Federal Court Cour fédérale

Date: 20251230

Docket: IMM-22423-24

Citation: 2025 FC 2031

Montréal, Quebec, December 30, 2025

PRESENT: The Honourable Madam Justice Ferron

BETWEEN:

AHMAD EL HAJJ

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Mr. Ahmad El Hajj, seeks the judicial review of a decision rendered on October 29, 2024 [Decision] by an officer [Officer] of Immigration, Refugees and Citizenship Canada [IRCC], rejecting his application for a work permit under the Temporary Foreign Worker Program [TFWP].

[2] In summary, the Applicant's submissions are that the Decision "fails to properly weigh his evidence, shifts the goalposts on his alleged English requirement, and pays no heed to the simple fact that he is suitable for the role of cook".

[3] For the first time at the hearing, the Applicant's counsel argued that some documents that Mr. El Hajj provided to the Officer were missing from IRCC's certified tribunal record and had not been considered by the decision-maker. This issue was not properly raised in the Applicant's affidavit or with IRCC, so no evidence proving that these documents had in fact been submitted to the decision-maker was adduced. In a judicial review proceeding, the evidentiary record is normally limited to what was before the decision-maker (*Gittens v Canada (Attorney General)*, 2019 FCA 256 at para 14 citing *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 aux paras -18-19; *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 128 at paras 86-87). Although this principle accepts limited exceptions, merely including foreign elements in the Applicant's Record without any supporting evidence is not proper. Therefore, this issue will not be discussed further, and the following reasons are based solely on what was in the certified record.

[4] For the reasons that follow, this application for judicial review will be dismissed. The Court finds that the Decision is reasonable, considering the evidence presented to the Officer, and is adequately justified. The process followed by the Officer was fair. The Applicant knew the case he had to meet and had the opportunity to supplement his application but was still unable to address the Officer's concerns. There are no grounds warranting the Court's intervention.

II. Background and Decision under review

[5] The Applicant is a 38-year-old citizen of Lebanon who, on October 11, 2022, applied for a TFWP to work at a Lebanese restaurant in Gatineau, Québec. On February 20, 2023, his application was rejected. Mr. El Hajj filed an Application for Leave and Judicial Review [ALJR] on May 15, 2023, which was discontinued with the consent of both parties. In July 2023, his TFWP application was returned to the local office for redetermination.

[6] The Labour Market Impact Assessment (LMIA) applicable to this matter requires secondary school education and written and verbal competencies in either English or French. The National Occupational Classification (NOC) for cooks provides that secondary schooling is usually required, and completion of a three-year apprenticeship or other programs in cooking or food safety, or several years of commercial cooking experience, may be required. However, in this matter, the LMIA does not specifically require this.

[7] The Global Case Management System (GCMS) notes, which form part of the reasons for the Decision (*Mohammed v Canada (Citizenship and Immigration)*, 2025 FC 1933 [*Mohammed*] at para 9), indicate that while the Applicant submitted a Curriculum Vitae (CV) and an employment reference letter, initially no proof of education or language skills was provided.

[8] The GCMS notes further indicate that the Officer proceeded to a verification phone call with Mr. El Hajj, asking about his cooking knowledge and how he was recruited for this job. They contain the questions asked by the Officer and the answers provided by the Applicant, as

well as the Officer's concerns about Mr. El Hajj's lack of English skills and cooking knowledge, including with respect to his ability to communicate health and safety issues in a kitchen in Canada. For instance, the GCMS's notes indicate:

> Following verification phone call with PA he was unable to use terminology related to working in a restaurant had fundamentally absent ability to describe what type of food he was able to prepare as a cook.
>
> While he has some English language abilities following my phone call, there is a noticeable absence of ability to speak English relative to the work sought. It is not clear how someone could safely work in a restaurant if they are unable to say the names of foods or ingredients, given the high risk of allergens and cross contamination and customer needs for safe food preparation.
>
> I note the absence of documentary evidence to support the declared education and language abilities of the PA.

