Federal Court Cour fédérale

Date: 20260106

Docket: IMM-20286-24

Citation: 2026 FC 3

Ottawa, Ontario, January 6, 2026

PRESENT: The Honourable Madam Justice Ngo

BETWEEN:

NEZARMOHAMMAD DORRAZAEI

Applicant

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Nezarmohammad Dorrazaei [Applicant], seeks judicial review of a decision from an officer with Immigration, Refugees and Citizenship Canada [Officer] dated October 16, 2024, denying his work permit under the Temporary Foreign Worker Program. The Applicant was nominated for the British Columbia Provincial Nominee Program [Program] under the Skills Immigration – Health Authority Stream. He received an offer of employment from the

British Columbia Emergency Health Services [BCEHS] for a permanent full-time position as an Emergency Medical Responder [EMR] and requested a work permit.

[2] The Officer denied the application because they were not satisfied that the Applicant would leave Canada at the end of his stay because: a) the Applicant does not have significant family ties outside Canada; b) his current employment situation does not show that he is financially established in his country of residence; and c) he was not able to demonstrate that he would be able to adequately perform the work sought [Decision].

[3] Although I agree that the Officer erred by not referring to contradictory evidence in finding that the Applicant would not be able to adequately perform the work he sought, this error on its own is not sufficient to vitiate the Decision as it is not determinative. The Officer also relied on two other factors in addressing the statutory requirements of whether the Applicant would leave Canada at the end of his stay. The Applicant was not able to demonstrate that these conclusions were unreasonable. As such, for the reasons set out below, this application for judicial review must be dismissed.

I. Background and Decision Under Review

[4] The Applicant is a single Iranian national with no dependents who has been a resident of the United Arab Emirates [UAE] since 2022. He obtained an associate's degree in Pre-Hospital Emergency Medicine and has been employed in various positions related to emergency medical services in the UAE since 2022, including as an Emergency Medical Technician [EMT]. The Applicant is currently working as a Medical Instructor and Training Coordinator. He also

completed his mandatory military service in Iran as medical personnel (EMT) from 2018 to 2022. His parents and five siblings live in Iran. In June 2024, he applied for Permanent Residency in Canada, which is still being processed.

[5] On May 22, 2024, the Applicant received a confirmation of nomination from the Program to work as an EMR for the BCEHS, part of British Columbia's Provincial Health Services Authority. On September 10, 2024, the Applicant submitted his application for a work permit, in accordance with the requirements of the Program. As a participant in the Program, the Applicant is exempted from obtaining a positive Labour Market Impact Assessment under subsections 200(1)(c)(ii) and 203(1) of *the Immigration and Refugee Protection Regulations* (SOR/2002-227) [IRPR]. For the purpose of these reasons, the use of the terms EMR and EMT have similar meanings.

[6] On October 16, 2024, the Applicant's work permit was denied as follows:

> • I am not satisfied that you will leave Canada at the end of your stay as required by paragraph 200(1)(b) of the IRPR (https://laws.justice.gc.ca/eng/regulations/SOR-2002-227/ section-200.html). I am refusing your application because you have not established that you will leave Canada, based on the following factors:
>
> • You do not have significant family ties outside Canada.
>
> • Your current employment situation does not show that you are financially established in your country of residence.
>
> • You were not able to demonstrate that you will be able to adequately perform the work you seek.

[7] The Officer's notes in the Global Case Management System [GCMS Notes] (which form part of the decision under review) set out their reasoning:

> 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's current employment situation does not show that they are financially established in their country of residence. Iranian ctzen. Single. 27 yrs old. to work as paramedical. PA declared his employment as a Medical Instructor/Training and Emergency Medical Technician in the UAE. Employment reference letters provided state that the applicant was working part-time for Capital Ambulance, 20 hrs a week, from 2023/05 to 2024/04. Insufficient evidence that the listed employment was paid. Insufficient evidence of salary transfer and/or payslips. The applicant provided a copy of his UAE residence visa issued in june 2022 valid to june 2025 stating that his occupation is a Partner for a Al Hayat Al Saheed project management services in UAE. 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.

II. Issues and Standard of Review

[8] The Applicant submits that the Decision was rendered in a procedurally unfair manner and that it was unreasonable. The Respondent argues that the Applicant's submissions pertain more to the merits of the Decision rather than to the question of procedural fairness, and should therefore be analyzed on a reasonableness standard, instead of correctness, as the Applicant requests.

