

Federal Court



Cour fédérale

Date: 20200123

Docket: IMM-1126-19

Citation: 2020 FC 113

Ottawa, Ontario, January 23, 2020

PRESENT: Mr. Justice Russell

BETWEEN:

YANG LI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. INTRODUCTION

[1] This is an application under s 72 (1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], for judicial review of the decision of a Visa Officer [Officer], dated December 19, 2018 [Decision], denying the Applicant's application for an open work permit as a dependant of his wife, as a result of the denial of his wife's work permit application. This application is connected to, and totally dependent upon, my decision in file IMM-1125-19.

II. BACKGROUND

[2] The Applicant is a citizen of China. He currently resides in the City of Hong Kong with his wife and daughter.

[3] The Applicant's wife sought a two-year work permit in Canada to work as the Chief Financial Officer for 2043167 Alberta Ltd., a start-up residential construction company in Alberta in which the Applicant's wife has invested \$600,000 and is a majority shareholder. The Applicant's wife's application states that the Applicant and their daughter will accompany her to Canada should she obtain the requested work permit. As such, the Applicant applied for an open work permit as a dependant of his wife.

[4] On February 28, 2018, 2043167 Alberta Ltd. received a Labour Market Impact Assessment [LMIA] from Employment and Social Development Canada/Service Canada, which concluded that hiring a foreign national to work as the company's Chief Financial Officer would have a "positive or neutral impact on the Canadian labour market." The LMIA invited the Applicant's wife to submit her work permit application to Immigration, Refugees and Citizenship Canada. The LMIA noted that the job requirements included a Bachelor's degree as well as verbal and written English language skills.

[5] The Applicant's wife first applied for a work permit in May 2018 but was subsequently refused on August 3, 2018. The Applicant's wife noted in her subsequent application that she had been previously refused for providing "insufficient evidence and documentation."

Consequently, the Applicant's wife submitted another work permit application on August 22, 2018, which is the subject of the application for judicial review in the related matter IMM-1125-19. That work permit application was also refused.

III. DECISION UNDER REVIEW

[6] On December 19, 2018, the Applicant and his wife received a letter from the Officer denying both of their applications. The Officer indicated that the Applicant's wife's application did not meet the requirements of the *IRPA* or the *Immigration and Refugee Protection Regulations*, SOR/2002-227. In particular, the Officer found: (1) that the Applicant's wife was not able to demonstrate that she adequately met the job requirements of her prospective employment; and (2) that the purpose of her visit did not satisfactorily demonstrate that she would leave Canada at the end of her authorized stay.

[7] The Officer's notes elaborate on their reasons for rejecting the Applicant's wife's work permit application. I have reviewed the Officer's decision to refuse the wife's application in IMM-1125-19 and dismissed the application after finding no reviewable errors in the Decision.

IV. CONCLUSION

[8] Having dismissed the application of the Applicant's wife in IMM-1125-19 for reasons given, I must also dismiss the Applicant's application in this matter (IMM-1126-19) for the same reasons. The same issues and arguments arise in both applications and the Applicant's position is totally dependent upon that of his wife.

[9] Counsel agree there is no question for certification and I concur.

JUDGMENT IN IMM-1126-19

THIS COURT'S JUDGMENT is that

1. The application is dismissed.
2. There is no question for certification.

“James Russell”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1126-19

STYLE OF CAUSE: YANG LI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: DECEMBER 10, 2019

JUDGMENT AND REASONS: RUSSELL J.

DATED: JANUARY 23, 2020

APPEARANCES:

Mario D. Bellissimo

FOR THE APPLICANT

Amy King

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Bellissimo Law Group
Toronto, Ontario

FOR THE APPLICANT

Attorney General of Canada
Toronto, Ontario

FOR THE RESPONDENT