

Federal Court



Cour fédérale

Date: 20260409

Docket: IMM-2788-25

Citation: 2026 FC 461

Toronto, Ontario, April 9, 2026

PRESENT: The Honourable Justice Thorne

BETWEEN:

LAKHVIR KATARIA

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT

I. Overview

[1] The Applicant seeks judicial review of an Immigration, Refugees and Citizenship Canada [IRCC] decision dated December 20, 2024, that refused their Labour Market Impact Assessment [LMIA]-based work permit application. In the decision, the IRCC found that the Applicant had not demonstrated sufficient economic ties to India, and that, as a result, they were not satisfied he

would depart Canada at the end of his authorized stay as required by paragraph 200(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [Regulations].

[2] The Applicant alleges that the IRCC's decision was unreasonable, as it had ignored or failed to take into account much of his financial evidence and failed to engage with the other "pull" factors indicating that he would likely return to India, including his family ties there.

[3] The Respondent contends that the application was reasonably refused because the Applicant's limited economic ties to India were insufficient to establish that he would depart Canada as required.

[4] For the reasons that follow, I grant the application and return the decision to IRCC for redetermination.

II. **Background**

[5] The Applicant is a citizen of India, where he lives with his elderly widowed mother and two sisters. His third sister is a Canadian citizen living in Canada. The Applicant, who is a construction worker in India, applied under the Temporary Foreign Worker program for a LMIA-based work permit as a construction trades helper and labourer. [Application]

[6] On August 15, 2024, IRCC received the Application, which included a 14-page letter of submissions from the Applicant's representative, an Indian property valuation, a chartered accountant's report regarding the Applicant's net worth, a letter of support from his current

employer in India, the Applicant's affidavit, affidavits from his mother and sisters, a further letter of support and a legal opinion letter. In his "Client Information" letter, the Applicant emphasized his family ties in India and the support he would receive from his sister in Canada.

[7] The Application was refused by letter dated December 20, 2024 [Decision]. The Decision states as the reason for the refusal that the deciding officer [Officer] was not satisfied that the Applicant would leave Canada at the end of his stay as required by paragraph 200(1)(b) of the Regulations, as the purpose of his visit to Canada was not consistent with a temporary stay given the details provided in the Application.

[8] The IRCC Global Case Management System [GCMS] notes, which form part of the reasons, set out the rationale of the Decision. In their entirety these notes read:

I have reviewed the application. The applicant is seeking employment as a Construction trades helper and labourer – 2021 NOC 75110 through an LMIA based WP. The PA has stated that he is currently employed as a Construction worker earning INR 18,000 per month. Payslips and a bank statement showing salary deposits are on file. I note chartered accountants and valuation reports provided, which are mostly established based on applicant's self declaration. I therefore deem it insufficient as a demonstration of economic ties.

While there are no requirements for relevant experience for the job in Canada, I am not satisfied that there is a sufficient pull factor for the PA to return to COR. He does not appear to be economically established, despite having familial ties. **Given that the applicant does not earn a substantial income in their COR and despite having some family ties there, the economic incentives to remain in Canada may outweigh those in India.**

Based on overall review, on balance, I am not satisfied **the applicant has adequately demonstrated based on income and assets that he is well established or has strong ties to India.** As such, I am not satisfied that the applicant will depart from Canada at the end of his authorized stay. Refused under R200(1)(b).

[Emphasis added]

[9] From this, it is clear that the Officer was not satisfied, based on the Applicant's income and assets, that the Applicant had proven that he was "well established or has strong ties to India". In particular, despite the Applicant's familial ties, the Officer found that there was not a sufficient "pull" factor that would draw him back to India because he "does not earn a substantial income" there and, as a result, the Officer felt that economic incentives to remain in Canada "may outweigh those in India".

[10] The Applicant now judicially reviews this Decision.

III. Issue and Standard of Review

[11] The issue at play in this matter is whether the decision under review is reasonable.

[12] Though I note the Applicant argued both that the Decision was unreasonable and also procedurally unfair, I have found that the Decision was not reasonable for the reasons that follow. Accordingly, I confine my analysis to that determinative issue and need not address the procedural fairness submissions, which were without merit, in any event.

[13] As noted by the parties, the presumptive standard of review of the merits of an administrative decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 10, 25). In undertaking reasonableness review, "a court must consider the outcome of the administrative decision in light of its underlying rationale in

order to ensure that the decision as a whole is transparent, intelligible and justified” (*Vavilov* at para 15). Accordingly, a reviewing court may intervene where a decision “[...] is not “justified in light of the facts”” or when “the decision maker has fundamentally misapprehended or failed to account for the evidence before it” (*Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 73 quoting *Vavilov* at para 126). Indeed, the decision must not only be “justifiable” but be “justified” (*Vavilov* at paras 86 and 96), so ultimately a reasonable decision is one which 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).

