

Federal Court



Cour fédérale

Date: 20251029

Docket: IMM-14347-24

Citation: 2025 FC 1742

Toronto, Ontario, October 29, 2025

PRESENT: Mr. Justice Brouwer

BETWEEN:

SABINA AZIZ KHAN

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Sabina Aziz Khan, a citizen of Pakistan, is a founder and Chief Marketing Officer [CMO] with Ekoh2 Technologies Inc., an enterprise that according to Ms. Khan is “pioneering a method to produce, store, and distribute hydrogen that is not only environmentally friendly but also efficient and economical.” With the committed support of York Angel Investors Inc., a Designated Entity under subsection 98.03(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR], Ms. Khan applied for permanent residence under the Start-

Up Visa [SUV] program on February 28, 2024. Ms. Khan also sought a work permit under subsection 200(1) of the IRPR to enable her to come to Canada early to begin establishing the company here while her SUV application was under consideration.

[2] By decision dated June 12, 2024, an Officer with Immigration, Refugees and Citizenship Canada [IRCC] refused Ms. Khan's work permit application. Ms. Khan seeks judicial review of that decision, arguing that the Officer erred by failing to engage with and give weight to evidence demonstrating the urgent need for her to begin her work in Canada immediately rather than waiting for the SUV application to be finalized.

[3] The parties agree, as do I, that the Officer's decision is reviewable on the reasonableness standard of review. A reasonable decision is one that is justified, transparent and intelligible, and that is justified in relation to the relevant factual and legal constraints that bear on the decision (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 86, 99).

[4] Ms. Khan argues that the decision under review falls short of this standard because the Officer did not engage with information contained in the Commitment Certificate provided by her Designated Entity, which she says fully explained why she needed to be in Canada urgently.

[5] I disagree. I have carefully reviewed the record, including the Commitment Certificate, and find no basis for Ms. Khan's complaint that the Officer missed relevant evidence regarding the urgency of Ms. Khan's presence in Canada. Nor was Ms. Khan's counsel able to point to anything in the record that clearly supported her assertion during the hearing. The paragraphs to

which she pointed simply did not, on my reading, support the need for Ms. Khan, as the company's CMO, to be in Canada urgently.

[6] Ms. Khan asserts that start-ups such as Ekoh2 Technologies Inc. require a physical marketing presence even before the work gets underway, and that as a co-founder Ms. Khan's work in any event would not be limited to marketing. These assertions, even if true, are not supported by any evidence in the record. Nor was Ms. Khan's counsel able to cite any authority for the proposition she advanced during the hearing, that IRCC officers should be expected to simply know the "context" within which start-ups operate as a matter of common knowledge. I therefore cannot find that the Officer unreasonably failed to take such considerations into account.

[7] As Ms. Khan has not persuaded me that the Officer rendered an unreasonable decision, I dismiss her application.

[8] Neither party proposed a serious question of general importance to certify, and I agree that none arises.

JUDGMENT in IMM-14347-24

THIS COURT'S JUDGMENT is that:

1. The Application is dismissed.
2. There is no question for certification.

"Andrew J. Brouwer"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-14347-24
STYLE OF CAUSE: SABINA AZIZ KHAN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING: VIDEOCONFERENCE
DATE OF HEARING: OCTOBER 9, 2025
JUDGMENT AND REASONS: BROUWER J.
DATED: OCTOBER 29, 2025

APPEARANCES:

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STEPHEN JARVIS	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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