

Federal Court



Cour fédérale

Date: 2026013

Docket: IMM-24086-24

Citation: 2026 FC 40

Toronto, Ontario, January 13, 2026

PRESENT: Mr. Justice Diner

BETWEEN:

MAIN MUHAMMAD ASAD

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

**(Delivered from the Bench at Toronto, Ontario, on January 12, 2026
and edited for syntax and grammar)**

[1] The Applicant seeks judicial review of a decision of a visa officer [the Officer] dated October 16, 2024 [the Decision], refusing his application for a work permit. I am dismissing the application, as I find the Officer's Decision to be both reasonable and fair.

I. Overview

[2] The Applicant is a citizen of Pakistan who applied from outside Canada for a work permit to work as an “ethnic food cook” for an employer operating a restaurant in Laval, Quebec. The offered position identified verbal and written English as a requirement. The application was supported by a positive Labour Market Impact Assessment [LMIA] and a Certificat d’acceptation du Québec [CAQ]. The Applicant challenges the reasonableness and the procedural fairness of the Decision.

[3] In the Global Case Management System [GCMS] notes, which form part of the reasons for the Decision, the Officer determined that the Applicant had not demonstrated an ability to perform the proposed work. Although some educational documents were submitted, the Officer concluded that they could not be used to adequately assess the Applicant’s ability to speak or write English.

[4] In addition, the Officer further noted that the Applicant failed to provide sufficient financial documentation, and thus failed to demonstrate establishment in his country of residence. Weighing these factors together, the Officer was not satisfied that the Applicant would leave Canada at the end of the authorized period of stay. The application was therefore refused.

[5] The presumptive standard of review applicable to the merits of the Decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov* [Vavilov], 2019 SCC 65 at paras 15-17). Allegations of procedural fairness are assessed by determining

whether the process followed was fair in the circumstances (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69, at para 54).

[6] As noted above, the Officer's reasons in this matter were based on two distinct, though related findings: a lack of proof of language abilities, and finances.

[7] On the first issue, the Applicant failed to provide evidence of his language abilities. The job description required oral and written English. The Officer acknowledged the educational transcripts submitted but concluded that they were insufficient to confirm his written and oral language capabilities. The Applicant did not provide any evidence that his university degree was completed in English. The only documents providing any notion of English capacity were old high school transcripts, and they both demonstrated poor performance in English. In the most recent transcript provided, the applicant received a score of only 66 out of 200. The Officer commented on this gap in the application, and that was entirely reasonable (see *Iqbal v. Canada (Citizenship and Immigration)*, 2022 FC 727 at paras 18-20; see also *Nandha v. Canada (Citizenship and Immigration)*, 2024 FC 1694, at para 20-22).

[8] While the language was the determinative issue, the Officer also reasonably commented on the lack of compliance with financial requirements.

[9] The Applicant submits that the existence of a positive LMIA and CAQ, as well as the employer's assessment of his suitability, should have been determinative. I disagree. While a positive LMIA and CAQ are relevant considerations, they do not displace the Officer's

independent statutory obligation to be satisfied that all requirements of the legislation are met (*Liu v Canada (Minister of Citizenship and Immigration)*, 2018 FC 527 at paras 52-54 [*Liu*]).

[10] The Applicant further argued that the Officer failed to give adequate weight to his work experience and educational background. However, the visa office decided to place significant weight on the language and financial elements missing in the application, and it is not the role of the Court on judicial review to reassess the probative value of evidence or to substitute its own view for that of the decision maker (*Liu*, at para 52).

[11] Finally, on procedural fairness, it is the Applicant's onus to put their best foot forward to provide satisfaction of job requirements including language abilities (*Singh v. Canada (Minister of Citizenship and Immigration)*, 2018 FC 84 at para. 35; *Penez v. Canada (Minister of Citizenship and Immigration)*, 2017 FC 1001 at paras. 35 & 37). Work permit applications made from outside Canada attract a limited duty of procedural fairness (*Patel v Canada (Minister of Citizenship and Immigration)*, 2021 FC 483, at para 40). The Officer was thus under no obligation to notify the Applicant of perceived weaknesses in, or request further documentation that should have been provided with his application. In short, there was no requirement to provide him with an opportunity to respond prior to the Decision, given that no credibility finding was made (*Ilaka v Canada (Minister of Citizenship and Immigration)*), 2022 FC 1622, at para 17).

[12] Finally, I note that this matter was heard in a 45-minute oral hearing, under the Federal Court's new practice (see *Consolidated Practice Guidelines for Citizenship, Immigration, and*

Refugee Protection Proceedings, December 31, 2025, at para. 40). These are aimed at streamlining procedures and promoting consistency and efficiency in the Court's processes.

II. Conclusion

[13] For the reasons set out above, I dismiss this application for judicial review. Neither party proposed a question for certification, and I agree that none arises.

JUDGMENT in IMM-24086-24

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No questions for certification were argued, and I agree none arise.
3. There is no award as to costs.

“Alan S. Diner”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-24086-24

STYLE OF CAUSE: MAIN MUHAMMAD ASAD v MCI

PLACE OF HEARING: HELD BY WAY OF VIDEOCONFERENCE

DATE OF HEARING: JANUARY 12, 2026

JUDGMENT AND REASONS: DINER J.

DATED: JANUARY 13, 2026

APPEARANCES:

Narinder Mann	FOR THE APPLICANT
Gerald Grossi	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Pelican Law Professional Corporation Barristers and Solicitors Brampton, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT