Federal Court Cour fédérale

Date: 20260902

Docket: IMM-3291-25

Citation: 2026 FC 1123

2026 FC 1123 (CanLII)

Toronto, Ontario, September 2, 2026

PRESENT: The Honourable Justice Battista

BETWEEN:

SUMANDEEP KAUR
ASREET KAUR
ANRAAJ SINGH

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS AND JUDGMENT
(delivered orally from the bench on September 2, 2026)

[1] The Principal Applicant, Sumandeep Kaur, challenges the refusal of her spousal work permit application as well as the study permit applications of her dependent children. The Principal Applicant's work permit application was refused because an Officer found that there was insufficient information about her spouse's Canadian employment in a qualifying Training, Education, Experience and Responsibilities (TEER) category.

[2] The Officer's finding of insufficient evidence of the Applicant's spouse's Canadian employment does not correspond with the evidence before the Officer, rendering this finding unreasonable. The following evidence of the Principal Applicant's spouse's employment was provided to the Officer:

- A valid closed work permit, indicating the Principal Applicant's spouse's employment in Canada, including his position title reflecting the appropriate TEER;
- A detailed employment verification letter from the Principal Applicant's spouse's employer, describing the commencement date of the employment, the position title reflecting the appropriate TEER, salary and job duties;
- The positive Labour Market Impact Assessment issued by the Government of Canada for the position, describing the employer's name and address, the position title reflecting the appropriate TEER, and salary;
- The Principal Applicant's spouse's employment contract, describing the position, duties, conditions of work and payment;
- Paycheques from the Principal Applicant's spouse's employer representing employment compensation for biweekly employment periods; and
- Bank statements from the Principal Applicant's spouse representing payments from his employer.

[3] This evidence cannot be characterized as "superficial or peripheral" to the merits of the decision (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (*Vavilov*) at para 100). Collectively, the evidence points to a different conclusion from the conclusion of "insufficiency" made by the Officer; and as such, the Officer was obligated to mention it and analyze it (*Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FCTTD) at para 15).

2026 FC 1123 (CanLII)

[4] The Officer found that the Principal Applicant's spouse's bank records appeared to contain inconsistent regularity of deposits from his employer. It is not clear whether or how this concern supported the Officer's finding that the employment evidence was "insufficient."

[5] In any case, the Officer did not doubt the veracity of employment payments reflected in the bank statements. The Officer's concern could not outweigh the volume of other evidence demonstrating the Principal's Applicant's spouse's employment without an explicit finding, and a justification of that finding. Given the absence of such a justified finding, the role of this concern in the refusal of the application is impossible to understand and therefore the decision is unreasonable (*Vavilov* at para 103).

[6] Given the unreasonableness of the decision, it is not necessary to deal with the Applicant's procedural fairness arguments and the application for judicial review is granted.

2026 FC 1123 (CanLII)

JUDGMENT in IMM-3291-25

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted, the refusal of the Applicants' work and study permits is set aside, and the matter is remitted to a different Officer for redetermination.

2. There is no question for certification and no order regarding costs.

"Michael Battista"
Judge

2026 FC 1123 (CanLII)

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-3291-25
STYLE OF CAUSE:	SUMANDEEP KAUR, ASREET KAUR, ANRAAJ SINGH v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	TORONTO, ONTARIO
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REASONS AND JUDGMENT:	BATTISTA J.
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APPEARANCES:

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2026 FC 1123 (CanLII)