

Federal Court



Cour fédérale

Date: 20251103

Docket: IMM-19145-24

Citation: 2025 FC 1768

Ottawa, Ontario, November 3, 2025

PRESENT: The Honourable Madam Justice Strickland

BETWEEN:

CHAMKOR SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Chamkor Singh, seeks judicial review of the decision of an Immigration, Refugee and Citizenship Canada visa officer [Officer] denying his application for a work permit under the Temporary Foreign Worker Program.

[2] For the reasons that follow, I have determined that the Officer's decision was reasonable and that the Officer did not breach the duty of procedural fairness.

Background

[3] The Applicant is a citizen of India who, at the time of his application, was working in Oman as a truck driver. On December 19, 2023, he filed an application for a work permit as a long-haul truck driver for Light Speed Logistics [LSL], located in Alberta, Canada (National Occupational Classification [NOC] code 73300) in connection with a positive Labour Market Impact Assessment [LMIA] obtained by LSL.

[4] His application was denied by letter dated September 2, 2024, informing the Applicant that his application does not meet the requirements of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRP Regulations]. Specifically, the Officer was not satisfied that the Applicant would leave Canada at the end of his stay as required by paragraph 200(1)(b) of the *IRP Regulations* and refused the application based on the following factors:

- he does not have significant family ties outside Canada;
- the purpose of his visit to Canada was not consistent with a temporary stay given the details he had provided in his application;
- his employment situation did not show that he was financially established in his country of residence; and
- his immigration status outside his country of nationality or habitual residence.

[5] The Global Case Management System [GCMS] notes entered by the Officer, which form a part of their reasons, state:

I have reviewed the application. I have considered the following factors in my decision. The applicant does not have significant family ties outside Canada. The applicant describes having some family members and relatives in their country of citizenship, however I do not consider these to be significant to the point that they would incentivize a departure from Canada, particularly given that they have lived separately from them for several years and intend to move further away from them. Application package does not include a letter of offer signed by the applicant. Rather a confirmation of employment once the applicant arrives in Canada is presented. Missing from this documentation is mention of accommodation and transportation costs if available. I also have concerns about the applicant obtaining the necessary licensing/certifications required for the position in the province of employment (Alberta). It is not specified in the documentation on file, nor the LMIA details, whom will be paying for the necessary certifications (MELT) required for the client to obtain necessary licensing prior to being able to perform the work sought. Based on the financial documents on file, I do not find it reasonable that the client will be able to pay for these fees whilst not being able to be paid for their employment. The applicant's current employment situation does not show that they are financially established in their country of residence. PA earns a modest income when you consider the already high and rising cost of living in the Middle East, and I consider that it does not outweigh the potential draw of remaining in Canada beyond any authorized period of stay. Applicant's valuation/chartered account document(s) reviewed. These documents will not be considered given that the report(s) are a paid for document/statement and do not include evidence of funds available that have not already been reviewed. Based on the applicant's immigration status outside their country of nationality or habitual residence, I am not satisfied that they will leave Canada at the end of their stay as a temporary resident. The applicant is a temporary worker with temporary status that must be renewed every 2 or 3 years. This status is directly tied to employment and will be cancelled when an employee resigns or otherwise leave Oman.

Going to Canada would cause their ties to Oman to be completely severed, meanwhile they have demonstrated only limited ties to their country of citizenship. Weighing the factors in this application. I am not satisfied that the applicant will depart Canada

at the end of the period authorized for their stay. For the reasons above, I have refused this application.

[6] The Officer's decision is the subject of this judicial review.

Issues and Standard of Review

[7] The Applicant raises a multitude of issues, however, they can be framed as follows:

- i. Was the Officer's decision reasonable?
- ii. Did the Officer breach the duty of procedural fairness owed to the Applicant?

[8] The parties submit, and I agree, that the standard of review on the merits of the Officer's decision is reasonableness. On judicial review the court "asks whether the decision bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it 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 para 99).