[9] I have considered the Applicant's submissions and agree that the issues raised do not concern procedural fairness. The Applicant has not argued that he did not know the case to meet or did not have a full and fair opportunity to respond to it, which goes to the heart of procedural fairness (*Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at para 28; *Fortier v Canada (Attorney General)*, 2022 FC 374 at para 14; *Therrien (Re)*, 2001 SCC 35 at

para 82). Rather, the Applicant's position focuses on the merits of the Decision. Accordingly, the issue on judicial review is whether the Decision was unreasonable.

[10] The applicable standard of review of the merits of the Decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 25 [*Vavilov*]).

[11] On judicial review, the Court must consider whether a decision bears the hallmarks of reasonableness – justification, transparency and intelligibility (*Vavilov* at para 99). A reasonable decision will always depend on the constraints imposed by the legal and factual context of the particular decision under review (*Vavilov* at para 90). 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 (*Vavilov* at para 85). A decision may be unreasonable if the decision maker misapprehended the evidence presented (*Vavilov* at paras 125–126).

[12] The Court's role in conducting reasonableness review is framed by the deference which it owes to the decision-maker's findings of fact and expertise, within the bounds set by the enabling legislation and the record before them (*Mason v Canada (Citizenship and Immigration),* 2023 SCC 21 at para 57 [*Mason*]).

[13] The party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100).

III. Analysis

[14] It is useful to reiterate the applicable legal framework or the legal constraints that bear upon the decision maker.

[15] First, a foreign national may only work in Canada if authorized under the applicable legislation (*Immigration and Refugee Protection Act* (SC 2001, c 27) at s 30). Subsection 200(1) of the IRPR sets out the legislative requirements for the issuance of work permits:

Work permits	Permis de travail — demande préalable à l'entrée au Canada
200 (1) Subject to subsections (2) and (3) — and, in respect of a foreign national who makes an application for a work permit before entering Canada, subject to section 87.3 of the Act — an officer shall issue a work permit to a foreign national if, following an examination, it is established that	200 (1) Sous réserve des paragraphes (2) et (3), et de l'article 87.3 de la Loi dans le cas de l'étranger qui fait la demande préalablement à son entrée au Canada, l'agent délivre un permis de travail à l'étranger si, à l'issue d'un contrôle, les éléments ci-après sont établis :
(a) the foreign national applied for it in accordance with Division 2;	a) l'étranger a demandé un permis de travail conformément à la section 2;
(b) the foreign national will leave Canada by the end of the period authorized for their stay under Division 2 of Part 9;	b) il quittera le Canada à la fin de la période de séjour qui lui est applicable au titre de la section 2 de la partie 9;
(c) the foreign national	c) il se trouve dans l'une des situations suivantes :
(i) is described in section 206 or 208,	(i) il est visé aux articles 206 ou 208,
(ii) intends to perform work described in section 204 or 205 but does not have an offer of employment to perform that work or is described in section 207 or	(ii) il entend exercer un travail visé aux articles 204 ou 205 pour lequel aucune offre d'emploi ne

207.1 but does not have an offer of employment,	lui a été présentée ou il est visé aux articles 207 ou 207.1 et aucune offre d'emploi ne lui a été présentée,
(ii.1) intends to perform work described in section 204 or 205 and has an offer of employment to perform that work or is described in section 207 and has an offer of employment, and an officer has determined, on the basis of any information provided on the officer's request by the employer making the offer and any other relevant information, that the offer is genuine under subsection (5), or	(ii.1) il entend exercer un travail visé aux articles 204 ou 205 pour lequel une offre d'emploi lui a été présentée ou il est visé à l'article 207 et une offre d'emploi lui a été présentée, et l'agent a conclu, en se fondant sur tout renseignement fourni, à la demande de l'agent, par l'employeur qui présente l'offre d'emploi et tout autre renseignement pertinent, que l'offre était authentique conformément au paragraphe (5),
(iii) has been offered employment, and an officer has made a positive determination under paragraphs 203(1)(a) to (g); and	(iii) il a reçu une offre d'emploi et l'agent a rendu une décision positive conformément aux alinéas 203(1)a) à g);
(d) [Repealed, SOR/2004-167, s. 56]	d) [Abrogé, DORS/2004-167, art. 56]
(e) the requirements of subsections 30(2) and (3) are met, if they must submit to a medical examination under paragraph 16(2)(b) of the Act.	e) s'il est tenu de se soumettre à une visite médicale en application du paragraphe 16(2) de la Loi, il satisfait aux exigences prévues aux paragraphes 30(2) et (3).

