

Federal Court



Cour fédérale

Date: 20251120

Docket: IMM-9617-24

Citation: 2025 FC 1851

Ottawa, Ontario, November 20, 2025

PRESENT: The Honourable Justice Fuhrer

BETWEEN:

IQWINDER SINGH CHAHAL

Applicant

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant Iqwinder Singh Chahal is a citizen of India. He applied for a closed work permit under the Temporary Foreign Worker Program further to a two-year offer of employment as a harvesting labourer on a Canadian farm that had obtained a positive labour market impact assessment.

[2] Mr. Chahal is looking to come to Canada in order to learn about modern agricultural practices, including the “dripping system used in Canadian Farming,” to bring back and apply on the family farm in India. Mr. Chahal lives with his parents and helps his father run the farm. He states that he cannot be away from the farm for extended periods of time because his father is aging and cannot take care of the farm alone for too long; he therefore plans to return to India after completing his two-year contract.

[3] Not satisfied, however, that Mr. Chahal would leave Canada at the end of his stay, an Immigration, Refugees and Citizenship Canada officer [Officer] denied his work permit application [Decision]. The Officer found that Mr. Chahal did not have sufficient financial means to support his stay, that he had significant family ties in Canada, and that the purpose of his visit therefore was not consistent with a temporary stay.

[4] Mr. Chahal seeks to have the Decision judicially reviewed and set aside, arguing that the work permit refusal was unreasonable and procedurally unfair. Having considered the parties’ written material and their oral submissions, I find that the Officer unreasonably speculated about family ties in Canada, thus warranting the Court’s intervention. Because this issue is determinative, in my view, I decline to consider other issues raised by Mr. Chahal. For the more detailed reasons below, the judicial review application will be granted.

II. Preliminary Matter

[5] Pages 45-70 of the Applicant’s Record were not before the decision-maker. At the hearing, Mr. Chahal’s counsel conceded that this is the case and did not refer to these pages in

making his submissions before the Court. Although I had directed before the hearing that this material would not be considered, I confirm that I disregarded these pages in considering the matter.

III. Analysis

[6] A reasonable decision is one that exhibits the hallmarks of contextual justification, transparency and intelligibility: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at para 99. The party challenging an administrative decision has the burden of showing that it is unreasonable: *Vavilov*, above at para 100.

[7] Mr. Chahal argues that there is no evidentiary basis for the Officer's conclusion that he has significant family ties in Canada because the record shows he has strong family ties in India, where his parents and brother reside. There is no other family listed in the Family Information Form [FIF] that accompanied his work permit application, and no other evidence on the record demonstrating that Mr. Chahal has any family in Canada.

[8] The Respondent counters that the presence of family members in Canada is a factor that may pull an applicant towards staying in Canada after the end of their authorized stay. Reflective of the record, according to the Respondent, the Officer could not infer Mr. Chahal had sufficient ties, whether familial or financial, to India that would outweigh his family ties to Canada and create sufficient pull factors for him to return. I disagree because there is no evidence of record before the Court of what current family ties are present in Canada and were considered by the Officer.

[9] I find that the Officer's conclusion that Mr. Chahal has significant family ties in Canada is rooted in unexplained speculation. The Global Case Management System [GCMS] notes mention Mr. Chahal's three previously refused temporary resident visa [TRV] applications to visit grandparents/relatives, as well as the refused TRV applications of his parents and brother. I note that Mr. Chahal's work permit application discloses his three refused TRV applications.

[10] The GCMS notes do not explain, however, why the Officer concludes that "[y]ou have [present tense] significant family ties in Canada" (emphasis added). Although I agree with the Respondent that there is no evidence supporting the assertion of Mr. Chahal's counsel at the hearing of this matter that his grandparents have passed away, neither is there any evidence of when these TRV applications were made and refused, nor that any of the "grandparents/relatives" continue to reside in Canada or why they would be considered "significant" in contrast to the pull factors of his parents and brother in India. Simply put, I find that the Officer's reasons are speculative and not sufficiently logical or transparent to survive a reasonableness review.

[11] I also find that the jurisprudence on which the Respondent relies of little assistance. For example, in my view, the *Bahmani* case is distinguishable because there, the applicant's spouse, parents and sibling resided in Canada: *Bahmani v Canada (Citizenship and Immigration)*, 2025 FC 1254 at para 11. That simply is not Mr. Chahal's situation where his parents and brother continue to reside in India.

[12] I also determine that the *Perez Pena* case cited by the Respondent is distinguishable but for different reasons. There, while the applicant's parents and sister continued to live in Colombia, the officer had no evidence of the kind of relationship or the ties the applicant had with them: *Perez Pena v Canada (Citizenship and Immigration)*, 2021 FC 491 at para 28. This also is not Mr. Chahal's situation where his evidence shows that he lives with his parents and works on the family farm with his father.

IV. Conclusion

[13] For the above reasons, Mr. Chahal's judicial review application will be granted. The Decision will be set aside, with the matter remitted for redetermination by a different officer.

[14] Neither party proposed a serious question of general importance for certification. I find that none arises in the circumstances.

JUDGMENT in IMM-9617-24

THIS COURT'S JUDGMENT is that:

1. The judicial review application is granted.
2. The April 25, 2024 decision of Immigration, Refugees and Citizenship Canada refusing the Applicant's work permit application is set aside. The matter will be remitted to a different officer for redetermination.
3. There is no question for certification.

"Janet M. Fuhrer"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9617-24

STYLE OF CAUSE: IQWINDER SINGH CHAHAL v MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: OCTOBER 30, 2025

JUDGMENT AND REASONS: FUHRER J.

DATED: NOVEMBER 20, 2025

APPEARANCES:

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