

Federal Court



Cour fédérale

**Date: 20230316**

**Docket: IMM-1955-22**

**Citation: 2023 FC 355**

**Ottawa, Ontario, March 16, 2023**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**JAY MAHENDRA PADIA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Mr. Jay Mahendra Padia (the “Applicant”) seeks judicial review of the decision of an officer (the “Officer”), denying his application for a permanent resident visa pursuant to subsection 11.2(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27. In 2018, he applied for a permanent resident visa under the Federal Skilled Workers Class.

[2] The Officer denied the application on the basis that the evidence did not show that the Applicant had acquired the experience required under the National Occupational Classification code.

[3] The decision is reviewable on the standard of reasonableness, following the directions in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.).

[4] The Applicant argues that the decision is unreasonable because it lacks “reasons”.

[5] The Minister of Citizenship and Immigration (the “Respondent”) submits that the Officer’s conclusion about the sufficiency of the evidence is reasonable.

[6] I agree substantially with the submissions of the Applicant that the decision fails to meet the reasonableness standard because the decision is silent as to the analysis of the evidence presented by the Applicant.

[7] I agree with the Applicant that the presumption that a decision maker has “considered” the evidence submitted does not replace a duty to clearly, and sometimes briefly, say why that evidence is insufficient.

[8] It is not necessary to address the other arguments advanced by the parties.

[9] In the result, the application for judicial review will be allowed, the decision will be set aside and the matter remitted to another officer for redetermination. There is no question for certification.

**JUDGMENT in IMM-1955-22**

**THIS COURT'S JUDGMENT is that** the application for judicial review is allowed, the decision of the Officer is set aside and the matter is remitted to another officer for redetermination. There is no question for certification.

“E. Heneghan”

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Judge

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

**DOCKET:** IMM-1955-22

**STYLE OF CAUSE:** JAY MAHENDRA PADIA v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY WAY OF VIDEOCONFERENCE

**DATE OF HEARING:** MARCH 14, 2023

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** March 16, 2023

**APPEARANCES:**

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Alexandra Pullano FOR THE RESPONDENT

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