[16] In the Applicant's case, the Officer based the refusal of the Applicant's work permit application on paragraph 200(1)(b) of the IRPR. This provision states that an officer shall issue a work permit if it is established that the foreign national will leave Canada at the end of the period authorized for their stay. As stated, the Officer refused the work permit application for three reasons: (1) the Applicant does not have significant family ties outside of Canada; (2) his current

employment situation does not show that he is financially established in his country of residence; and (3) he did not demonstrate that he will be able to adequately perform the work he seeks.

[17] There is a well-established presumption that a foreign national seeking to enter Canada is an immigrant. It is up to the applicant to rebut this presumption by demonstrating, to the officer's satisfaction, that they will leave Canada at the end of their stay (*Rahman v Canada (Citizenship and Immigration)*, 2016 FC 793 at para 16; *Obeng v Canada (Citizenship and Immigration)*, 2008 FC 754 at para 20).

[18] This is the case even where an applicant who has applied for temporary residence (such as a work permit), has also applied for permanent residence. While the Applicant's ultimate goal may be to obtain permanent residency, the Officer assessing the work permit application must still be satisfied that the Applicant would leave at the end of his authorized stay (*Lin v Canada (Citizenship and Immigration)*, 2023 FC 209 at para 20, citing *Ramos v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 768 at para 13; IRPA at para 22(2)).

[19] It is well established in the jurisprudence that an applicant bears the onus to provide all the material necessary for a favourable decision to be made on his application. Visa officers are under no legal duty to ask for clarification or for additional information before rejecting a visa application when the material submitted was insufficient to satisfy them that the relevant selection criteria were met (*Baring v Canada (Citizenship and Immigration)*, 2025 FC 1668 at para 26 [*Baring*]).

[20] In assessing applications, an officer is required to assess both the factors that might encourage the person applying to want to stay in Canada, as well as those that might pull them back to their home country—these are often referred to as "push and pull factors". To be reasonable, a decision needs to demonstrate an engagement with the specific facts of the case and provide sufficient detail to justify the result. Short, focused, and clear reasons will be sufficient, and not every detail needs to be addressed (*Kashefi v Canada (Citizenship and Immigration),* 2024 FC 856 at paras 14–15).

[21] I will address these reasons in the order that they appeared in the refusal letter.

A. *The Officer's conclusion that the Applicant does not have significant family ties outside of Canada is reasonable*

[22] The Applicant submits that the Decision is unreasonable because the Officer failed to engage with the contradictory evidence and consider the pull factors in assessing the Applicant's ties to his home country, including the fact that his entire immediate family lives in Iran (citing *Zoie v Canada (Citizenship and Immigration),* 2022 FC 1297 at paras 21–22).

[23] The Respondent submits that the Officer reasonably concluded that the Applicant did not have significant family ties to Iran. The Applicant states that his parents and siblings live in Iran. However, he did not provide any evidence of their relationship supporting his return to them after his work permit expires. The Respondent cites *Perez Pena v Canada (Minister of Citizenship and Immigration),* 2020 FC 796 [*Perez Pena*], to support the principle that a single applicant, with no children or assets, must do more than simply state that their family is still in their country of

nationality to demonstrate significant family ties supporting that they would leave Canada at the end of their stay.

[24] I agree with the Respondent's submissions.

[25] The cases cited by the Applicant are distinguishable because the record in those cases contained contrary evidence about family ties that the Officer did not engage with. As such, the Court concluded in those cases that there was a lack of reasonable assessment of the push and pull factors related to family ties. Here, the Applicant listed his parents and siblings who live in Iran in the application. A letter from his immigration consultant stated that "[w]hile Mr. Dorrazaei is single, his immediate family resides in Iran. This connection to his home country ensures that he has significant ties outside Canada, which serves as an assurance of his intention to abide by the terms of his work permit and return to his home country should his PR application not be successful."

[26] The record shows that the Applicant has resided away from his family and has been working in the UAE since 2022. The Respondent is correct that the Applicant did not provide any other submissions, information, or details describing his relationship with his family, or evidence of an ongoing relationship.

