

Federal Court



Cour fédérale

**Date: 20140319**

**Docket: IMM-2452-13**

**Citation: 2014 FC 265**

**Calgary, Alberta, March 19, 2014**

**PRESENT: The Honourable Mr. Justice Zinn**

**BETWEEN:**

**DALJEET KAUR**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] In July 2010, the Applicant made an application for permanent residence as a member of the skilled worker class, based on an offer of arranged employment from The Import Connection Ltd. in Fort McMurray. The job was as a bookkeeper, National Occupation Classification [NOC] 1231.

[2] Her application included a summary of her previous work experience listing the work, their periods, employer, occupation, NOC code, and the main duties of the position. She listed four positions: three in NOC 1431 and only one in NOC 1231, her employment with Cater Mart. She

also provided a letter from Cater Mart dated February 16, 2008, that confirms that she was employed as a Senior Accountant but it fails to mention any of her duties or responsibilities.

[3] In refusing the application, the officer writes:

The employment document from Cater Mart does not indicate any main duties of your work experience. Therefore, evidence of parts B and C above [in reference to s. 75(2)(b) and (c) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227] cannot be determined. All other occupational experience indicated on your application was not at the required skill level of 0, A or B.

Subsection 75(3) states that if a foreign national fails to meet these requirements, the application shall be refused and no further assessment is required. I am not satisfied that you meet these requirements. (emphasis added)

[4] The fundamental issue is whether the officer's decision that the Applicant had failed to provide evidence to satisfy the officer that she had performed skilled work in NOC 1231 was reasonable.

[5] The Applicant admits that she provided nothing from her employer that described her duties and responsibilities at Cater Mart, but submits that the officer either failed to consider her own statement of duties in her application or found her not to be credible. I am unable to accept either submission.

[6] The officer is presumed to have reviewed everything that was put to him or her. In this case, the decision itself establishes that the officer did examine the Applicant's summary of work experience as the officer noted: "All other occupational experience indicated on your application

was not at the required skill level of 0, A or B.” That observation could not have been made if the officer had not examined the work experience section of the application.

[7] In my view, the Respondent is correct, in submitting that the issue is one of whether the Applicant met her evidentiary burden of satisfying the officer that she had, during the period of employment with Cater Mart, “performed the actions described in the lead statement for the occupation as set out in the occupational description of the *National Occupation Classification*” as is required under paragraph 75(2)(b) of the *Regulations*.

[8] The determination of the officer that the Applicant’s own statements as to her duties and responsibilities did not satisfy the officer was not made perversely or unreasonably. This Court’s function is not to reweigh the evidence before the officer.

[9] There is nothing in the record to suggest that this officer disbelieved the Applicant’s summary of her duties and responsibilities; merely that her own statement of duties was insufficient to meet the burden of submitting sufficient evidence to satisfy the officer.

[10] For these reasons, the application must be dismissed.

[11] Neither party proposed a question for certification.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application is dismissed and no question is certified.

"Russel W. Zinn"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-2452-13

**STYLE OF CAUSE:** DALJEET KAUR v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** CALGARY, ALBERTA

**DATE OF HEARING:** MARCH 18, 2014

**REASONS FOR JUDGMENT  
AND JUDGMENT:** ZINN J.

**DATED:** MARCH 19, 2014

**APPEARANCES:**

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