[9] In view of the above, on May 23, 2024, a Procedural Fairness Letter [PFL] was sent to Mr. El Hajj, inviting him to submit updated or additional evidence of language and culinary qualifications. The PFL specifically indicated:

> The *Immigration and Refugee Protection Act* states:
>
> Obligation — answer truthfully
>
> I have concerns that you have not fulfilled the requirement put upon you by subsection 16(1) of the Immigration and Refugee Protection Act which states:
>
> 16(1) A person who makes an application must answer truthfully all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents that the officer reasonably requires.
>
> I have concerns that there may be reasonable grounds to believe you are unable to perform the work sought in Canada, as in your application submissions you have failed to provide adequate evidence of meeting the education and language requirements listed on your LMIA.
>
> Before rendering a decision, I am providing you with an opportunity to respond to my concerns. Please note that you have **15 days – by June 7, 2024 at the latest** - to provide evidence of meeting the requirements listed on the LMIA, including proof of

> education and language abilities, and this is also your opportunity to present any new or updated information to be considered in your application.
>
> [Emphasis in the original]

[10] Furthermore, on the same day, the GCMS notes show that the Officer proceeded to verify the information provided by Mr. El Hajj on his alleged previous employment. These notes once again provide a detailed account of the conversations the Officer had, including with the person who supposedly signed the applicant's reference letter, who indicated that they did not know the applicant and had no record of employment for him.

[11] Mr. El Hajj responded to the PFL on June 3, 2024, and provided 1) a copy of the PFL; 2) a document related to a "technical baccalaureate" in hospitality (which Mr. El Hajj describes as his "original diploma" or his "Diploma of Vocational Studies in Cooking"), with translations in French and English; 3) an updated CV; 4) results of an expired IELTS global test of English language and 4) a link to an Instagram account. While the Applicant submitted in his response that he possesses the required skills, the documents provided to support his claim were found to be insufficient by the Officer. Although initially there were issues with the electronic transmission of the documents, once those issues were resolved, the GCMS notes show that the Officer carefully analyzed each of the documents received. They also clearly indicate the Officer's concerns with each of them. The updated CV is the only document that seems never to have been duly received, despite IRCC's follow-up with the Applicant, but the Officer noted that he had been able to access a previous version of the Applicant's CV.

[12] Therefore, given the "extreme difficulty" the Applicant had during his phone call interview "in expressing himself using full sentences, verb tense, and most importantly his very

clear lack of knowledge and terminology related to cooking and food and ingredients", the fact that at least some information about the Applicant's previous employment was, more likely than not, false and that the information provided by the Applicant was insufficient to address the Officer's concerns, the Officer indicated that Mr. El Hajj would be scheduled for a second interview regarding his language proficiency. However, according to the GCMS notes, the Officer attempted to contact the Applicant three times during the same day but was unable to reach him to arrange the interview.

[13] On October 29, 2024, an IRCC Officer refused Mr. El Hajj's application on the basis that (1) he had not demonstrated an ability to adequately perform the duties of a cook position and (2) he had not provided sufficient evidence of his language abilities. According to the GCMS notes and the Decision itself, IRCC tried to schedule an interview with Mr. El Hajj, both to "make a full assessment of language abilities in person", and to give him the opportunity to respond to their concerns as to the authenticity of some of the documents he provided and his professional competence in general. The analysis conducted by the Officer to arrive at the Decision is largely contained in the GCMS notes.

III. Standard of Review

[14] The Court agrees with the parties that the appropriate standard of review that apply to the merits of administrative decisions, such as those regarding work permits, is reasonableness, the whole in accordance with the Supreme Court of Canada's landmark decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 ["Vavilov"] (see also *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 7 [*Mason*]; *Khan v Canada*

(Citizenship and Immigration), 2025 FC 1742 at para 3; *Salkhan v Canada (Citizenship and Immigration)*, 2025 FC 1746 at para 11 [*Salkhan*]; *Lin v Canada (Citizenship and Immigration)*, 2023 FC 209 at para 13; *Sharma v Canada (Citizenship and Immigration)*, 2020 FC 381 at para 10). The recognized exceptions to this presumption do not apply in the present matter (*Canadian Society of Authors, Composers and Music Publishers v Entertainment Software Association*, 2022 SCC 30 at paras 27-28).