[27] At the hearing, the Applicant stated that he included a letter from his father confirming a financial gift to assist him with his move to Canada. The Applicant appropriately agreed that no submission or information was provided in the application mentioning this letter or explaining the

significance of that gift to the relationship between the Applicant and his father. This is a new argument presented at the hearing, and I cannot consider it in evaluating the reasonableness of the Decision.

[28] With respect, the Applicant simply did not provide sufficient evidence in his application. In the absence of any cogent evidence, it was open for the Officer to conclude that there were no significant family ties outside Canada supporting that the Applicant will leave at the end of his authorized stay in Canada (*Sadiq v Canada (Citizenship and Immigration)*, 2015 FC 955 at para 22).

[29] In the Applicant's case, a simple statement that he has family in Iran without more is insufficient to demonstrate significant family ties outside Canada that would pull the Applicant back to his country of origin (*Perez Pena* at para 15). Indeed, Justice Roy in *Perez Pena* rejected the applicant's submission that it should be enough to assert that he had family in his home country even though he was single. The applicant in that case provided no other factors that would cause him to return to his country of origin. Justice Roy noted that the evidence in the record was virtually non-existent on the applicant's assets or lifestyle, and no tangible information was adduced as to a motivation to return. It was up to the applicant to provide sufficient evidence, which he did not do. The Court found that it was reasonable to refuse the work permit.

[30] I find that this analysis in *Perez Pena* applies as well to the Applicant's case and the Decision under review.

[31] As such, it was not unreasonable for the Officer to conclude that there are few ties to prove or to infer a return to his country of citizenship, in the absence of any other evidence beyond his family being in Iran. (*Perez Pena* at para 13; *Kaur v Canada (Citizenship and Immigration)*, 2024 FC 766 at paras 14–15).

[32] The Officer's conclusion on this factor is reasonable on the face of the record and is consistent with the case law. While the statement in the Decision is short, that is not a reviewable error.

B. *The Officer's conclusion that the Applicant did not provide sufficient evidence of financial establishment in his country of residence is reasonable*

[33] On this factor, the Officer concluded that the Applicant's current employment situation does not show that he is financially established in the UAE. The Officer referred to one of the three employment references provided and found that there was insufficient evidence that the listed employment was paid based on a lack of salary transfer and/or payslips. The Officer also noted the UAE residence card was valid until June 2025 with the Applicant's listed occupation as a partner for a project management service company.

[34] It is reasonable for an officer to consider an applicant's temporary status and economic establishment in a country of residence in assessing whether they would likely depart from Canada at the end of their period of authorized stay. Strong economic ties and valid resident status to one's country of residence all constitute pull factors. Conversely, the absence of such ties weighs in favour of a conclusion that the applicant would not depart Canada (*Bahmani v Canada (Citizenship*

and Immigration), 2025 FC 1254 at para 17 [*Bahmani*], other citations omitted; *Singh v Canada (Citizenship and Immigration)*, 2025 FC 1442 at para 8).

[35] Although the Applicant provided bank statements and reference letters, the Officer found that this information was inconclusive of strong financial establishment or stable paid employment and explained why in the GCMS Notes. The Applicant's argument that one of the reference letters showed his hourly wage does not contradict the findings in the GCMS Notes, nor does it indicate that the Officer misapprehended the evidence.

[36] Based on the well-established principles summarized recently in the Court's jurisprudence in *Bahmani*, the Applicant's failure to provide supporting evidence regarding his economic establishment in the UAE is sufficient to reject his work permit application. The Officer's conclusions are consistent with the legal framework and grounded in the record before them. I therefore cannot find their conclusions on this factor to be unreasonable.

C. *The Officer's conclusion that the Applicant has not demonstrated that he will be able to adequately perform the work he seeks is not reasonable.*

[37] The Respondent invites the Court to find this conclusion reasonable as the evidence showed that the Applicant held various short-term employment roles as an EMT in his employment history. The Respondent also asserts that there is a dearth of evidence regarding his military service as an EMT. The Respondent further submits that the Court must give deference to the Officer's finding that the Applicant only worked the equivalent of four months full-time and that this does not demonstrate that he is capable of performing EMT work duties.

[38] I cannot agree with the Respondent's submissions.