IV. Analysis

A. *The Decision is unreasonable*

[14] Having regard to this standard of review, I find that the Decision is not reasonable.

[15] The Applicant advances a variety of submissions in arguing that the Decision was unreasonable. Central among them was to contend that in reaching the Decision, the Officer ignored or failed to properly consider all the evidence, particularly with respect to his family ties or his economic status and ties to India. Instead, the Applicant states that the Officer engaged in speculation and supposition with regard to the Applicant’s establishment in India and failed to provide a sufficient rationale for the conclusion that the Applicant was not financially established there or that he would fail to leave at the end of his authorized stay in Canada. They also state that the Officer appeared to apply a financial assessment in relation to the Applicant as would have been done had they been assessing a study permit application. The Applicant asserts that

the Officer's reasoning regarding the Applicant's financial incentive to remain in Canada was rejected by the Court in similar cases such as *Dhanoa v Canada (Minister of Citizenship and Immigration)*, 2009 FC 729; *Rengasamy v Canada (Minister of Citizenship and Immigration)*, 2009 FC 1229 [Rengasamy]; *Cao v Canada (Minister of Citizenship and Immigration)*, 2010 FC 941 and *Kindie v Canada (Minister of Citizenship and Immigration)*, 2011 FC 850.

[16] The Applicant additionally argues that, in any event, financial information was not required in the document checklist for the application. They contend the Officer fixating on such information was unreasonable as it ignored that, by definition, the purpose for seeking a work permit is to be able to come to Canada to earn wages. In their view, this is unlike other circumstances, such as with respect to study permits, where requiring a strong financial establishment in a home country would make more sense. The Applicant further submits that it rather seemed that the Officer disbelieved the genuineness of the Application, and that if so, this amounted to a veiled negative credibility finding.

[17] Finally, the Applicant argues that the Officer did not engage with the evidence of his other pull factors to India, and particularly his family ties, including that there he was the "man of the house" and that his widowed mother and two sisters live with him and depend on him.

[18] The Respondent, meantime, contends that the evidence advanced by the Applicant failed to satisfy the Officer that he would leave Canada at the end of his authorized stay and the Applicant merely seeks a re-weighing of the evidence. They state generally that deference should be extended by the Court to such decisions (*Sulce v Canada (Citizenship and Immigration)*, 2015

FC 1132 at para 10; *Patel v Canada (Citizenship and Immigration)*, 2021 FC 573 at para 31).

The Respondent also points out that a visa officer need not refer to every piece of evidence provided, and that given the high volume of visa applications processed by visa officers, they are presumed to have considered and weighed all the evidence.

[19] They submit that, contrary to the Applicant's framing of the issue, the Officer refused the Application because of limited economic ties to his home country. The Respondent relies on *Singh v Canada (Minister of Citizenship and Immigration)*, 2022 FC 1486 [*Singh* 2022] at para 24, *Ramos v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 768 at para 10 and *Huang v Canada (Minister of Citizenship and Immigration)*, 2012 FC 145 at para 15. They state that accordingly the Court has previously upheld decisions which rested on a finding of limited economic ties to a home country.

[20] In response to the Applicant's argument that the Officer's focus on economic ties to India was unreasonable, the Respondent asserts that the onus is on an applicant to satisfy an officer that they will leave after the authorized period and the Applicant ultimately failed to do this, in light of his economic circumstances.

[21] In terms of family ties, the Respondent cites *Bautista v Canada (Minister of Citizenship and Immigration)*, 2018 FC 669 at para 20 in support of their argument that it was reasonable for the Officer to weigh the evidence and find the family ties did not outweigh the limited economic pull factors. The Respondent asserts the following excerpt from the Decision should be taken to

indicate the Officer gave due consideration to the Applicant's family ties in India in reaching that conclusion:

He does not appear to be economically established **despite having familial ties**. Given that the applicant does not earn a substantial income in their COR and despite having some family there, the economic incentives to remain in Canada may outweigh those in India.

[Emphasis added]

[22] Despite the able submissions of Respondent's counsel, I do not find these arguments persuasive.

[23] The Respondent is correct that reasons need not be extensive and that deference is owed to the factual findings made by such officers (*Quraishi v Canada (Citizenship and Immigration)*, 2021 FC 1145 [*Quraishi*] at paras 14–15). However, ultimately a logical chain of analysis indicating why the Officer reached their decision must be discernable from the reasons provided (*Quraishi* at para 15). I do not find that to be the case in this matter.

