

Federal Court



Cour fédérale

Date: 20131121

Docket: IMM-10241-12

Citation: 2013 FC 1180

Toronto, Ontario, November 21, 2013

PRESENT: The Honourable Madam Justice Simpson

BETWEEN:

RASHID SHAFIQ

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER
(Delivered orally on November 19, 2013)

[1] This case involves an application for judicial review of a decision made by a visa officer (the Officer) dated April 27, 2012, which denied the Applicant's second application for a permanent resident visa as a skilled worker on the basis that he did not meet the education requirements for a Computer Information Systems Manager (NOC 0213) pursuant to sections 73 and 78(2)(d)(ii) of the

applicable *Immigration and Refugee Protection Regulations* (the Regulations), C.P. 2002-997 2002-06-11.

[2] Following a reconsideration at the Applicant's request the Decision was confirmed by letter dated September 18, 2012.

Issue

[3] Against this background, the issue is whether it was reasonable for the Officer to require that the Applicant provide evidence of the courses he studied to earn his Bachelor of Arts degree (B.A.).

[4] There is no dispute about the following matters:

- The Applicant has been awarded a B.A. by the University of the Punjab, an accredited university.
- The Applicant has met all the requirements for the B.A.
- The Applicant studied on a full-time basis to earn the B.A.
- The Applicant wrote and passed the exams necessary to earn the B.A.

[5] However, although the Applicant provided a copy of his B.A., a letter from the college where he studied (the Letter), saying that he met the requirements for his B.A., and a Mark Sheet from the University of the Punjab showing that he passed his exams, he did not provide any transcripts, affidavits, or other evidence which would have described the courses he took to earn his degree.

[6] Section 73 of the Regulations speaks of a “program of study”, but does not mention individual courses. It reads as follows:

“educational credential” means any diploma, degree or trade or apprenticeship credential issued on the completion of a program of study or training at an educational or training institution recognized by the authorities responsible for registering, accrediting, supervising and regulating such institutions in the country of issue.

[7] The Letter says that the Applicant met all the “requirements” for a B.A.. In my view the word “requirements” is potentially a broad concept. Requirements could include, sports, community volunteer work and other matters in addition to traditional course work. Accordingly, to say that an Applicant has met the “requirements” for a B.A. is in my view at least the equivalent of saying that he has completed the program of study necessary to earn the degree. For this reason, the application will be allowed.

Certified Question

[8] There is no question posed for certification.

ORDER

THIS COURT ORDERS that the decision is set aside and the matter is sent back to another visa officer to be reconsidered on the basis that the Applicant's B.A. is an educational credential as defined in s. 73 of the Regulations.

"Sandra J. Simpson"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-10241-12

STYLE OF CAUSE: SHAFIQ v THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: NOVEMBER 19, 2013

**REASONS FOR ORDER
AND ORDER:** SIMPSON J.

DATED: NOVEMBER 21, 2013

APPEARANCES:

David Orman FOR THE APPLICANT

Teresa Ramnarine FOR THE RESPONDENT

SOLICITORS OF RECORD:

David Orman FOR THE APPLICANT
Barrister and Solicitor
Toronto, Ontario

William F. Pentney FOR THE RESPONDENT
Deputy Attorney General of Canada