[15] As stated by Justice Gascon in *Mohammed*:

> [14] Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on "an internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Pepa* at para 46; *Mason* at para 64; *Vavilov* at para 85). The reviewing court must therefore ask whether the "decision bears the hallmarks of reasonableness—justification, transparency and intelligibility" (*Vavilov* at para 99, citing notably *Dunsmuir v New Brunswick*, 2008 SCC 9 at paras 47, 74).
>
> [15] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a "reasons first" approach and begin its inquiry by examining the reasons provided with "respectful attention," seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (Pepa at paras 46–47; Mason at paras 58, 60; Vavilov at para 84). The reviewing court must adopt an attitude of restraint and intervene "only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process" (*Vavilov* at para 13).
>
> [16] The standard of reasonableness is rooted in the principle of judicial restraint and deference, and it requires reviewing courts to show respect for the distinct role that the legislature has chosen to give to administrative decision makers, more particularly on findings of fact and the weighing of evidence (*Mason* at para 57; *Vavilov* at paras 13, 24, 46, 75). Absent exceptional circumstances, a reviewing court will not interfere with the factual findings of an

> administrative decision maker (*Vavilov* at paras 125–126, citing *Canada (Canadian Human Rights Commission) v Canada (Attorney General)*, 2018 SCC 31 at para 55; *Doyle v Canada (Attorney General)*, 2021 FCA 237 at para 3).
>
> [17] The onus is on the party challenging the decision to prove that it is unreasonable. Flaws must be more than superficial for the reviewing court to overturn an administrative decision. The court must be satisfied that there are "sufficiently serious shortcomings" (*Vavilov* at para 100).

[16] Mr. El Hajj submits, and the Court agrees, that although the duty to provide reasons when evaluating temporary resident visas is minimal, officers must provide adequate reasons to justify their decisions (*Ghodsi v Canada (Citizenship and Immigration)*, 2024 FC 620 [*Ghodsi*] at para7). Furthermore, Officers must meaningfully grapple with and address evidence that contradicts a negative decision, failing which the decision is not justified (*Ghodsi* at paras 8-9).

IV. Analysis

A. *The Applicant's submissions*

[17] Mr. El Hajj submits that in his file, it was unreasonable for the Officer to find that he could not perform the job of a cook and raises a series of arguments based on various legal precedents.

[18] First, he submits that the multiple pieces of evidence he provided, including his updated CV, the document related to his baccalaureate in hospitality, expired but validly obtained IELTS results, references describing his cooking experience and his Instagram account containing 250 photographs and videos purportedly showcasing his cooking skills, were not assessed properly.

In his view, the Officer did not meaningfully acknowledge these documents, although they contradicted his determinations, and therefore unreasonably concluded that Mr. El Hajj lacked sufficient experience.

[19] Secondly, in his view, the Officer would have improperly focused on minor shortcomings in one single document, namely the fact that his IELTS results were expired, while ignoring consistent corroborating evidence elsewhere in the record, rendering the decision unreasonable (*Tehseen v Canada (Citizenship and Immigration)*, 2025 FC 55 at paras 12-15). Mr. El Hajj notes that these results were valid when he first applied for his work permit and that, given he only had 15 days to respond to the concerns raised about language ability in the PFL, he could not retake the exam during that time and submit updated results.

[20] Third, the Officer disbelieved the Applicant's references and failed to engage with the materials actually submitted by the Applicant. The Officer cannot base their decision solely on the fact that "better evidence" could have been provided, as this Court has found it unreasonable for an Officer to identify the information, they would have preferred without explaining why the information provided was insufficient (*Singh v Canada (Citizenship and Immigration)*, 2021 FC 1107 [*Singh*] at paras 15-16). Here, Mr. El Hajj submits that the Officer focused on documents that were not there, such as "robust documentation of his culinary training", without explaining why the documents that were provided (IELTS results, baccalaureate results, CV, Instagram Account and references) were not adequate. This lack of clarity and specificity would, in his view, undermine the reasonableness of the Decision.

[21] Fourth, the Officer may not discount sworn evidence based on pure speculation that it may be unauthentic and must explain what weight, if any, would be assigned to such documents. Providing reasons in this context protects against veiled credibility findings and procedural unfairness resulting from these findings (*Bhatti v Canada (Citizenship and Immigration)*, 2022 FC 1757 at paras 1-2, 8-15). Here, the Officer cited suspicions of "fraud" in the employment letters without setting out a clear, objective basis for them and pointed out issues with the "diploma" without explaining how the evidence was unreliable or how to overcome these concerns. The Officer engaged in a "one-sided investigation" which focused on inconsistencies and on "confirming pre-existing suspicions." The investigation did not account for an Employer using multiple locations or signatories. Furthermore, the Officer did not include GCMS notes of the Employer verification call.