[24] I will put aside the question of whether it should be taken that the Officer truly considered the Applicant's familial ties in India from the one offhand mention in the excerpt above. Even if this is accepted, I find that in considering the economic establishment of the Applicant in India, which is the issue that the Decision clearly turned upon, it is apparent from the record that the Officer seemingly completely ignored much of the evidence pertaining to this matter, including evidence which ran contrary to their finding on economic establishment in India. Though the Respondent is correct that reasons need not address every piece of evidence, as will be noted below, it is simply not clear whether the Officer engaged with this evidence at

all, and had thus grappled with what the Decision identifies as the central issue in the Application (*Vavilov* at paras 100, 125–128).

[25] In *Kashefi v Canada (Citizenship and Immigration)*, 2024 FC 856 at paras 13 to 15, my colleague Justice William Pentney pithily summarized the core principles applicable to judicial review of TRV applications, noting:

[13] A core underlying objective of the *Vavilov* framework of judicial review is to encourage administrative decision-makers, like the Visa Officer, to justify their decisions with reasons that demonstrate an engagement with the particular circumstances of each case, considered in light of the legal framework that applies. The Supreme Court of Canada speaks about a “culture of justification.” In my view, the Officer’s decision in this case falls short because it does not show an actual engagement with the specific situation of these particular Applicants.

[14] In finding the decision unreasonable, I want to underline several points. First, the context for the decision is important. This Court has often acknowledged that reasons in TRV cases can be brief, because Officers face a deluge of cases and in view of the interests of the individuals affected by such decisions. Second, in making such decisions, Officers can bring their expertise concerning country conditions and many other factors to bear in exercising the wide discretion afforded to them by the law. It would have been reasonable for the Officer’s assessment of the socio-economic situation of the Applicants to be informed by such knowledge; but that needed to be explained, if even briefly. Finally, visa officers exercise broad discretion under the law, and the onus lies with the Applicants to demonstrate that they will leave Canada at the end of their authorized stay. Decisions on TRV applications deserve deference in view of the breadth of the Officer’s discretion. My decision in this case should not be interpreted as questioning any of these principles.

[15] In the end, TRV decisions must demonstrate an engagement with the specific facts of the case, and provide sufficient detail to justify the result. Short, focused and clear reasons will be sufficient, and not every detail needs to be addressed.

[26] These principles were also recently cited and reaffirmed in the work permit context in *Dorrazaei v Canada (Citizenship and Immigration)*, 2026 FC 3.

[27] In this matter, as in that case, I find that the Officer's Decision falls short because it does not show an actual engagement with the specific situation of this particular Applicant, in addition to its failure to consider evidence seemingly contrary to the Officer's findings as to a lack of economic establishment in India.

[28] This Court has recognized economic establishment in one's country of residence as a "pull" factor. A visa officer may reasonably consider an applicant's economic establishment in their country of residence in their assessment of whether the applicant will leave at the end of their authorized stay (*Bahmani v Canada (Citizenship and Immigration)*, 2025 FC 1254 at para 17; *Singh 2022* at para 27; *Ramos v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 768 at para 10).

[29] Here, the Officer asserted that he was not satisfied that the Applicant would leave Canada following his stint of employment, despite having the pull factor of familial ties, because he had not established that he was economically established in India. In coming to this conclusion, the GCMS notes reveal that the Officer considered the Applicant's monthly salary in India, and his attendant salary deposits. It also indicates that the Officer deemed the chartered accountant's net worth report and the Applicant's property valuation to be insufficient as evidence of economic ties because they were "mostly established based on an applicant's self declaration". The Officer then concluded that "[g]iven that the applicant does not earn a substantial income [in India]

... the economic incentives to remain in Canada may outweigh those in India” [Emphasis added] and “I am not satisfied the applicant has adequately demonstrated based on income and assets that he is well established or has strong ties to India. As such, I am not satisfied that the applicant will depart from Canada at the end of his authorized stay.” In short, the Officer appeared to effectively base their Decision almost solely upon the consideration that the Applicant would enjoy a higher wage in Canada than in India.

[30] The Applicant argues that, in doing so, the Officer did not properly consider all of his evidence of financial establishment, noting that he had submitted other evidence beyond that of merely his salary amount. This included a letter from his current employer and a legal opinion on the family property in Indian law, as well as the Applicant’s affidavit evidence that attests to his economic establishment. Submissions to the Officer from the Applicant’s representative also noted the Applicant’s current bank balance, which contained the equivalent of \$8,813.61 Canadian, and that his family assets were valued at \$171,419.93 Canadian.

