

Federal Court



Cour fédérale

Date: 20260204

Docket: IMM-13665-24

Citation: 2026 FC 158

Ottawa, Ontario, February 4, 2026

PRESENT: Madam Justice Gagné

BETWEEN:

MUHAMMAD FARRUKH AZAD

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant seeks judicial review of a decision made by an officer of Immigration, Refugee and Citizenship Canada refusing the Applicant's application for a Labor Market Impact Assessment (LMIA) exempt work permit. The Applicant sought to enter Canada under the C11 category of the International Mobility Program, to establish and operate a healthcare information technology consulting company in Mississauga, Ontario.

[2] For the reasons outlined below, the application will be dismissed.

I. Background

[3] The Applicant is a 44-year-old Pakistani national, living in the United Arab Emirates (UAE). He holds a master's degree in business administration and a bachelor's degree in commerce, both from Pakistan. The Applicant has been the Assistant Vice-President and Manager of Human Resources at United Bank Limited in Dubai, UAE since 2014.

[4] On October 9, 2023, the Applicant applied for a LMIA exempt work permit under the C11 category, pursuant to paragraph 205(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR), which provides that a work permit may be issued to a foreign national who intends to perform work that would create or maintain "significant economic benefit or opportunities for Canadian citizens or permanent residents".

[5] The Applicant states his intention to come to Canada for a period of one year is to establish his new business, AZ Tech Software Solutions Canada, to engage primarily in Healthcare Software Solutions through a one-stop-shop for solutions covering doctors, patients, financials, employees, human resources, inventory, etc. From 2023 to 2024, he acted as the President and Director of this company based in Mississauga, Ontario.

[6] The Applicant holds 60% of the shares of the Company and intends to provide an investment totalling \$750,000 into this business over the period of 2 years. He alleges that he currently has \$1.2 million dollars' worth of assets in Pakistan, which are sufficient for his plan to

establish the business in Canada. The Applicant has a Canadian partner who will operate the business in Canada in his absence. He will be available remotely through online channels to assist the Canadian partner with business operations issues.

II. Decision under review

[7] The officer found that the Applicant failed to establish that this business would generate a significant economic, social or cultural benefit or opportunities for Canadian citizens or permanent residents, as required by paragraph 205(a) of the IRPR. The Applicant failed to satisfy the officer that his business could survive and succeed.

[8] The officer was also not satisfied that the Applicant would leave Canada at the end of his authorized stay, as required by the IRPR, as his status in the UAE would be forfeit six months after arriving in Canada.

[9] As a result, the officer dismissed the application.

III. Issue raised by the Application

[10] This Application for judicial review raises a single issue: Whether the officer's decision is reasonable as per *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65.

[11] The Court's role is therefore to determine whether the decision is "based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law"

(*Vavilov* at para 85). In conducting a reasonableness analysis, the Court must respect the role of the officer as decision-maker in this regard, as they have specialized expertise, while it is the Applicants' role to demonstrate that the decision itself is unreasonable (*Vavilov* at para 75).

IV. Analysis

[12] The Applicant submits that in finding that he would not leave at the end of his authorized stay, the officer failed to consider his family ties outside Canada, as well as his positive immigration history. The Applicant's family resides in the UAE, and his lack of family ties in Canada should be reasonably weighed with the Applicant's history of compliance and purpose of travel, which together indicate that he would not stay in Canada beyond his authorized stay.

[13] The Applicant's previous travel history shows compliance with visa and travel requirements in Canada and other countries. The Applicant previously traveled to Canada in September 2019 for a month and left in October 2019 in accordance with the expiration date of his visitor visa. Further history shows him traveling to other countries and exiting after stays of less than 2 months.

[14] The Applicant asserts that the officer also failed to consider his dual intent to apply for a work permit while also aiming to apply for permanent residence in Canada. Dual intent is defined under subsection 22(2) of the *Immigration and Refugee Protection Act*, S.C. 2001, c 27 (IRPA); it is thus permissible under the IRPA. It would therefore be unreasonable to find that the Applicant would not leave Canada upon expiration of his authorized stay.

