

Federal Court



Cour fédérale

Date: 20251106

Docket: IMM-9208-24

Citation: 2025 FC 1788

Ottawa, Ontario, November 6, 2025

PRESENT: Mr. Justice Norris

BETWEEN:

MANPREET SINGH BRAR

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The applicant, a citizen of India, applied for permanent residence in Canada through the express entry program (skilled worker class) on the basis of his experience as a Deck Officer. An officer with Immigration, Refugees and Citizenship Canada (IRCC) refused the application because the officer was not satisfied that the applicant had the required work experience. The applicant sought reconsideration of the matter in light of additional information about his work experience but the original decision was confirmed.

[2] The applicant now seeks judicial review of the original decision refusing his application. He contends that the decision is unreasonable and that it was made in breach of the requirements of procedural fairness. The applicant has not sought judicial review of the reconsideration decision.

[3] I stated at the conclusion of the hearing of this application that I would be dismissing the application for reasons to follow. These are those reasons.

[4] As just noted, the applicant challenges both the reasonableness of the officer's decision and the fairness of the process that led to it. The applicable standards of review are not in dispute.

[5] The substance of the officer's decision is reviewed on a reasonableness standard. A reasonable decision "is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85). A decision that displays these qualities is entitled to deference from the reviewing court (*ibid.*). The reviewing court must read the decision maker's reasons "holistically and contextually" (*Vavilov*, at para 97) and in light of "the evidence before the decision maker, the submissions of the parties, publicly available policies or guidelines that informed the decision maker's work, and past decisions of the relevant administrative body" (*Vavilov*, at para 94). Absent exceptional circumstances, it is not the role of a reviewing court to interfere with an administrative decision maker's assessment of the evidence or factual findings (*Vavilov*, at paras 125-126).

[6] On the other hand, to determine whether the requirements of procedural fairness were met, the reviewing court must conduct its own analysis of the process followed by the decision maker and determine for itself whether the process leading to the decision was fair in all the circumstances (*Canadian Pacific Railway Co v Canada (Attorney General)*, 2018 FCA 69 at paras 54-56). Although, strictly speaking, no standard of review is implicated, it has been said that this inquiry is functionally the same as applying a correctness standard (*Canadian Pacific Railway Co*, at para 54; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35). In the circumstances of the present application, the reviewing court must determine whether the applicant knew the case he had to meet and whether he had a full and fair chance to meet that case (*Canadian Pacific Railway Co*, at para 56).

[7] Turning to the application for permanent residence as a member of the skilled worker class, having identified his primary occupation as Deck Hand, the applicant had to establish that, in the last ten years, he had worked in this occupation for at least one year of continuous full-time employment (or the equivalent continuous part-time work), that during this employment he performed the actions described in the lead statement for this occupation as set out in the National Occupation Classification (NOC 72602), and that he performed a substantial number of the main duties of the occupation, again as set out in the occupational description: see *Immigration and Refugee Protection Regulations*, SOR/2002-227 (*IRPR*), subsection 75(2).

[8] Under a covering letter from his representative dated November 8, 2023, the applicant provided (among other things) copies of several fixed term contracts of employment on ships

owned by Gulf Energy Maritime (GEM) PJSC. These contracts showed that, over several years, the applicant had been employed as a Junior Officer, a Second Officer, a Third Officer, and a Chief Officer. The applicant also provided a contract of employment with MMS Maritime (India) Private Limited confirming his employment as a Chief Officer in 2022 and 2023 along with a letter of employment from MMS Maritime to the same effect.

[9] However, neither the contracts of employment nor the employment letter describe the applicant's duties and no other information addressing this was provided with the original application. In the absence of this required information, the officer concluded that the applicant had not established that he had the necessary work experience and refused the application accordingly on April 3, 2024.

[10] By letter dated April 10, 2024, the applicant's representative requested reconsideration of the application. In support of the request, the applicant provided a letter stating that he had been a licenced and qualified Deck Officer since 2009 and that he had performed all the duties set out in the occupational description. The applicant also stated that he had attempted to obtain confirmation of the duties he performed but his employer was unwilling to provide anything beyond confirmation of his employment and the suggestion that he refer to the company's manual for a description of his duties. Relevant sections of the manual were provided with the April 10, 2024, letter.

[11] The request for reconsideration was reviewed by the IRCC officer who made the original decision. By letter dated November 29, 2024, the officer concluded that there were insufficient reasons to re-open the application.

[12] The application for leave and for judicial review of the original decision was commenced by Notice of Application dated May 24, 2024. As mentioned above, the applicant has not sought judicial review of the November 29, 2024, reconsideration decision.

[13] In challenging the reasonableness of the original decision, the applicant relies on information submitted in support of the request for reconsideration. In fairness to the applicant, this information is included in the Certified Tribunal Record produced in connection with the present application. However, as a general rule, when assessing the reasonableness of an administrative decision, only material that was before the original decision maker may be considered on an application for judicial review: see *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at paras 17-20; *Bernard v Canada (Revenue Agency)*, 2015 FCA 263 at paras 13-28; *Sharma v Canada (Attorney General)*, 2018 FCA 48 at paras 7-9; and *Andrews v Public Service Alliance of Canada*, 2022 FCA 159 at para 18. While there are exceptions to this general rule, none of them apply to the additional information the applicant seeks to rely on. As a result, in assessing the reasonableness of the decision under review, I must disregard any information that was not before the decision maker.

[14] Given that the information originally provided by the applicant in support of his application was entirely silent on the duties he had performed, it was altogether reasonable for the officer to conclude that the applicant had not established that he had the necessary work experience, as required by subsection 75(2) of the *IRPR*.

[15] The applicant also submits that the process leading to the original decision was unfair but I am not persuaded that this is the case. In essence, the applicant submits that he was entitled to notice that his original materials were deficient and an opportunity to rectify the deficiencies before a decision was made. I am unable to agree. Subsection 75(2) of the *IRPR* states the requirements for membership in the skilled worker class. Subsection 75(3) of the *IRPR* states that a permanent resident visa “shall be refused” where an applicant does not satisfy the requirements of subsection 75(2). It is well established that, when a decision maker finds that the legislative or regulatory requirements have not been satisfied, procedural fairness does not require notice of this concern and an opportunity to address it (*Hassani v Canada (Citizenship and Immigration)*, 2006 FC 1283 at para 24). Since the officer’s concerns did not go beyond this, the process followed in making the decision was not unfair.

[16] For these reasons, the application for judicial review will be dismissed.

[17] The parties did not suggest any serious questions of general importance for certification under paragraph 74(d) of the *Immigration and Refugee Protection Act*, SC 2001, c 27. I agree that no question arises.

JUDGMENT IN IMM-9208-24

THIS COURT’S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

“John Norris”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9208-24

STYLE OF CAUSE: MANPREET SINGH BRAR v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 1, 2025

JUDGMENT AND REASONS: NORRIS J.

DATED: NOVEMBER 6, 2025

APPEARANCES:

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