[31] More importantly, I note that amongst the evidence submitted to the Officer were submissions from the Applicant’s representative providing information contextualizing the Applicant’s income and financial position in India. These submissions essentially noted that in the particular circumstances of the Applicant, considering his low cost of living and the relative value of his assets and income in relation to societal realities in India, his financial position provided for significant economic establishment there:

Mr. Lakhvir Kataria earns a respectable income from his current employment, which ensures financial stability. The applicant earns INR 18,000 per month from his job at Line Designer’s and Building Contractor in India. Additionally, the applicant operates a

dairy farming business, which serves as an additional source of income. His total annual income for the recent tax year is INR 4,24,290.00. [sic] In the context of the job market in Punjab, India, this is an average income, particularly considering that the applicant lives at home with his family, thus avoiding rent or mortgage expenses. The cost of living in Punjab is relatively low, and this income is sufficient to cover personal expenses comfortably. Given these circumstances, the applicant's financial position is stable and well-supported within the regional economic context.

[32] This evidence, and such considerations speak directly to the only issue relied upon by the Officer to reach their conclusion in the Decision. As noted, the Officer essentially finds that since the Applicant does not earn a substantial income in India, he has not established significant economic ties there and the economic incentive to remain in Canada may outweigh them. However, it is unclear why the Officer concluded that the Applicant does not earn a substantial income in India, in the face of the apparently contrary evidence provided contextualizing the Applicant's income and financial position in India. I find that ignoring this contrary evidence constitutes a reviewable error.

[33] Decision makers are generally presumed to have reviewed all of the evidence before them. However, contradictory evidence should not be ignored, particularly when the evidence relates to one of the central points upon which the decision maker relies to reach their conclusions. While a reviewing Court should not be hypercritical of the decision maker's reasons, or unduly put such reasons under a microscope, the decision maker in question cannot act "without regard to the evidence" (*Vavilov* at para 126; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at paras 16–17; *Singh v Canada (Citizenship and Immigration)*, 2025 FC 2019 at para 18). When a decision maker's reasons do

not so much as mention the evidence that contradicts its conclusions, the Court may infer that they did not review the contradictory evidence in reaching their determination, and may intervene (*Siddiqui v Canada (Citizenship and Immigration)*, 2025 FC 305 at para 7 citing *Kheradpazhooh v Canada (Citizenship and Immigration)*, 2018 FC 1097 at para 18). That appears to be the case here, despite Respondent counsel's submission that an Officer can be taken to have knowledge of country condition realities. While this is so, for the Court to somehow conclude that such knowledge had led the Officer to reject the contextualizing evidence in question would clearly be impermissibly supplementing the reasons provided.

[34] This is not to say that the Officer was bound to accept the Applicant's explanation as to why his income and financial position should be regarded as adequate in the context of India. Upon consideration, the Officer could well have rejected this evidence as unconvincing for a variety of reasons, as was done by Respondent's counsel when this issue was brought to their attention, in the hearing. However, the Officer's failing to countenance it at all calls into question whether that explanation or evidence was reviewed or accounted for. I find that the Officer's reasons did not demonstrate regard to the evidence which spoke to the central decision point that they identified, and accordingly the reasons lack the requisite hallmarks of justification, transparency, and intelligibility (*Vavilov* at para 99). As such, they are unreasonable.

[35] In addition, a core underlying objective of the *Vavilov* framework of judicial review is to encourage administrative decision-makers to justify their decisions with reasons that demonstrate an engagement with the particular circumstances of each case, considered in light of the legal framework that applies. To this end, the Supreme Court of Canada speaks about a "culture of

justification” (*Vavilov* at paras 2, 14). In my view, the Officer’s decision in this case also falls short because it does not show an actual engagement with the specific situation of this particular Applicant, such as including consideration of the standard of living that the Applicant enjoyed in his home country in the assessment of the economic “pull” factor (*Ekpenyong v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 1245 at paras 27-28).

[36] Given the lack of such considerations, it would appear that the reasoning of the Officer is also flawed for the reasons concerning economic incentives previously outlined in *Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 [*Chhetri*] at paras 12–14. In *Chhetri*, the Court noted that the reasons for coming to Canada on a work permit—financial betterment—cannot, by itself, be a valid reason for rejection (see also *Safdar v Canada (Citizenship and Immigration)*, 2022 FC 189 at para 24; *Ul Zaman v Canada (Citizenship and Immigration)*, 2020 FC 268 at para 53 citing *Rengasamy at para 14*).

[37] For all of these reasons, I find the Decision to be unreasonable.

V. **Conclusion**

[38] This application for judicial review is granted. The matter is returned for redetermination by a different IRCC Officer. Prior to the redetermination, the Applicant shall be given an opportunity to provide updated submissions and documentation, in support of their application, should they wish to do so.

[39] The parties have not proposed any question for certification, and I agree that none arises.

JUDGMENT in IMM-2788-25

THIS COURT'S JUDGMENT is that:

1. The judicial review application is granted.
2. The decision of the Officer dated December 20, 2024, is set aside and the matter is returned for redetermination by a different IRCC officer. Prior to the redetermination, the Applicant shall be given an opportunity to provide updated submissions and documentation.
3. No question of general importance is certified.

"Darren R. Thorne"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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