[9] The standard of review for issues of procedural fairness is correctness (see *Mission Institution v Khela*, 2014 SCC 24 at para 79; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35). Functionally, this requires the Court's analysis to focus on whether the procedure followed was fair, having regard to all the circumstances (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54).

Decision was Reasonable

Family Ties

[10] The Applicant submits the evidence established that all of his significant family members are outside Canada. Specifically, his wife, two children and his parents all live together in India. Accordingly, the Officer unreasonably found that the Applicant does not have significant family ties outside India.

[11] I agree that based on the evidence that was in the record before the Officer, this finding was unreasonable. The Applicant's wife, two children and his parents all live in India. There was no evidence that the Applicant has any family members in Canada. There was also evidence in the record demonstrating that the Applicant returned to India during periods that he was not employed abroad. The Officer's finding that the Applicant has "some" family members in India but that the Officer did "not consider them to be significant to the point that they would incentivize a departure from Canada" is not supported by the evidence before them and was unreasonable (see, for example, *Hassani v Canada (Citizenship and Immigration)*, 2023 FC 734 at paras 22-23; *Singh v Canada (Citizenship and Immigration)*, 2021 FC 790 at para 20).

[12] The Officer's further finding that this was particularly so given that the Applicant has "lived separately from them for several years and intends to move further away from them" unreasonably assumes that because the Applicant has and intends to work outside of India, his family ties are somehow diminished. However, it is not uncommon for foreign nationals to work

far away from their country of nationality to better support their families (see *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1645 at para 24).

[13] The Officer's family ties finding was unreasonable. However, this was only one factor considered by the Officer.

Immigration Status

[14] The Officer was also concerned that the Applicant would not leave Canada at the end of an authorized stay based on the Applicant's immigration status outside India, his country of nationality. The Officer noted that the Applicant has temporary worker status in Oman which is directly tied to his employment, and which would be cancelled should he resign from his employment or leave Oman. The Officer stated that going to Canada would cause the Applicant's ties to Oman to be completely severed and that he had demonstrated only limited ties to his country of citizenship, India.

[15] The Applicant submits that his evidence established that he maintained legal status in Oman for all the periods of time he worked there and that he frequently returned to India, where his family lives, between work contracts in Oman (June 2011 to March 2012 and January 2019 to December 2020). As he did not overstay in Oman (or in the UAE when he worked there from June 2009 to May 2011), there is no reason to think he would do so in Canada. Nor is there any reason to think he would not be able to secure further work contracts in Oman given that his evidence establishes that he obtained a second work contract there in 2021 after leaving Oman following his 2012 to 2018 work contract. The Applicant submits that the Officer did not engage

with his evidence or explain why his prior compliance with the laws of Oman was considered negatively in assessing his work permit application, or, why the Officer construed compliance with the laws of Oman as an indication of non-compliance if the Applicant were permitted to enter Canada.

[16] The Respondent submits that the jurisprudence supports that immigration officers are entitled to consider an applicant's temporary resident status in his country of residence in assessing whether they will leave Canada. I agree with the Respondent that it was open to the Officer to consider the Applicant's temporary resident status in Oman when assessing whether he would leave Canada. As held in *Ahmed v Canada*, 2023 FC 50:

[8] The officer was entitled to rely on the fact that the applicants only have temporary status in the UAE. While this status may be renewed, the uncertainty inherent in this process may incentivize foreign nationals to remain in Canada. This Court has validated visa refusals based on similar considerations: *Sadiq v Canada (Citizenship and Immigration)*, 2015 FC 955 at paragraph 22; *Khaleel v Canada (Citizenship and Immigration)*, 2022 FC 1385 at paragraphs 22–34.

(see also *Kumar v Canada (Citizenship and Immigration)*, 2024 FC 81 at para 34).

[17] I do not agree with the Applicant that the Officer considered his prior compliance with the laws of Oman as a negative factor in assessing his work permit application. The Officer made no such finding. Nor did the Officer construe compliance with the laws of Oman as an indication of non-compliance if the Applicant were permitted to enter Canada.

[18] However, the Officer found that by coming to Canada the Applicant would cause his ties to Oman to be completely severed *and* that he had demonstrated only limited ties to his country

of citizenship, India. In other words, he would no longer have a connection with Oman and his connection to India was limited. This circumstance could incentivize him to overstay in Canada. The problem with this reasoning is that it appears to be based, at least in part, on the Officer's erroneous finding that the Applicant did not have significant family ties in India. It also does not consider that he had previously severed his ties with Oman but later returned to work there a second time. Accordingly, in my view, this aspect of the decision was also unreasonable.

Offer of Employment

[19] The Officer also noted that the Applicant did not submit an offer of employment that was signed by the Applicant. The Applicant argues that there was no requirement that he do so and that the lack of a signed offer did not negate the offer or existence of the LMIA.

[20] However, the onus is on an applicant to provide sufficient satisfactory documentation to support their application (*Patel v Canada (Citizenship and Immigration)*, 2021 FC 483 at para 30). The risk in failing to do so is that the application will be refused. When appearing before me, Applicant's counsel also submitted that there was no evidence that the (unsigned) offer had been withdrawn. Again, however, the onus was on the Applicant to submit evidence that an offer of employment had been accepted.

[21] The Applicant also argued that the lack of a signed employment contract is not related to paragraph 200(1)(b) of the *IRP Regulations*, which is the only provision cited in the refusal letter. Paragraph 200(1)(b) states that an officer shall issue a work permit to a foreign national if, following an examination, it is established that the foreign national will leave Canada by the end

of a period of authorized stay. In my view, the absence of sufficient evidence of employment in Canada is connected to a determination of whether an applicant will leave Canada, including the purpose of their visit.

Training Costs

[22] As the Officer pointed out, the record included a letter from LSL stating that it confirmed that the Applicant would be employed “once he arrives in Canada.” The Officer stated that they had concerns about the Applicant obtaining the necessary licensing/certification (MELT) required for the positions in Alberta, the province of intended employment. The Officer found that it was not specified in the documentation before them or in the LMIA who would pay for the necessary licensing training (MELT) required for the Applicant to perform the work sought. Based on the financial documentation on file, the Officer did not find it reasonable that the Applicant would be able to pay these fees while not being paid for his employment.

[23] In that regard, the Respondent has provided an affidavit of a legal assistant with the Department of Justice attaching a printout of a website entitled Training for Obtaining a Class 1 Driver’s License in Alberta. This describes the mandatory training required before a driver can apply and be tested for a Class 1 (tractor trailer) driver’s license. This is a standard curriculum taught at all licensed Alberta driving schools as well as a government mandated number of training hours in in-class, in-yard and in-vehicle modules for Class 1 Mandatory Entry Level Training (the “MELT” program). The MELT program requires 113 hours to complete plus 8.5 hours for an air brake programme. It costs up to \$10,000. The Respondent submits that there was no evidence to establish that LSL would fund the required MELT training needed for the

Applicant to potentially qualify for a Class 1 license or that LSL would pay the Applicant during the mandatory training. Further, that the Officer's concern arose from the fact that the Applicant's bank balance statement, provided with his application, showed a balance of only OMR 44,905 (approximately CAD \$167.91) at closing on October 23, 2024. The Officer therefore reasonably determined that the Applicant had not demonstrated his financial capacity to fund the MELT program.

[24] In my view, the Officer's concerns were based on the record before them and were reasonable. The Applicant's work permit application was submitted under a cover letter of Caron & Partners, the law firm acting as the Applicant's legal representative with respect to the work permit application (and currently acting for the Applicant in this application for judicial review). That covering letter states that if the work permit application was approved then the Applicant would complete "the mandatory training offered by Light Speed before commencing his employment" and would be paid in accordance with the LMIA while completing the mandatory training. However, while the letter refers to enclosure 10(f) as including a detailed orientation plan which is mandatory for long-haul truck drivers employed by LSL, this appears to refer to an in-house slide deck (Light Speed Logistics Orientation) speaking to matters such as distracted driving, managing fatigue, truck operations, border crossing and similar matters. It does not refer to attendance at the MELT training or address payment of the Applicant during same. Nor does the LSL letter confirming the Applicant will be employed as a long-haul trucker once he arrives in Canada address MELT or specify that the Applicant would be paid as an employee while completing the mandatory MELT training. Similarly, the employment details found in the LMIA do not address this.