[15] With respect, I believe the Applicant misses the point. The officer was asked to assess the Applicant's application for an entrepreneur-based LMIA exempt work permit.

[16] Paragraph 205(a) of the IRPR is not intended to circumvent the need to assess whether a work permit application will have a neutral or positive impact on Canada's labour market. It is rather intended to address those situations where the social, cultural or economic benefits to Canada of issuing the work permit are so clear and compelling that the importance of LMIA's can be overcome. In other words, it provides immigration officers a high level of discretion in exceptional circumstances (*Da Silva v Canada (Citizenship and Immigration)*, 2007 FC 1138 at para 14).

[17] The burden to convince the officer of those exceptional circumstances — or clear and compelling economic benefits — was that of the Applicant.

[18] The officer reasonably found that the Applicant's proposed business plan would not provide significant economic, social or cultural benefits to Canada. These conclusions were open to the officer based on the record in this case considering, among other reasons, the officer's conclusion that the Applicant's visa in the UAE would expire while he was in Canada. Not only were the conclusions open to the officer, but such conclusions, especially with respect to the business plan itself, are owed a high degree of deference. As Justice Russell Zinn put it: it is not the Court's role to evaluate the "sufficiency of the business plan" (*Tehranimotamed v Canada (Citizenship and Immigration)*, at paras 16-17. See also *Edalat v Canada (Citizenship and Immigration)*, 2024 FC 738 at para 6).

[19] And if it were, it is noted that the Applicant provided a business plan that is silent on the exact software the Applicant's business would be marketing in Canada and the USA, or on whether it had, in fact, been developed. In addition, the Applicant, who was expected to become the president and manager of this IT healthcare solution start-up, has no specific experience in the healthcare industry, nor as head of an IT solutions business.

[20] It was also reasonable for the officer to find that the Applicant would not likely leave Canada at the end of his authorized stay in light of his ties to Pakistan and/or the UAE. It was for the Applicant to demonstrate to the officer that he would in fact return to either country after his stay in Canada. Based on the record before the officer, it was open for him to conclude that the Applicant would not leave Canada. It was noted by the officer that although the Applicant was granted a leave of absence from his job in the UAE, nothing indicated whether he would come back to it after one year. As also noted by the officer, the Applicant's visa in the UAE would expire while he was in Canada. Despite the Applicant's purported family ties in other countries, he expressed very little desire to return to either the UAE or Pakistan and did not discuss any specific personal relationships with his family members, other than confirming their existence on his application.

[21] In my view, it was reasonable for the officer to find that the Applicant had not adduced sufficient evidence of the exceptional circumstances required to circumvent the need for a LMIA. The officer properly considered the evidence and made no reviewable error.

V. Conclusion

[22] The Applicant has not convinced me of any deficiency in the officer's assessment of the evidence before him that would warrant the Court's intervention. As a result, his application for judicial review is dismissed.

[23] The parties have proposed no question of general importance for certification and no such question arises from the facts of this case.

JUDGMENT in IMM-13665-24

THIS COURT'S JUDGMENT is that:

1. The Application for Judicial Review is dismissed.
2. No question of general importance is certified.

“Jocelyne Gagné”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-13665-24

STYLE OF CAUSE: MUHAMMAD FARRUKH AZAD v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: DECEMBER 4 2025

JUDGMENT AND REASONS: GAGNÉ J.

DATED: FEBRUARY 4, 2026

APPEARANCES:

Aylin Berberian FOR THE APPLICANT

Taylor Andreas FOR THE RESPONDENT

SOLICITORS OF RECORD:

A&C Law Firm LLP FOR THE APPLICANT
Ottawa, Ontario

Attorney General of Canada FOR THE RESPONDENT
Ottawa, Ontario