

Federal Court



Cour fédérale

Date: 20121101

Docket: IMM-450-12

Citation: 2012 FC 1278

Toronto, Ontario, November 1, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

SANJEEV BHATIA

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The qualifications of an individual are assessed, not only on the basis of education and accreditation but, also, specific work experience determined on the basis of evidence, for eligibility for a specific occupation or profession.

[2] This decision is in response to an application for judicial review of a visa officer's decision rejecting an application for a permanent residence visa in the Federal Skilled Worker Class category.

[3] The visa officer did not accept that the duties and responsibilities of the Applicant were such as described in respect of the employment in which he was engaged; nor was the visa officer satisfied in regard to an only, thus pivotal, letter by which he determined that the Applicant's duties were in the nature of that of a bookkeeper rather than that of an accountant.

[4] The officer's determination is entitled to a considerable measure of deference as it does fall within "acceptable outcomes which are defensible in respect of the facts and the law (*Dunsmir v. New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190 at para 47). This Court considered whether that which is not fully articulated still justifies the outcome on the basis of the file record; and, it does (*Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 SCR 708).

[5] It is noted by the Court that the Applicant did not have his assessment on the basis of the eligibility of his application alone; but, rather, on a demonstrated review of the actual documents presented for his application. This is significant in respect of the jurisprudence in that regard (*Kamchibekov v. Canada (Minister of Citizenship and Immigration)*, 2011 FC 1411).

[6] For all of the above reasons, the Applicant's application for judicial review is dismissed.

JUDGMENT

THIS COURT’S JUDGMENT is that the Applicant’s application for judicial review be dismissed. No question of general importance for certification.

“Michel M.J. Shore”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-450-12

STYLE OF CAUSE: *SANJEEV BHATIA V. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION*

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: NOVEMBER 1, 2012

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

DATED: NOVEMBER 1, 2012

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