[25] The Applicant provided no evidence that his potential employer would fund the mandatory MELT training or that he himself had the financial ability to pay \$10,000 for the training and maintain himself in Canada while he undertook that training. The financial information contained in the record comprised two documents. The first is the bank statement discussed above with a balance of approximately \$167.91. The second is a valuation report prepared by B.R. Dream Homes (describing themselves as civil engineers, interior designers and evaluators) of a house in India said to be owned by the Applicant and declaring that the information contained in the valuation to be true and correct to the best of the valuator's knowledge and that the valuator had no direct or indirect interest in the subject property. The Applicant also asserts that the Officer unreasonably discounted the valuation of the house in India as the party that prepared it had been paid to do so. However, even if that were so, there was no evidence that the house was legally owned by the Applicant, unencumbered or that the Applicant planned to dispose of that property for the purpose of paying the MELT fees or sustaining himself while he undertook that training and sought to qualify for a Class 1 license in Canada. Further, as the Officer stated, the valuation did not include evidence of "funds available" (bank balance) that had not already been reviewed.

[26] In my view, this finding was determinative. I also do not agree with the Applicant that this finding is unrelated to the Officer's determination that they were not satisfied that the Applicant would leave Canada at the end of an authorized stay.

Other Issues

[27] Because I have found that the issue of the financing of the MELT program was determinative, it is not necessary to address the other points raised by the Applicant pertaining to the reasonableness of the decision.

[28] However, I would like to briefly address one such submission. The Applicant submits that the use of boilerplate language in the decision suggests, in the absence of evidence that the GCMS notes entered by “C8336” is a human officer, that no officer actually reviewed his application or made the decision which was instead made by Chinook 3+. As this Court has previously held, the use of boilerplate language is not itself a concern so long as the decision maker turned their minds to the facts of the case (*Safarian v Canada (Citizenship and Immigration)*, 2023 FC 775 at para 3; *Espinosa Cotacachi v Canada (Citizenship and Immigration)*, 2024 FC 2081 at para 23).

[29] In this matter, the Officer’s reasons, viewed in whole, demonstrate that the Officer turned their mind to the facts of the case and did not only rely on boilerplate language. The Officer clearly considered the evidence before them, most significantly finding that the offer of employment had not been demonstrated as accepted by the Applicant and that there was a lack of evidence concerning the financing of the mandatory and expensive MELT, by either LSL or the Applicant. I do not agree that the use of boilerplate language, in these circumstances, renders the decision unreasonable. Nor is the Applicant’s submission that the decision was made solely by Chinook 3+, and not the Officer, established. The question for the Court is whether the decision was reasonable.

No Breach of Procedural Fairness

[30] The Applicant argues that the Officer wrongly assumed that the Applicant would have to pay for the cost of the MELT training. Had the Officer identified this concern, the Applicant could have responded to advise that LSL pays their employees during the 90 days of training. The Applicant submits that he could not have anticipated that the Officer would make “wild assumptions” that are not supported by the evidence. He submits that the failure to raise the concern with him was a breach of procedural fairness.

[31] I do not agree with the Applicant’s assertion. First, and as the Respondent submits, the level of procedural fairness owed to visa applicants is low, and the onus is on the foreign national to show that they are eligible for a permit (see, for example, *Sulce v Canada (Minister of Citizenship and Immigration)*, 2015 FC 1132 at para 10; *Singh v Canada (Citizenship and Immigration)*, 2022 FC 266 at paras 37-39). Second, the jurisprudence is also very clear that the officers are not required to appraise applicants of their concerns or to seek to clarify a deficient application. This is not a circumstance where the credibility, accuracy or genuine nature of information submitted arises and which therefore may have required an opportunity to address the Officer’s concerns (*Patel v Canada (Citizenship and Immigration)*, 2021 FC 573 para 20; *Kong v Canada (Citizenship and Immigration)*, 2017 FC 1183 at para 29; *Damangir v Canada (Citizenship and Immigration)*, 2024 FC 599 at para 38).

