

Federal Court



Cour fédérale

**Date: 20260604**

**Docket: IMM-2683-25**

**Citation: 2026 FC 732**

**Ottawa, Ontario, June 4, 2026**

**PRESENT: The Honourable Madam Justice Saint-Fleur**

**BETWEEN:**

**GURPREET SINGH**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

I. Overview

[1] The Applicant, Gurpreet Singh, seeks judicial review of the decision dated November 26, 2024 [Decision] by an Immigration, Refugees and Citizenship Canada [IRCC] officer [Officer] denying his work permit application.

[2] The Applicant argues the Officer unreasonably concluded the job offer is not genuine based on the address of the company. According to the Applicant, the Decision was unreasonable in light of this evidence and was a clear credibility finding, one which required the Officer to give the Applicant an opportunity to respond. As such, there was a clear breach of procedural fairness. The Respondent submits the Officer had the discretion to reject the Applicant's work permit application and that this decision was reasonable.

[3] I find the reasons failed to grapple with the evidence and the Decision is unreasonable. The application for judicial review is granted.

## II. Background Facts

[4] The Applicant is an Indian national who applied for a work permit to work in Canada.

[5] In an offer letter dated August 27, 2024, the Applicant received an offer for a construction helper position with a business in Rocky View County, Alberta. The corresponding Labour Market Impact Assessment [LMIA], vetted by Employment and Social Development Canada [ESDC], was issued on March 18, 2024, and expired on May 10, 2025.

[6] The Applicant's application was denied on November 26, 2024. A reconsideration request was received by IRCC and addressed by the same IRCC Officer in a Global Case Management System [GCMS] entry dated December 4, 2024.

### III. Decision Under Review

[7] The IRCC Officer was not satisfied that the Applicant's offer letter was genuine. In a GCMS entry dated November 26, 2024, the IRCC Officer notes they relied on an open-source search to determine the employment address listed on the offer letter was a private residence. The Officer was not convinced the Applicant would leave Canada at the end of his authorized stay.

[8] The Officer was requested to reconsider his decision and did so on December 4, 2024, according to a GCMS entry. The Officer concluded there was no error, neither in fact nor in law, and would not reopen the application considering there was no new compelling information from the Applicant.

### IV. Issues and Standard of Review

[9] The issues to be decided by this Court are whether the Decision was reasonable and whether procedural fairness was breached. Both parties agree the merits of the Decision are to be reviewed on the reasonableness standard and the issue of procedural fairness is to be reviewed on the standard of correctness.

[10] In this respect, the role of the reviewing court is to examine the decision maker's reasoning and determine whether the decision is based on an "internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 64). Although the party challenging the decision bears the onus of demonstrating the decision is

unreasonable, the reviewing court must ask “whether the decision bears the hallmarks of reasonableness — justification, transparency and intelligibility” (*Vavilov* at para 99).

[11] As first discussed in *Vavilov* and affirmed by this Court in *Ohakwe v Canada (Citizenship and Immigration)*, 2021 FC 807 [*Ohakwe*], reasonableness requires consideration of the administrative regime within which the decision was rendered (*Vavilov* at para 103; *Ohakwe* at para 13). Visa officers consider a high volume of Temporary Resident Visa applications and the interests of these applications are “relatively low”. Applicants may, in some circumstances, reapply with additional evidence where they are refused (*Ohakwe* at para 13).

[12] Procedural fairness arguments are to be reviewed on a standard of correctness or akin to correctness for which “the ultimate question remains whether the applicant knew the case to meet and had a full and fair chance to respond” (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 56; *Schofer v Attorney General of Canada*, 2025 FC 50 at para 15; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35).

