

FEDERAL COURT OF CANADA
TRIAL DIVISION

BETWEEN:

IMM-2595-96

MOHAMMED ASHRAF QURESHI,

Applicant,

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION,

Respondent

Heard before the Honourable Mr. Justice J.A. Jerome,
ACJ, sitting in Courtroom No. 7 of the Federal Court
of Canada, 9th Floor, Canada Life Building, 330
University Avenue, Toronto, Ontario, on Monday, July
28, 1997.

REASONS FOR ORDER

APPEARANCES:

Harvey Savage

for the Applicant

Godwin Friday

for the Respondent

Stuart Ziegler - Registrar

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Per: C. F. Nethercut, C.V.R. (Sworn)

HIS LORDSHIP: Thank you, Mr. Savage.

I can't concur with your submission and the application has to be denied. This is a case in which not only was this application for a visa refused by the Visa Officer in question here, but it had been, according to my understanding of the evidence, it had been refused on a previous occasion and which means, for some reason or other, that both Visa Officers came to a similar conclusion about the Applicant's ability to perform the tasks that he claimed that he could do.

They are different applications and done by different Visa Officers at the time, but, nonetheless, at least it provides some support for the manner in which, or the conclusion at least reached by this Visa Officer. I'm also satisfied from looking at the notes that the tests which were set out with respect to applications of this sort were more than met. The Visa Officer has to really decide whether the experience of the Applicant in the category for which he has applied is valid and experience for a possible position here, and he also had difficulty as he says in deciding whatever the

Applicant was doing would be included as well in experience in included occupations. That can get fairly tricky, but in this case it would appear to me that both the Visa Officers at different times reached the conclusion that the Applicant lacked the experience that he claimed and that surely is entirely within the discretion of the Visa Officer in every case.

Therefore, your application has to be dismissed.

What we will do is I will make an endorsement in a few minutes to indicate that for reasons given orally the application is denied and brief written reasons will be filed and they will be filed when I have had a chance to study the transcript of my reasons. Thank you.

--- Adjournment at 3:54 p.m.

--- CERTIFIED CORRECT:

C. F. Nethercut, C.V.R.

Date transcribed: August 8, 1997