[22] Fifth, The Officer erred by making bald findings on competency and language skills, while the primary duty to analyze these criteria lies with the Employer. (*Singh* at paras 19-21). There is no indication here that the LMIA or the National Occupation Classification for a cook demanded a specific IELTS score or threshold of language skills, so it was unreasonable for the Officer to overreach and make this determination.

[23] Recognizing that Officers may refuse a work permit application despite an approved LMIA if there are grounds to believe that the applicant may not be able to perform the job, the Officer here erred by speculating about both the duties of the position and the Applicant's abilities. It was unreasonable to conclude that Mr. El Hajj would not be able to understand allergens or comply with workplace and food safety guidelines, which are usually drafted in

clear and accessible - language and do not require “complex language”, as the Officer states. The Court in *Sibal v Canada (Minister of Citizenship and Immigration)*, 2019 FC 159, states that it was unreasonable to require additional qualifications that were not in the NOC profile or the LMIA certificate. Finally, it was unreasonable for the Officer to find that Mr. El Hajj did not demonstrate having pursued the equivalent of an apprentice program as a chef and speculate about his low scores on exams when he demonstrated his 14 years of experience as a chef.

[24] Moreover, the phone interview conducted by the Officer and the conclusion reached that Mr. El Hajj’s language skills were lacking is unreasonable. The Officer did not ask relevant questions about ingredients or kitchen and restaurant terminology and did not provide a fair chance for Mr. El Hajj to respond to his questions. While acknowledging that the Officer informed Mr. El Hajj of his concerns in relation to Mr. El Hajj’s language ability in relation to “kitchen and restaurant terminology”, the Applicant stresses he did not indicate that these concerns extended to his general language proficiency. The Officer also did not permit Mr. El Hajj to discuss his prior work experience at Al Asmar Catering and refused to consider his 10 years of professional experience.

[25] Sixth, the record shows attempts to call Mr. El Hajj, but the Applicant and his counsel assert that no such calls were received. No emails were sent to this effect either. The GCMS notes indicate “line closed”, so it would be irrational to claim that Mr. El Hajj did not answer the phone, since no calls would have come through with a closed line. They also indicate that the calls were made within the same day in a timeframe of less than three hours. This cannot justify a blanket conclusion that he is unqualified or unresponsive.

B. *The Decision is reasonable*

[26] With all due respect, the Court is not convinced by the various arguments raised by the Applicant and finds that they are not reflected in or supported by the record. On the contrary, the Court finds that the reasons contained in the numerous pages of GCMS notes employ a matter-of-fact tone, engage with all the evidence provided meaningfully and articulate a clear, rational, and defensible Decision. The reasoning was tailored to the documents and evidence provided. The reasons are not speculative, incoherent, or unjustified. Furthermore, the decisions cited by Mr. El Hajj to support his position can all be distinguished from the facts of the present matter.

[27] In the present matter, the Officer conducted a phone interview, sent a PFL and carefully reviewed the documents received in response. After explicitly dealing with each document provided, the Officer found that they did not sufficiently address his concerns regarding the Applicant's language skills or qualifications as a cook. The Officer attempted to contact the Applicant by phone, and when these attempts were unsuccessful, he issued the Decision.

[28] This was a transparent and fair process. The Officer carefully reviewed each and every document provided by Mr. El Hajj and offers clear, intelligible and transparent reasons for why those documents were not sufficient to support the application. For instance, and without reciting at length all the detailed notes contained in the GCMS, it is clear from the record that while the Officer noted that the IELTS results were expired and gave them less weight because of this, he still considered them and found that they showed scores of "5s across the board, which indicates they are on the edge of what would be reasonable for competency in duties for a cook". This,

combined with the lack of other records of Mr. El Hajj's English education and the phone call where he struggled to communicate with the Officer, led to the Officer's finding that he did not possess the required language skills. Such a finding was open to the Officer.