#### V. Relevant Legislative Provisions

[13] Subsection 200(5) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 addresses the factors to determine the genuineness of a job offer:

##### **Genuineness of job offer**

(5) A determination of whether an offer of employment is genuine shall

##### **Authenticité de l’offre d’emploi**

(5) L’évaluation de l’authenticité de l’offre

be based on the following factors:

(a) whether the offer is made by an employer that is actively engaged in the business in respect of which the offer is made, unless the offer is made for employment as a live-in caregiver;

(b) whether the offer is consistent with the reasonable employment needs of the employer;

(c) whether the terms of the offer are terms that the employer is reasonably able to fulfil; and

(d) the past compliance of the employer, or any person who recruits the foreign national for the employer, with the federal or provincial laws that regulate the employment or recruitment of employees, including foreign nationals, in the province in which it is intended that the foreign national will work.

d'emploi est fondée sur les facteurs suivants :

a) l'offre est présentée par un employeur véritablement actif dans l'entreprise à l'égard de laquelle elle est faite, sauf si elle vise un emploi d'aide familial;

b) l'offre correspond aux besoins légitimes en main-d'œuvre de l'employeur;

c) l'employeur peut raisonnablement respecter les conditions de l'offre;

d) l'employeur – ou toute personne qui recrute l'étranger en son nom – s'est conformé aux lois et aux règlements fédéraux et provinciaux régissant le travail ou le recrutement de main-d'œuvre, y compris d'étrangers, dans la province où il est prévu que l'étranger travaillera.

## VI. Analysis

### A. *The Decision is Unreasonable*

[14] The Applicant says he had never visited Canada and knew little about the business except for its basic offering as a carpentry company. While the Applicant concedes the Officer is not

bound by the LMIA, he submits it is proof of the genuineness of the offer. The failure to consider this evidence renders the Decision unreasonable.

[15] The Applicant further submits the Officer speculated the job offer was not genuine because the employer's address is a private residence. Not only is it legally permissible, but it is common for small and mid-sized businesses to operate out of home offices while performing work at various job sites. According to the Applicant, the Officer did not consider the possibility that a construction service business would work across various job sites in and around the county.

[16] Furthermore, the Applicant argues the reliance on an open-source search improperly outweighs the "extensive assessment of ESDC", another federal government department. The Applicant suggests he has been faulted for the depth of the ESDC assessment and questions the particulars of the open-source search, noting the Officer does not indicate which sources they relied on and why this is more convincing than the ESDC review. The Applicant also alleges the Officer fettered their discretion by relying on an unknown and unverified search and by not consulting either ESDC or the Applicant's potential employer. The lack of consultation obscures the transparency and justification required of this Decision, particularly as the Decision does not refer to the address or business location referred to in the ESDC's decision.

[17] The Respondent submits it was well within the Officer's discretion to reject the Applicant's work permit application. The Applicant bore the onus of providing sufficient information in support of his application, including anticipating and addressing adverse inferences arising from his evidence (*Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001 at para 35).

[18] For the Respondent, the GCMS notes show the Officer was concerned about the fact that the prospective employer's business address was, in fact, a private residential address. That raised reasonable concerns for the Officer whether the job offer was, in fact, genuine. Consequently, the Officer was reasonable in rejecting the application.

[19] I agree with the Applicant's submissions. The Officer's refusal is based on a subjective belief that the employment offer is not genuine as the employment address is a private residential address. However, this belief and observation alone cannot sustain a finding that the job offer is not genuine, especially where the position is supported by a positive LMIA.

[20] According to the evidence, the company from which the Applicant received the offer is a small company offering mobile constructions and finishing carpentry and operates at various job sites, information included in the LMIA which was before the Officer.

[21] In virtue of obtaining a positive LMIA and references to jobs performed at various construction locations, the Officer overlooked evidence contradicting its conclusion (*Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at para 17).

[22] Considering the above, I find it was unreasonable for the Officer to conclude the job offer was not genuine simply because the business address is a private residence. Given that the decision to refuse the Applicant's work permit application was based solely on this unreasonable finding,

it renders the Decision unreasonable. I find no need to engage with the Applicant's submissions on procedural fairness.

VII. Conclusion

[23] The Decision does not comply with the requirements of justification, transparency, and intelligibility imposed by the Supreme Court in *Vavilov*. Therefore, this application for judicial review is granted.

[24] Neither party proposed a question for certification, and I agree none arises.

**JUDGMENT in IMM-2683-25**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is granted.
2. There is no question to be certified.

"L. Saint-Fleur"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-2683-25

**STYLE OF CAUSE:** GURPREET SINGH v MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** VIDEOCONFERENCE

**DATE OF HEARING:** JUNE 2, 2026

**REASONS AND JUDGMENT:** SAINT-FLEUR J.

**DATED:** JUNE 4, 2026

**APPEARANCES:**

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