

Federal Court



Cour fédérale

Date: 20240612

Docket: IMM-3680-23

Citation: 2024 FC 900

Toronto, Ontario, June 12, 2024

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

HARSHPREET SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered Orally from the Bench on June 12, 2024, and subject to stylistic, editorial, and syntax edits, as well as reference to jurisprudence and legal citations)

[1] The Applicant seeks judicial review of a decision refusing his application to extend his work permit.

[2] The Applicant is a citizen of India who entered Canada in July 2018 to study in Brandon, Manitoba, and has been working in Canada since September 2019. In June 2021, the Applicant

completed a certificate at a private vocational institution. He did not have a valid study permit at the time of completing this certificate. A visa officer found that the Applicant was not authorized to study at the time of completing this certificate under section 188 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (“*IRPR*”), thus failing to comply with a condition imposed under paragraph 185(c) of the *IRPR* and being ineligible for restoration of temporary status under section 182 of the *IRPR*.

[3] The sole issue in this application is whether the decision is reasonable. I find that it is.

[4] The Applicant did not complete the certificate by the end of his initial authorized period upon entry to Canada, which would have been in May 2019, and therefore did not abide by the requirements of section 188(1)(c) of the *IRPR*, which states that a foreign national may study without a permit if the duration of a course or program of studies “is six months or less and will be completed within the period for their stay authorized upon entry into Canada” (see *Zhang v Canada (Citizenship and Immigration)*, 2016 FC 964 at paras 12-15 [emphasis added]). The Applicant’s argument that the “strict wordings” of this provision “should not apply to the Applicant’s situation” asks this Court to ignore the law. The Court will not so do.

[5] Furthermore, the Applicant’s argument that the visa officer did not abide by Immigration, Refugees and Citizenship Canada guidelines cannot succeed, as guidelines are not binding on officers and officers fetter discretion when they treat them as such (see *e.g.*, *Kanthisamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 at para 32).

[6] This application for judicial review is dismissed. No question is certified.

JUDGMENT in IMM-3680-23

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.
2. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3680-23

STYLE OF CAUSE: HARSHPREET SINGH v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JUNE 12, 2024

JUDGMENT AND REASONS: AHMED J.

DATED: JUNE 12, 2024

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