

Federal Court



Cour fédérale

Date: 20230621

Docket: IMM-3322-22

Citation: 2023 FC 876

Ottawa, Ontario, June 21, 2023

PRESENT: Madam Justice McDonald

BETWEEN:

ZARINA AJAZ

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, a citizen of Pakistan, seeks judicial review of the Visa Officer's [Officer] decision of January 6, 2022 [Decision], denying her permanent residence application under the Home Support Worker [HSW] Class program.

I. Background

[2] In Pakistan, the Applicant obtained a diploma in nursing and a diploma in midwifery from the Nursing Examination Board in Punjab, in 1997 and 1998, respectively.

[3] She applied under the HSW program which has the following education criteria:

Foreign credentials

For applicants with a foreign educational credential, the ECA report must

- indicate that the credential is equivalent to a **completed** Canadian 1-year post-secondary (or higher) educational credential
- be less than 5 years old on the date of application receipt
- have been issued on or after the date the ECA organization was designated by IRCC

Equivalency assessments will include an assessment by the designated organization of the authenticity of the applicant's completed foreign educational credentials. [Emphasis in original]

[4] In her application under the HSW program, the Applicant included the World Education Services [WES] credential assessment for both of her Pakistani diplomas. The WES credential assessment states her nursing diploma is equivalent to “[t]hree years of hospital study and training” in Canada and her midwifery diploma is equivalent to “[o]ne year of hospital study and training” in Canada.

[5] The Officer found the Applicant had not satisfied the HSW education requirement of foreign education equivalent to a Canadian educational credential of at least one year of post-secondary education. The Global Case Management System notes state:

The client has not provided proof of a credential that's equal to a Canadian one-year post-secondary. The Education Credential Assessment (ECA) issued by World Education Service (WES) that the client has submitted indicates the Comparable Level of Education in Canada is Four years hospital study and training which is not equivalent to a Canadian one-year post-secondary.

As the client has not provided a Canadian one-year post-secondary (or higher) educational credential or an Education Credential Assessment indicating that the credential is equivalent to a completed Canadian one-year post-secondary (or higher) educational credential the client does not meet the minimum education eligibility requirements.

As the client has not met the minimum education eligibility requirements they're application for permanent residence under the Home Support Worker Pilot is being refused.

II. Issue and Standard of Review

[6] The only issue for consideration is if the Officer made an error in the assessment of the Applicant's education in relation to the HSW education requirement. This issue is considered on the reasonableness standard of review (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65).

III. Analysis

[7] The Applicant argues the Officer failed to properly consider the WES report, which in her view, confirms she had completed the equivalent of four years of post-secondary study. In

other words, she argues the WES report demonstrates she completed the two diplomas after the completion of her secondary studies, and therefore the diplomas were post-secondary education.

[8] The fault with this argument is that the education requirement is clearly stated in the HSW program and the Education Credential Assessment submitted by the Applicant (the WES report) did not indicate that her credentials are equivalent to a completed Canadian one-year post-secondary (or higher) educational credential.

[9] Although the Applicant relies upon *Lakhanpal v Canada (Citizenship and Immigration)*, 2021 FC 694 [*Lakhanpal*] in support of her position, that case is not helpful as it involved a different program with a different education requirement.

[10] Directly on point is the decision in *Preeti v Canada (Citizenship and Immigration)*, 2023 FC 551, where the applicant applied under the same HSW program and held a diploma in nursing and midwifery equivalent to three and a half years of hospital study and training in Canada. The application was denied as the officer determined the applicant did not meet the educational requirement. Justice Fothergill considered *Lakhanpal* and noted the higher educational requirement for the HSW Class. Justice Fothergill held the officer's decision was reasonable and dismissed the application.

[11] Here, the Applicant's WES report shows she completed four years of post-secondary study and training. However, the WES report does not state that this training was equivalent to a completed one-year Canadian post-secondary credential/diploma/degree, as is required.

[12] In other words, according to the WES report, the Applicant's study and training in Pakistan does not qualify as a one-year completed Canadian educational credential. Thus, the Applicant was not eligible for the HSW program.

IV. Conclusion

[13] The Officer conducted a proper analysis of the Applicant's education and there is no basis for this Court to intervene.

[14] This application for judicial review is therefore dismissed.

JUDGMENT IN IMM-3322-22

THIS COURT'S JUDGMENT is that:

1. This judicial review application is dismissed; and
2. There is no question for certification.

"Ann Marie McDonald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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STYLE OF CAUSE: AJAZ v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

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