

CITIZENSHIP AND IMMIGRATION

STATUS IN CANADA

Permanent Residents

Judicial review of decision by immigration officer refusing applicant's application for permanent residence under Canadian experience class (CEC) — Applicant, citizen of Ireland, previously granted work permit as owner/operator of 2338520 Ontario Inc. (Corporation) — Applicant's brother, CEO of Corporation, stating in letters, *inter alia*, that applicant employee since 2012, part of management team, principal shareholder of restaurant business — Applicant also providing T4 slips issued by Corporation — Officer not satisfied applicant meeting skilled work experience requirement, because supporting documents confirming applicant shareholder in Corporation during relevant period of work — Referring to *Immigration and Refugee Protection Regulations*, SOR/2002-227, s. 87.1(3)(b) as excluding any period of self-employment when calculating period of qualifying work experience in Canada — Applicant arguing, *inter alia*, that officer erring in interpreting what constitutes "self-employment" under CEC program, failing to consider factors prescribed by Immigration, Refugees and Citizenship Canada (IRCC) policy guidelines — Main issue whether officer's interpretation of "self-employment" under CEC application unreasonable — Decision not falling outside range of possible, acceptable outcomes or unreasonable — Officer not ignoring evidence submitted by applicant — Question herein whether employment relationship between Corporation, applicant constituting self-employment — T4s having little bearing on this question — Absence of reference to T4s in officer's decision not representing basis to invoke *Cepeda-Gutierrez v. Canada (Minister of Citizenship and Immigration)* (1998), 157 F.T.R. 35, 1998 CanLII 8667 (F.C.T.D.) — Content of IRCC policy guidelines not assisting applicant in arguing that officer's decision unreasonable — No breach of procedural fairness herein — Officer under no obligation to bring to applicant's attention concern that he was self-employed — Application dismissed.

BYRNE V. CANADA (CITIZENSHIP AND IMMIGRATION) (IMM-5044-16, 2017 FC 640, Southcott J., judgment dated June 30, 2017, 13 pp.)