu v. Canada (Citizenship and Immigration)*, 2025 FC 484. These cases all involve applicants who applied under the Childcare Provider or Home Worker Pilot Programs. In every case the applicants were found ineligible on the basis of an ECA report done by WES that found their education degree from their home country was not comparable to a completed one-year Canadian post-secondary education credential.

[10] The Applicant has not been able to distinguish the reasoning in these decisions where the facts and the law are very similar to the present matter. In each of these cases, the Officer relied on a WES educational equivalency assessment that found the claimant's credentials not comparable to a completed Canadian credential. In each of these cases, this court found the Officer's determination to be reasonable, in light of the clear rules set out in the pilot program

guidance. I can find no basis to depart from my colleagues' reasoning, which is both persuasive and directly on point.

[11] I find the reasoning in these cases to apply to the Applicant's circumstances. Similar to the applicants in those cases, the Applicant relied on a WES report that noted her education was equivalent to "[t]hree and one-half years of hospital study and training" but went on to state that the "credential is not comparable to a completed Canadian education credential." The officers in those cases, as in this one, relied on the WES assessment and Program Instructions to find the applicants ineligible. I can find no basis to conclude that the Officer's assessment in this case is unreasonable.

[12] I am also unable to accept the Applicant's argument that the Officer in the instant case fettered their discretion. The Officer applied the Instructions, which were available to the Applicant online. The Instructions are explicit on how the criteria are applied, noting that the ECA must state that the foreign credential is equivalent to a completed one-year Canadian education credential or higher. The Instructions provide further clarity on this point:

Your completed foreign credential doesn't meet the education criteria, and you are not eligible to apply, if your report shows your credential is equivalent to (...) years of post-secondary study (instead of a completed post-secondary credential)

For example, an ECA with "Secondary school diploma and 3 years of undergraduate studies."

[13] The Applicant did not ask the Officer to depart from the WES Report or the Instructions based on her prior experience, although she and her representative were aware of what the WES

Report said in her case. On this, I note that the wording of the WES Report in the Applicant's case is virtually identical to that found in the other cases cited above where this Court has found the Officer's ineligibility assessment to be reasonable. It also closely tracks the wording in the Instructions, which explicitly state that such an assessment will not meet the education criteria.

[14] Absent any request to depart from the education criteria that apply to the Pilot Program, or any indication that the Officer refused to consider other cogent evidence in the face of an explicit request to do so, I am not persuaded that the Officer fettered their discretion. It is clear that the Officer was entitled to rely on the WES Report and was not required to conduct an independent assessment of educational equivalence. Indeed, s. 75(8) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR) provides that "an equivalency assessment is conclusive evidence that the foreign diplomas, certificates or credentials are equivalent to Canadian educational credentials." This is a somewhat unusual provision, in that it is uncommonly determinative in prescribing the types of evidence which must be taken as "conclusive evidence". That said, the provision is clear on its face and it was binding on the Officer.

[15] It is also clear that the eligibility criteria under the Pilot Program closely track the definition of "equivalency assessment" in s. 73(1) of the IRPR. In applying these criteria to the Applicant's case, the Officer followed the standard procedure, in compliance with the guidelines, instructions and Regulations that were publicly available to the Applicant. The Applicant made no request for exceptional treatment or for a wider consideration of her background and

qualifications. Absent a specific request, the Officer was not obligated to delve more deeply into the record.

[16] For the reasons set out above, the application for judicial review is dismissed.

[17] There is no question of general importance for certification.

JUDGMENT in IMM-12830-23

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question of general importance for certification.

"William F. Pentney"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12830-23

STYLE OF CAUSE: KOMALBEN LAVKUMAR RAVAT v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

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