

Federal Court



Cour fédérale

**Date: 20160601**

**Docket: IMM-1884-15**

**Citation: 2016 FC 607**

**Ottawa, Ontario, June 1, 2016**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**NAEEM ULLAH**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Mr. Naeem Ullah (the “Applicant”) seeks judicial review of a decision of a visa officer (the “Visa Officer”), dated March 13, 2015. In that decision, the Visa Officer refused the Applicant’s application for permanent residence as a member of the provincial nominee class on the ground that he was not likely to become economically established in Canada.

[2] The Applicant applied for permanent residence as a member of the provincial nominee class in July 2013 after he was nominated by the province of Saskatchewan.

[3] Although the Applicant is trained as a software specialist, he received a job offer to work as a dishwasher in Regina, Saskatchewan.

[4] The Visa Officer, in his March 13, 2015 decision, found that the Applicant lacked the necessary English language skills and work experience to perform the duties of a dishwasher, and as such, is unlikely to become economically established in Canada.

[5] The Visa Officer's determination that the Applicant could not become economically established in Canada involves a question of mixed fact and law and is reviewable on the standard of reasonableness; see the decision in *Dunsmuir v. New Brunswick*, [2008] 1 S.C.R. 190, at paragraph 51. The reasonableness standard requires that a decision be intelligible, transparent, and justifiable, falling within the range of possible, acceptable outcomes; see *Dunsmuir, supra* at paragraph 47.

[6] I agree with the Applicant's submissions that the Visa Officer's decision does not meet that standard. There is no evidence in the record to show that he lacks the necessary English language skills or job training to perform the dishwashing job.

[7] In the result, this application for judicial review is allowed, the decision of the Visa Officer is set aside and the matter is remitted for re-determination. There is no question for certification arising.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** this application for judicial review is allowed, the decision of the Visa Officer is set aside and the matter is remitted for re-determination. There is no question for certification arising.

“E. Heneghan”

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Judge

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

**DOCKET:** IMM-1884-15

**STYLE OF CAUSE:** NAEEM ULLAH v. THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** DECEMBER 16, 2015

**JUDGMENT AND REASONS:** HENEGHAN J.

**DATED:** JUNE 1, 2016

**APPEARANCES:**

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FOR THE RESPONDENT

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