[39] The Officer's conclusion was one sentence in the refusal letter, using boilerplate language. In some cases, boilerplate language, read with the record holistically, can allow the Court to understand the decision under review. However, when boilerplate reasons, read along with the record, do not allow the Court to assess whether the proper criteria were applied, do not satisfy the Court that the reasoning "adds up," or do not provide insight into an officer's reasoning process, they may lack the requisite justification, intelligibility and transparency to avoid judicial interference (*Munzhurov v Canada (Citizenship and Immigration)*, 2023 FC 657 at paras 21–23, other citations omitted).

[40] In this case, there was contradictory evidence in the record before the Officer relating to the Applicant's qualifications. The Applicant provided documents supporting his educational and employment history and experience, all within the medical/health sector from his post-secondary studies in 2018, up to the submission of his work permit application. He also submitted correspondence from the British Columbia Ministry of Health confirming his successful completion for an EMR licence as well as a letter from the BCEHS detailing the confirmation and terms of employment as an EMR and a letter from the Lead, Talent Acquisition, at BCEHS (Provincial Health Services Authority Human Resources) confirming that "he holds all of the qualifications required for the position. He has already received a valid BC Emergency Medical Responder license issued through the Emergency Medicine Assistance Licensing Board for the position, in which he applied to and interviewed for."

[41] In sum, the record demonstrated that the Applicant's prospective employer confirmed that he met the requirements of the position he was offered and that he had a specific license issued by the province to perform this work.

[42] While the prospective employer's assertions are not necessarily binding on the Officer, if they disagreed, reasons were needed to justify a rejection of this evidence. The assessment and analysis presented to the Court by the Respondent on this factor was not made by the Officer. As Justice Pentney noted, "it is not open to Minister's counsel or the reviewing court to fashion their own reasons to buttress or supplement a visa officer's decision" (*Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754 at para 6, citations omitted). There is simply an absence of any analysis of the Applicant's ability to adequately perform the work he seeks. The Officer's conclusion is not justified and therefore unreasonable.

[43] However, while the Officer erred with respect to this factor, I cannot find that this is sufficient to overturn the Decision.

D. *The error on the Applicant's qualifications was not determinative.*

[44] A reviewing Court must read a record holistically (*Vavilov* at paras 97, 103, 143; *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175 at para 48 [*Ocran*]). In *Ocran*, Justice Little considered a study permit refusal based on four factors. After having assessed the reasonableness of each factor, he found that the officer erred in their finding on one of the factors. However, he found that the error was not so fundamental to the decision that it would render the entire decision unreasonable. Taking a holistic approach to the decision and considering the three other reasons

why the officer was not satisfied that the applicant would leave Canada, Justice Little found that the error in the decision before him did not vitiate the overall decision not to issue a study permit (*Ocran* at para 48).

[45] Indeed, *Ocran* is a reflection of well-established case law that the record must be read holistically and that even where an error has been identified in the decision under review, it should not always vitiate the decision as a whole (*Nahvi v Canada (Citizenship and Immigration)*, 2024 FC 2076 at para 6; *Rezaali v Canada (Citizenship and Immigration)*, 2023 FC 269 at paras 24–25; *Farzadniya v Canada (Immigration, Refugees and Citizenship)*, 2025 FC 615 at para 42).

[46] A reviewing court should leave an administrative decision in place if it can discern from the record why the decision was made and if the decision is otherwise reasonable (*Baring* at para 14, citing *Vavilov* at paras 120–122; Mason at paras 38–42; *Zeifmans LLP v Canada*, 2022 FCA 160 at para 10).

[47] In the Applicant's case, the Officer relied on two other factors that address the statutory requirements on whether the Applicant would leave Canada at the end of his stay pursuant to paragraph 200(1)(b) of the IRPR.

[48] The Applicant did not demonstrate that the other two conclusions were unreasonable. The record supported these conclusions, and the Decision as described in the GCMS Notes focused on this requirement through the mention of family ties and financial establishment. As such, the finding on the Applicant's ability to perform the work he is seeking was not central to the Decision.

[49] I conclude that the error with respect to his qualifications was not so fundamental that it would render the entire Decision unreasonable, nor does it vitiate the Decision to deny the issuance of a work permit (*Ocran* at para 48).

IV. Conclusion

[50] The application for judicial review is dismissed. The parties do not propose any question for certification and I agree that in these circumstances, none arise.

JUDGMENT in IMM-20286-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. There is no question for certification.

"Phuong T.V. Ngo"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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