

Federal Court



Cour fédérale

Date: 20240925

Docket: IMM-7807-23

Citation: 2024 FC 1512

Ottawa, Ontario, September 25, 2024

PRESENT: Mr. Justice O'Reilly

BETWEEN:

**RAHEELA FIRDOUS
ABDUL HADI
DUA SHAHZAD
EEMAN SHAHZAD
MUHAMMAD AZAN ALI**

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Ms Raheela Firdous, a citizen of Pakistan, sought an open work permit so that she could join her husband, Mr Shahzad Ali, in Canada. At the same time, the couple's four dependent children sought study permits so that the family could be reunited in Canada.

[2] A visa officer refused all of the permits because the officer was not satisfied that the applicants would leave Canada when their permits expired. In particular, the officer noted that, if the permits were granted, the applicants would have significant family ties to Canada and no significant family ties outside Canada.

[3] The applicants argue that the officer's decision was unreasonable because it failed to recognize the overarching goal of family reunification. In addition, they submit that the officer erred by in taking account of the applicants' weakened family ties to Pakistan in the context of an open work permit application. They ask me to quash the officer's decision and order another officer to reconsider their applications.

[4] I can find no basis for overturning the officer's decision. The officer was entitled to consider the relative strengths of the applicants' ties to Canada and Pakistan in determining whether they would be likely to return to their home country at the end of their authorized stay. The officer's conclusion was, therefore, not unreasonable. Accordingly, I must dismiss this application for judicial review.

[5] The sole issue is whether the officer's decision was unreasonable.

II. Was the Officer's Decision Unreasonable?

[6] The evidence before the officer showed that the applicants were seeking work and study permits so that all the immediate family members would be together in Canada. Remaining in Pakistan were Ms Firdous' parents.

[7] The applicants maintain that the officer should not have placed so much weight on the issue of family ties because the primary considerations in open work permit applications are economic and public policy goals (*Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR], s 205(c)(ii)). Further, the applicants contend that by comparing the family's ties to Canada on the one hand and to Pakistan on the other, the officer discounted one of the paramount objectives of Canada's immigration laws: family reunification (*Immigration and Refugee Protection Act*, SC 2001, c 27, s 3).

[8] I disagree with the applicants' submissions.

[9] While the open work permit scheme does mention its economic and public policy aims, applicants must still satisfy an officer that they will leave Canada when their permits expire (IRPR, s 200(1)(b)). Accordingly, an officer must take account of factors that are relevant to that question, including the applicants' ties to Canada and to their home country. In addition, the officer did not fail to consider the goal of family reunification. The officer specifically noted that the main reason the applicants were seeking permits was their desire to reunite with their husband and father. Therefore, I cannot conclude that the officer's decision was unreasonable.

III. Conclusion and Disposition

[10] The officer was not satisfied that the applicants would leave Canada at the end of their stay. On the evidence, that conclusion was not unreasonable. Therefore, I must dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT IN IMM-7807-23

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

"James W. O'Reilly"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7807-23
STYLE OF CAUSE: RAHEELA FIRDOUS ET AL v. THE MINISTER OF
CITIZENSHIP & IMMIGRATION
PLACE OF HEARING: TORONTO, ONTARIO
DATE OF HEARING: AUGUST 28, 2024
JUDGMENT AND REASONS: O'REILLY J.
DATED: SEPTEMBER 25, 2024

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