[32] As I stated in *Mahmoudzadeh v Canada (Citizenship and Immigration)*, 2022 FC 453:

[14] In a nutshell, the jurisprudence clearly establishes that the onus is on an applicant to establish that they meet the requirements of the IRP Regulations by providing sufficient evidence in support of their application. That is, to submit a convincing application and to anticipate adverse inferences contained in the evidence and address them. The duty

of procedural fairness owed by visa officers to an applicant is on the low end of the spectrum. Visa officer are not obliged: to notify an applicant of inadequacies in their applications nor in the materials provided in support of the application; to seek clarification or additional documentation; or, to provide an applicant with an opportunity to address the officer's concerns when the material provided in support of an application is unclear, incomplete or insufficient to convince the visa officer that the applicant meets all the requirements that stem from the IRP Regulations. The duty of procedural fairness will not be breached when a visa officer's concerns could reasonably have been anticipated by the applicant.

[33] The onus was on the Applicant to submit all relevant supporting documentation to support his application for a temporary work permit. That is, to put his best foot forward. This would include acknowledging the mandatory MELT program and explaining how this would be financed, particularly given his very low bank balance. The Applicant could reasonably have anticipated that this information was necessary to support his application. He simply failed to provide it. When appearing before me, Applicant's counsel asserted that the Applicant could not have anticipated that the Officer would find that this lack of evidence would become the grounds for the refusal based on – "the context of" – paragraph 200(1)(b), that he would not leave Canada after an authorized stay. As I have indicated above, there is no merit to this submission. The Applicant could have reasonably anticipated the need for this evidence and its absence was grounds for the finding that he would not leave Canada at the end of an authorized stay.

[34] The Applicant attempts to reverse the onus by submitting that there was no evidence that LSL would *not* pay the MELT fees and, therefore, that the Officer based his finding that LSL would not pay the fees on speculation, not evidence. However, the Officer found that there was no evidence before them as to who would be paying the MELT fees, and the documentation did

not support that he had sufficient financing to do so himself. As the Applicant points out, in this analysis the Officer did state that based on the financial documentation on file they did not find it reasonable that the Applicant would be able to pay the fees “whilst not being able to be paid for their employment.” However, this is premised on the lack of documentation to find otherwise, it is not, as the Applicant submits, an unfounded conclusion. Rather, the Applicant did not meet his onus.

[35] The Applicant also submits that because there was no requirement to provide a signed acceptance of an employment letter and because the employer was not required to cover accommodation and transportation costs, given his application was for a high wage position, he could not have known that the application would be refused for failing to provide this information and that the Officer breached procedural fairness by not bringing the concerns to his attention.

[36] In my view, the Applicant failed to provide an accepted employment offer which would have comprised an aspect of his “best case.” Similarly, as to the Officer’s mention of the Applicant’s failure to provide accommodation and transportation costs “if available,” the reasons, read in whole, indicate that the Officer was concerned with the Applicant’s modest income and lack of financial establishment in Oman. This concern was supported by the record before him. The Applicant failed to provide evidence to demonstrate how he could afford to travel to Canada and afford accommodation here prior to the commencement of his employment. The Officer was not obliged to inform him of the deficiency in his application and did not breach procedural fairness by failing to do so.

Conclusion

[37] The decision was not perfect. However, viewed in whole it was reasonable and there was no breach of the duty of fairness. Accordingly, the application is dismissed.

JUDGMENT IN IMM-19145-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed;
2. There shall be no order as to costs; and
3. No question for certification was proposed or arises.

"Cecily Y. Strickland"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-19145-24

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

PLACE OF HEARING: BY VIDEOCONFERENCE USING ZOOM

DATE OF HEARING: OCTOBER 30, 2025

JUDGMENT AND REASONS: STRICKLAND J.

DATED: NOVEMBER 3, 2025

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