[29] Regarding this phone call, the GCMS notes show that the Officer did ask relevant questions, including about Mr. El Hajj's workplace, the job offer, his education background, his current employment, and the type of food he cooked. Mr. El Hajj's answers were brief, often one-word answers that required the Officer to ask several follow-up questions. Even when asked to specify dishes that he cooks, Mr. El Hajj answers were limited to "Arabic food" and "Lebanese food". As opposed to what the Applicant claims, the Court finds that the Officer articulated very clearly what his concerns were at the end of the call regarding Mr. El Hajj not being a cook, not having sufficient language ability, and having no knowledge of kitchen and restaurant terminology. These concerns were further mentioned in the PFL. They were not addressed in Mr. El Hajj's response to the PFL and are part of the grounds for refusing Mr. El Hajj's application.

[30] As for the documents related to the Baccalaureate submitted in response to the PFL, the Officer notes that they are from a national exam administered in Arabic and do not indicate where and what exactly Mr. El Hajj studied, nor in what language, nor what the duration of the program he completed was. In his explanation in response to the PFL, Mr. El Hajj wrote, "I am English educated. English was always my first foreign language during my elementary and secondary studies and during the following of my cooking program. Please note that my second foreign language while studying is French." However, as the Officer notes, "this is not

demonstrated by the evidence on file." Mr. El Hajj provided no transcripts or records from his past schools in the initial application, nor did he adduce any such document in response to the PFL, which requested "proof of education and language abilities". Further, the exam scores provided were once again found to be very low; they did not identify the two foreign languages Mr. El Hajj had chosen and did not indicate that he received training or experience to work as a cook or chef.

[31] Moreover, the Officer conducted verification of Mr. El Hajj's past employment with a negative result and could not confirm that Mr. El Hajj had the work experience that would be required for a cook or a chef. The Officer documented his verification process for Mr. El Hajj's employment at Restaurant et Poissonnerie Al Rayess. The Officer had been given the contact information of the owner, whose very signature appeared on the letter of employment and indicates having spoken to him regarding the nature of his business and Mr. El Hajj's employment. The owner, however, denied knowing Mr. El Hajj or having even employed him. This discounted at least six years of Mr. El Hajj's claimed work experience as a cook.

[32] As for the letter of employment from Al Asmar Catering and the ten years during which Mr. El Hajj was purportedly employed there, although this letter is not specifically mentioned in the GCMS notes, the Officer engages with this experience. He explains that he found it "highly unlikely" that the Applicant actually worked for this business as a cook or chef "given that he was unable to tell me what types of food he cooked at this business" and hence decided to give this alleged experience little weight. The officer also highlights that Mr. El Hajj did not provide

further evidence of current or previous work nor updated employment letters between 2022 and the date of the Decision.

[33] The Court's jurisprudence is clear that decision-makers are presumed to have considered all of the evidence before them and the Applicant did not rebut this presumption (*Chatrath v Canada (Citizenship and Immigration)*, 2024 FC 958 at para 35, and jurisprudence cited therein; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at para 17). Indeed, the thoroughness of the Officer's reasons in this case strongly suggests the letter from Al Asmar was in fact considered.

[34] As for the Instagram Account, here too the Court finds that the Officer's notes are clear that it was reasonably considered. The Officer found that the account was under the Applicant's name but had no pictures or videos of Mr. El Hajj himself. The Officer could reasonably conclude that this made it impossible to verify if it was actually Mr. El Hajj who prepared the food showcased.

[35] The Court further disagrees with the Applicant that the Officer was looking for "better" evidence. Instead, what the Officer indicates is that the evidence provided was simply not sufficient to establish Mr. El Hajj's competencies for the position.

[36] The Applicant's reliance on this Court's decision in *Tehseen v Canada* (*Citizenship and Immigration*), 2025 FC 55, is unconvincing because in the case at bar, the Officer did not "ignore or fail to address material evidence nor did he fail to justify the conclusion of insufficient

experience in the face of the filed information" (*contra* at para 15). Instead, as explained above, he explicitly addressed all the relevant evidence, including the employment at Al Asmar Catering, and did so at length, justifying his conclusions every time. Even though he did not specifically refer to the letter of employment from Al Asmar, does not constitute a fatal flaw.

