

Federal Court



Cour fédérale

Date: 20260617

Docket: IMM-9280-25

Citation: 2026 FC 815

Ottawa, Ontario, June 17, 2026

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

AJAIB SINGH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS AND JUDGMENT

[1] The Applicant, Ajaib Singh, applied for a work permit under the Temporary Foreign Worker Program to work as a drywall installer and finisher for a construction company in Montreal. Mr. Singh’s application was supported by a positive Labour Market Impact Assessment. An officer at Immigration, Refugees and Citizenship Canada (“the Officer”) refused the application. The Officer was not satisfied that Mr. Singh would leave at the end of his authorized stay based on two factors: a lack of significant family ties outside of Canada and his inability to demonstrate that he could “adequately perform” the proposed work.

[2] On lack of significant family ties, the Officer provides no explanation as to whether, or how, Mr. Singh's family relationships — with his parents, with whom he lives, and his siblings, all of whom reside in India — were considered.

[3] The focus of the Officer's reasons is on the second ground of refusal – inability to perform the work sought. An officer must be satisfied that an individual can perform the work sought (paragraph 200(3)(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227). Here the Officer found Mr. Singh had “insufficient experience” because “limited documentary evidence was provided for the experience claimed by the applicant.”

[4] I find the Officer's determination unreasonable. The evidence provided to substantiate Mr. Singh's approximately three years of experience as a drop ceiling installer was not “limited” – Mr. Singh provided the following: a letter of experience from his employer; a sworn affidavit setting out his work history and experience; photos of him doing the work; a sworn affidavit of a co-worker attesting to his work at the company; pay slips and; income tax returns that corroborated his salary. The Officer did not comment on the weight assigned to any of these documents but noted that no bank statement was provided to “assess regular salary deposits in his account.” There is no explanation why the other evidence provided, including an income tax return that also corroborated his salary set out in his employer's letter, was not sufficient to substantiate his work as a drop ceiling installer.

[5] The Officer also noted that Mr. Singh had a diploma in Hotel Management and “it is not clear as to what motivated the applicant to pursue a career in construction work since he has a

diploma in completely different area.” I do not see how Mr. Singh’s diploma in Hotel Management was a relevant consideration unless the Officer was making a negative credibility inference on Mr. Singh’s evidence about his experience as a construction worker. If that was the case, the Officer had to provide Mr. Singh notice of this credibility concern and an opportunity to respond (*Obasi v. Canada (Citizenship and Immigration)*, 2024 FC 746 at para 17).

[6] Ultimately, I find the Officer’s decision unreasonable because there is a lack of transparency on the basis on which the Officer found Mr. Singh could not adequately perform the work. The Officer failed to explain why the documents Mr. Singh provided were insufficient to establish that he had the necessary experience for the work he sought. This is a sufficient basis to grant the judicial review and send the matter back to be redetermined.

[7] Neither party raised a question for certification and I agree none arises.

JUDGMENT in IMM-9280-25

THIS COURT'S JUDGMENT is that

1. The application for judicial review is allowed;
2. The decision dated April 1, 2025 is set aside and the matter is sent back to be redetermined;
3. No serious question of general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9280-25

STYLE OF CAUSE: AJAIB SINGH v. MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: VIA VIDEOCONFERENCE

DATE OF HEARING: JUNE 15, 2026

**REASONS FOR JUDGMENT
AND JUDGMENT:** SADREHASHEMI J

DATED: JUNE 17, 2026

APPEARANCE:

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Michael Butterfield FOR THE RESPONDENT

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