

Federal Court



Cour fédérale

Date: 20210617

Docket: IMM-2986-20

Citation: 2021 FC 619

[ENGLISH TRANSLATION]

Ottawa, Ontario, June 17, 2021

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

EDUARDO RAGANIT

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of a decision rendered on May 6, 2020, by an officer of the Visa Section of the Embassy of Canada in the United Arab Emirates, refusing a work permit.

[2] The applicant is a citizen of the Philippines and is seeking a temporary work permit for a position as a steelworker with a company.

[3] The Visa Section officer refused the application on the grounds that the applicant failed to demonstrate that he fully met the requirements of the position he was seeking, in accordance with the *Immigration and Refugee Protection Regulations*, SOR/2002-227, s 200(3)(a).

[4] This judicial review will examine the reasonableness of the officer's findings. A "reasonable decision is one that is based on an internally coherent and rational chain of analysis and that 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*]).

[5] The applicant submits that the officer disregarded sufficient evidence and failed to provide reasons for his findings in assessing the applicant's qualification for the prospective employment.

[6] In this context, reasonableness does not require exhaustive reasons (*Patel v Canada (Citizenship and Immigration)*, 2020 FC 672 at para 10 [*Patel*]). The visa officer has broad discretion in applying the legal framework to visa applications (*Patel*, above, at para 10). Furthermore, this discretion is not bound or limited by statements made by an applicant or by information contained in the National Occupational Classification code or the Labour Market Impact Assessment (*Sharma v Canada (Citizenship and Immigration)*, 2020 FC 381 at para 19).

[7] The Court is satisfied in this case that the officer assessed the evidence presented by the applicant, and his reasons provide an understanding of the rationale for his decision.

[8] The officer noted that the applicant failed to provide any evidence of language proficiency and that his employment certificate for work experience prior to 2012 was insufficient because it was not accompanied by an employment contract, pay stub or wage deposit. The officer also noted that the applicant did not submit any documents related to his employment since 2012. The officer was therefore not satisfied that the applicant met the requirements of the position and refused the work permit application.

[9] The onus is on the applicant to satisfy the officer that he can fulfill the duties of the position (*Sun v Canada (Citizenship and Immigration)*, 2019 FC 1548 at para 24). The Court is essentially being asked to reassess the evidence, that is, its probative value and sufficiency, which the Court cannot properly do on judicial review (*Vavilov*, above, at para 125).

[10] For these reasons, the Court dismisses the application for judicial review.

JUDGMENT in IMM-2986-20

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question of importance to be certified.

“Michel M. J. Shore”

Judge

Certified true translation
Vincent Mar

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2986-20

STYLE OF CAUSE: EDUARDO RAGANIT v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HEARD BY VIDEOCONFERENCE

DATE OF HEARING: JUNE 16, 2021

JUDGMENT AND REASONS: SHORE J.

DATED: JUNE 17, 2021

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