

Federal Court



Cour fédérale

Date: 20251222

Docket: IMM-13689-24

Citation: 2025 FC 2019

Ottawa, Ontario, December 22, 2025

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

JASHANDEEP SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Jashandeep Singh, seeks judicial review of a decision made by a visa officer (the “Officer”) of Immigration, Refugees and Citizenship Canada, dated June 12, 2024, refusing his work permit application.

[2] The Applicant submits that the Officer's decision both misapprehends key facts and was rendered in a procedurally unfair manner.

[3] For the reasons that follow, I agree that the decision is unreasonable. I do not address the issue of procedural fairness. This application for judicial review is allowed.

II. Background

[4] The Applicant is a 26-year-old citizen of India.

[5] In September 2019, the Applicant entered Canada on a student visa and attended classes at the Northern Alberta Institute of Technology.

[6] In August 2022, the Applicant was hospitalized for six days and received a medical note recommending that he refrain from attending school for two months. The Applicant did not attend classes in the Fall of 2022. In January 2023, the Applicant's school retroactively approved an authorized leave of absence from his studies for the period between September and December 2022.

[7] The Applicant states that, in January 2023, he experienced a blood clot and stopped enrolling in classes. In the same month, the Applicant submitted his first work permit application to attempt to transition from a study permit to a work permit.

[8] On April 11, 2023, while the Applicant's first work permit application was pending, the Applicant returned to India. The Applicant sought medical attention in India and states that he recovered within one month. According to the Applicant, in May 2023, his first work permit application was refused.

[9] On February 6, 2024, the Applicant submitted a second work permit application to work as a Food Counter Attendant at a Beaver Tails vendor in Jasper, Alberta. This application was based on an employment contract signed on January 10, 2024, and a positive Labour Market Impact Assessment ("LMIA") that the Applicant's potential employer submitted on July 25, 2022.

[10] In a procedural fairness letter ("PFL") dated May 30, 2024, the Officer requested that the Applicant explain his absence from school during his previous study permit.

[11] In a response dated June 3, 2024, the Applicant provided his transcripts, the approval from his school for an authorized absence, medical documents showing his hospitalization in August 2022, along with various medication prescriptions he received from June 2021 to May 2023.

[12] In a letter dated June 12, 2024, the Officer refused the Applicant's work permit application. The Officer stated that they were not satisfied that the Applicant would leave Canada at the end of his stay because the purpose of the Applicant's visit was inconsistent with a temporary stay.

[13] In the Global Case Management System notes, the Officer acknowledged that the Applicant was on an authorized leave from his studies from September to December 2022 but noted that the Applicant failed to resume classes in January 2023. The Officer also stated that the Applicant was not a genuine worker because he “decided to apply for a [work permit] (LMAI# 8910550) which was submitted on 2022/07/25 and approved 2022/08/30 which coincides with [the Applicant’s] medical leave.”

III. Issues and Standards of Review

[14] The issues in this application are whether the Officer’s decision is reasonable and procedurally fair.

[15] The parties submit that reasonableness is the standard of review for the merits of the decision (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (“*Vavilov*”) at paras 25, 86-87). I agree.

[16] Because I decline to address the issue of procedural fairness, I will not discuss its required standard of review.

[17] Reasonableness is a deferential, but robust, standard of review (*Vavilov* at paras 12-13). The reviewing court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible, and justified (*Vavilov* at para 15). Whether a decision is reasonable depends on the relevant administrative setting, the record before the

decision-maker, and the impact of the decision on those affected by its consequences (*Vavilov* at paras 88-90, 94, 133-135).

[18] In the context of temporary resident visas (“TRV”), including work permit applications, reasoning is ordinarily brief given the high volume of decisions. Nevertheless, the reasoning must be based on a rational chain of analysis that is contemporaneous and internally coherent (*Vavilov* at para 85; *Lingepo v Canada (Citizenship and Immigration)*, 2021 FC 552 at para 13; *Hajiyeva v Canada (Citizenship and Immigration)*, 2020 FC 71 at para 6). Although the Court presumes that officers assessing TRV applications have reviewed the record before them, where the record shows important facts that contradict the officer’s conclusions, the reasons must still “add up” (*Vavilov* at para 104; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 at paras 16-17 (FC)); *Ahmed v Canada (Citizenship and Immigration)*, 2013 FC 1083 at para 34).

IV. Analysis

[19] The Applicant submits that the Officer misapprehended the date on which the Applicant submitted his work permit application. Specifically, the Applicant maintains that the Officer erred in drawing a negative credibility finding based on the timing of when his potential employer submitted a LMIA. In addition, the Applicant submits that the Officer ignored medical evidence showing that the Applicant did not attend classes in the Winter semester of 2023 due to a blood clot.

[20] Emphasizing that the Officer was not obliged to write a formal decision (*Vavilov* at para 92), the Respondent submits that the Officer did not commit a significant error by referencing the date that the LMIA application was submitted, instead of the day on which the Applicant submitted his work permit. The Respondent further submits that it was open to the Officer to refuse the Applicant's work permit because the Applicant failed to explain the reason that he applied for a work permit rather than continue his studies.

[21] I agree with the Applicant.

[22] The Officer appears to have misstated the dates on which the Applicant submitted his work permit application and his medical events. The Officer indicated that the Applicant applied for his work permit while on medical leave from his studies. The evidence says otherwise. The Applicant's potential employer submitted the LMIA in July 2022, one month before the Applicant was hospitalized. The Applicant did not sign an employment contract with his potential employer until more than one-and-a-half years after the Applicant's initial hospitalization. The Officer's reliance on the date the potential employer submitted the LMIA, instead of the day on which the Applicant submitted his work permit application, is not justified in light of the relevant evidentiary constraints (*Vavilov* at paras 101, 125).

[23] I further agree with the Applicant that the Officer has failed to provide the necessary justification to demonstrate why the Applicant's TRV application was inconsistent with a temporary stay given the Applicant's evidence explaining his immigration history, including his absence from school from January to April 2023. The Officer did not address any of the explanatory evidence. The Officer's reasons therefore failed to engage with the relevant

evidence and submissions. Consequently, this aspect of the decision is unresponsive and unjustified in light of the key evidence and submissions before it (*Vavilov* at paras 125-127).

[24] These errors are present in the sole findings that the Officer relied on to conclude that the Applicant is not a genuine worker. I therefore find that they are central and significant errors leading to an unreasonable decision (*Vavilov* at para 100).

[25] This is sufficient to allow this application for judicial review. As such, I do not find it necessary to address the Applicant's submissions regarding procedural fairness.

V. Conclusion

[26] The Officer's decision significantly erred in assessing the relevant factual context, and I therefore find that it is unreasonable (*Vavilov* at para 86). Accordingly, this application for judicial review is allowed. The Officer's decision is quashed, and the matter is remitted for redetermination.

[27] The parties did not propose a question for certification, and I agree that none arises.

JUDGMENT in IMM-13689-24

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is allowed. The decision under review is set aside and the matter is referred back for redetermination by a different decision maker.
2. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-13689-24

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

PLACE OF HEARING: CALGARY, ALBERTA

DATE OF HEARING: DECEMBER 1, 2025

JUDGMENT AND REASONS: AHMED J.

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