[37] As for Mr. El Hajj's linguistic competence, the Court finds that his arguments are bound to fail. First, the NOC's description of the "main duties" of cooks does include tasks that necessarily require a certain level of linguistic proficiency. The same applies to the LMIA. Further, although the LMIA does not specify the exact level of French or English proficiency that candidates need to be able to demonstrate, it does state that they need to be able to speak and write in one of Canada's two official languages. These documents clearly show that cooks need to have a certain level of comfort with French or English. Given the level of difficulty shown by Mr. El Hajj during the phone interview, it was not unreasonable for the Officer to evaluate his language abilities by assessing the evidence provided, nor was it improper for the Officer to conclude that "the lack of understanding and ability to express common food names" could prevent Mr. El Hajj from ensuring that the "needs and wishes" of customers, even those with allergies, are understood and taken care of.

[38] The Applicant's reliance on *Singh v Canada (Citizenship and Immigration)*, 2021 FC 1107 [*Singh* 2021], does not further his case either. First, here, unlike in *Singh*, the Officer's concerns were not unclear. The Officer articulates both doubts as to the authenticity of some documents and concerns as to the adequacy of others, and he does so clearly (*contra* at paras 15-16). Second, although it is true that the primary duty to analyze competence and language skills

lies with the employer (*Singh* 2021 at paras 19-21), officers may still refuse a work permit even with an approved LMIA and are allowed to make an assessment regarding whether the applicant satisfies the requirements for a job. Indeed, in *Singh v Canada (Citizenship and Immigration)*, 2022 FC 80 [*Singh* 2022], Justice Pamel discusses the discretion afforded to officers to verify whether applicants meet a language requirement; he finds that it is reasonable for officers to consider language requirements alongside requirements of the job to determine an applicant's competency and affirms that officers are not bound strictly by NOCs and LMIAs in their assessments (*Singh* 2022 at paras 9-10, 15).

[39] Similarly, in *Brar v Canada (Citizenship and Immigration)*, 2020 FC 70 at paragraphs 13-14, Justice Diner discusses that it is reasonable for Officers to place more weight on interviews than test scores, particularly when a "basic lack of comprehension emerges." Given the GCMS notes of the phone interview with Mr. El Hajj and the notes that followed this call, basic lack of comprehension was certainly a concern for the Officer here as well.

[40] As for *Sibal v Canada (Citizenship and Immigration)*, 2019 FC 159 [*Sibal*], which the Applicant also relies on for the idea that it is unreasonable "to require further qualifications that were not in the NOC profile or the LMIA certificate", the facts of the case at bar can be easily distinguished. Unlike *Sibal*, the LMIA and NOC do stipulate job requirements other than secondary school education, and these include language and professional training (*contra* at para 14). Although it is true that some of the requirements listed in the NOC are introduced by the word "may" so that they are not always strictly necessary and that the LMIA does not make

reference to them, verbal and oral proficiency in either French or English was clearly a requirement.

[41] Thus, it was reasonable for the Officer to endeavour to verify Mr. El Hajj's language capabilities, especially when there were no school records, transcripts, or other supporting documents aside from the expired IELTS score and the documents from the baccalaureate results showing that he failed both of the foreign language classes he took that could speak to his language capabilities. In these circumstances, despite having a valid LMIA, it was reasonable for the Officer to find that Mr. El Hajj did not possess the required language or cooking skills required to work as a cook or chef.

[42] Lastly, while the Court agrees with the Applicant that attempting to schedule an interview by way of a call three times within three hours may not have been proper and that that Officer should have attempted to schedule an interview via email, given the evidence in the record, I do not think this error renders the Decision unreasonable or unfair. It does not constitute a "fatal flaw" (*Vavilov* at para 102). By this point, the Officer had already conducted a phone interview with Mr. El Hajj once, allowed him to provide further evidence in response to the PFL and conducted his own analysis of his submissions. Even without conducting another interview, the Officer's assessment of Mr. El Hajj's skills based on the record before him and the initial phone call remains reasonable.

V. Conclusion

[43] For the above reasons, the Decision is reasonable and the process fair. Mr. El Hajj was aware of the case to meet and had the opportunity to supplement his application. However, he was unable to address the Officer's reasonable concerns. Accordingly, the application for judicial review is dismissed.

JUDGMENT in IMM-22423-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

2. No question of general important is certified.

"Danielle Ferron"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-22423-24
STYLE OF CAUSE:	AHMAD EL HAJJ v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	MONTRÉAL, QUEBEC
DATE OF HEARING:	DECEMBER 17, 2025
REASONS FOR JUDGMENT AND JUDGMENT:	FERRON J.
DATED:	DECEMBER 30, 2025

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