

Federal Court



Cour fédérale

Date: 20260309

Docket: IMM-14768-24

Citation: 2026 FC 322

Toronto, Ontario, March 9, 2026

PRESENT: Mr. Justice Brouwer

BETWEEN:

SWATI WASAL

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of the decision by Immigration, Refugees and Citizenship Canada [IRCC] refusing the work permit application of Ms. Swati Wasal under the Temporary Foreign Worker Program [TFWP]. For the reasons below, I am granting the application.

I. Background

[2] Swati Wasal is a citizen of India who, in June 2024, was offered the role of User Support Technician at MITB Mechanical & IT Bulls in Surrey, British Columbia. She applied for a work permit under the TFWP on June 5, 2024, to work in this role for three years.

[3] On July 24, 2024, IRCC refused Ms. Wasal's application, finding that she had not satisfied the Officer that she would leave Canada at the end of her stay because (a) she did not have significant family ties outside of Canada, and (b) she had not demonstrated that she would be able to adequately perform the work she sought.

II. Issues

[4] Ms. Wasal asserts that the Officer's findings regarding her family ties and her ability to perform the job were unreasonable and that the decision was procedurally unfair.

[5] The standard of review for IRCC officers' decisions is reasonableness. On judicial review, this Court asks whether the decision under review is "based on an internally coherent and rational chain of analysis and [...] is justified in relation to the facts and the law that constrain the decision maker" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [*Vavilov*]). The decision must bear the hallmarks of reasonableness: justification, transparency and intelligibility (*Vavilov* at para 99).

III. Analysis

A. *Significant family ties*

[6] Subsection 200(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 requires applicants to establish that they will leave Canada at the end of the period authorized for their stay. One of the recognized factors for consideration by officers when making this assessment is whether the applicant has ties to their home country.

[7] In her application, Ms. Wasal indicated that her parents would remain behind in India. On judicial review she maintains that this is evidence of significant family ties to India and that the Officer's single conclusory statement "The applicant does not have significant family ties outside Canada" failed to take account of this evidence.

[8] The Respondent argues that in the absence of any evidence about the quality of Ms. Wasal's relationship with her parents, the Officer was justified in making the finding they made. The Respondent notes that the Officer did not find there was no family relationship, just that there was no significant family relationship. The Respondent asserts that the case is analogous to *Dorrazaei v Canada (Citizenship and Immigration)*, 2026 FC 3 [*Dorrazaei*], in which Justice Phuong T.V. Ngo found that it was not unreasonable to find an applicant to have no "significant family ties outside Canada" in the absence of evidence showing that relationships with family remaining back home would exert a "pull" on the applicant.

[9] I am not convinced that *Dorrazaei* assists the Respondent, as the facts were different. While it is true that there, as here, the applicant failed to adduce evidence about the nature of their family ties, in *Dorrazaei* there was the additional negative consideration that the applicant had already been living and working in a third country, away from his family, for two years, at the time he submitted his application. In contrast, Ms. Wasal's application established that she was not only living in the same country and city as her parents; she was still living at home with them. While it was certainly open to the Officer to determine that this evidence was insufficient to establish a continuing significant family tie to India, I am not persuaded that the Officer's bare, unreasoned conclusion meets the justification requirement under *Vavilov*.

B. *Ability to perform the proposed work*

[10] Ms. Wasal supported her application with academic transcripts from her four-year Bachelor of Technology degree in Computer Science & Engineering and her previous school studies, a valid English language test score, a CV outlining her work experience in the technology field since 2019, a recommendation from her employer at the time of her application and eight months' worth of payslips, the job offer letter for her new role, and bank balance statements from two banks. Her representative included brief submissions summarizing Ms. Wasal's credentials and qualifications for the role of User Support Technician.

[11] The Officer was not satisfied that she had demonstrated her ability to perform the work she had been offered, finding that she lacked sufficient experience. The Officer explained in the Global Case Management System [GCMS] notes:

Insufficient experience: Applicant has provided a letter of experience from ZS Associates Pvt. She has been working there as a IT Professional/ Technology Solutions Associate since May 2021. Salary slips have been provided. However, there is no bank statement provided to assess regular salary deposits in his account. Additionally, ITR document was not provided to verify that indeed the applicant has been working there as an employee.

[12] The Respondent asserts that this finding was reasonable, especially considering that bank statements from the past three months and Income Tax Returns [ITRs] for the past two years are specifically required as proof of work experience and personal funds by the publicly available New Delhi Checklist for Work Permits [Instructions].

[13] Ms. Wasal contends, to the contrary, that the evidence she submitted, which included her education certificates, letter from her former employer, new contract and payslips, demonstrated that she had the required experience and ability to perform the job. She notes, moreover, that the account number on her payslips matched the account number on her bank balance certificate, and that this proved her regular salary deposits, a fact that the Officer appears to have ignored. She asserts further that the Officer failed to consider that Ms. Wasal's new prospective employer had determined that she met the requirements for the job. In all, she asserts that the Officer's reasoning falls short of the requirement of justification.

[14] I agree with the Applicant. The decision lacks a rational chain of analysis as to why the Officer concluded that the Applicant could not adequately perform the work. The Officer's reasons do not reflect the full evidentiary record and do not explain why, given the rest of the evidence supporting Ms. Wasal's application, the absence of bank statements and ITRs was determinative. While I acknowledge that the Instructions call for the documents to be included,

this consideration was not mentioned by the Officer and does not form a part of the reasoning (*Pal v Canada (Citizenship and Immigration)*, 2025 FC 1008 at para 16). I therefore find that the decision is unreasonable and must be set aside.

[15] The parties have not proposed a serious question of general importance for certification, and I agree that none arises.

JUDGMENT in IMM-14768-24

THIS COURT'S JUDGMENT is that:

1. The application is granted.
2. The decision of July 24, 2024, is set aside and this matter is remitted for redetermination by a different officer in accordance with these reasons. The Applicant shall be provided a reasonable opportunity to update her application before a fresh decision is made.
3. No question of general importance is certified.

"Andrew J. Brouwer"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-14768-24

STYLE OF CAUSE: SWATI WASAL v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: VIDEOCONFERENCE

DATE OF HEARING: FEBRUARY 18, 2026

JUDGMENT AND REASONS: BROUWER J.

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