SUPREME COURT OF NOVA SCOTIA
Citation: *Singh v. Nova Scotia (Labour, Skills and Immigration)*, 2026 NSSC 120

Date: 20260417
Docket: BWT No. 545248
Registry: Bridgewater

Between:

Ravinder Singh

Applicant

v.

Minister of Labour, Skills and Immigration of Nova Scotia

Respondent

Judge: The Honourable Justice Michelle Kelly

Heard: March 12, 2026, in Bridgewater, Nova Scotia

Counsel: Isha Bhardwaj, for the Applicant
Alison W. Campbell, for the Respondent

By the Court:

[1] The Applicant seeks judicial review of a decision of the Respondent, to refuse his application under the Nova Scotia Nominee Program ("NSNP"), Occupations in Demand stream. The Applicant points to a letter issued to him on July 3, 2025, that states:

> Unfortunately, the documentation provided does not confirm that you currently hold legal status in Canada. Maintaining valid status is a key requirement under both Canadian immigration law (IRPA s. 21(1), 22(1), and 41) and the NSNP eligibility criteria.
>
> As such, your application has been closed for not meeting the minimum eligibility requirements of the stream.

[2] The Applicant sought judicial review on the following grounds, as outlined in his Notice for Judicial Review:

1. The Officer's decision was unreasonable and failed to properly consider the totality of evidence before them, including the factor that PNP [Provincial Nominee Program] applications in Nova Scotia never mentioned to maintain legal status throughout the processing of applications.

The Officer finding that the Applicant does not hold legal status was based on speculation and not on an factual or legally supported reasoning as the Applicant is on applied status

2. The Officer's decision was made in breach of the principles of procedural fairness, as the processing time of PNP applications are reasonably high and the processing time of any applications to maintain legal status is also high. Therefore, maintaining legal status for the applicants whose visas were expiring is beyond their control.

3. The Officer's decision is inconsistent with the purpose of the immigration program, which is to recognize individuals who are contributing to the province's economy, workforce and communities.

[3] The Respondent says the decision of the Officer was reasonable as the eligibility criteria are ongoing and must continue to be met by applicants from the time the application is made until the time the applicant receives their permanent residency. It requests this judicial review application be dismissed, with costs.

[4] For the reasons that follow, the application for judicial review is dismissed.

Facts

[5] The following is a concise summary of the facts contained in the Record that was filed with the Court on October 23, 2025:

1. The Applicant is a foreign national and a citizen of India. He originally came to Canada on a study permit but on April 11, 2023, obtained an open Work Permit that was valid until October 11, 2024.

2. At some point, the Applicant moved to Nova Scotia and obtained employment with MT Moving Systems Inc. In June 2024, he was offered employment with AMJ Campbell Inc. as a transport truck driver.

3. Transport truck drivers are an "Occupation in Demand" in Nova Scotia and as a result, the Applicant applied for his permanent residency under the NSNP, Occupations in Demand stream.

4. The Occupations in Demand stream may be available to those individuals who meet all of the criteria listed on pages 5-6 of the Application Guide. Those criteria include "You have proof of your immigration status in the country where you are currently living."

5. The Guide also states at page 8:

> It is up to you to provide ALL of the documents we require…You must also ensure that all documents are valid when you submit your application for this stream AND when you apply for a permanent resident visa. If you are missing documents or any document is invalid, we will refuse your application.
>
> ***Important!*** You must tell us if your status changes at any time before you receive a permanent resident visa…

6. The Guide goes on at page 11:

> We may withdraw your nomination at any time before you receive a permanent resident visa and before you arrive in Canada for any of these reasons:
>
> You no longer meet the eligibility requirements of the Occupations in Demand stream.
>
> …

7. Finally, under the section entitled "Gather the documents you need" the Guide states at page 16:

> Documents related to your immigration status
>
> Include the documents that apply to you:
>
> **If you currently live in Canada**, include a copy of proof of your legal status in Canada. Ensure that your proof is valid when you submit your application.

8. The Applicant submitted his application on July 9, 2024. At this time, he was in Canada on a valid work permit.

9. On October 10, 2024, the Applicant applied to extend his work permit, which was set to expire on October 11, 2024.

10. That same day, the Applicant received confirmation that his application was received as of October 10, 2024 and that the letter

confirming same was proof "that you are authorized to continue working under the same conditions as your original work permit until April 8, 2025 or until a decision is made on your application, whichever is first."

11. On January 29, 2025, the Applicant received a letter refusing the extension to his work permit. The letter stated:

> Based on your application and accompanying documentation that you have provided, I have carefully considered all information and I am not satisfied that you meet the requirements of the *Immigration and Refugee Protection Act* and Regulations. Your application as requested is therefore refused.
>
> …
>
> We also wish to advise you that your temporary resident status expired on January 29, 2025.
>
> You may apply for restoration, if, within 90 days from the expiry of your temporary resident status…
>
> Please consult the section "Restoration of status" in the application guide: "Applying to change conditions or extend your stay in Canada."…

12. On April 7, 2025, the Applicant applied to restore his temporary resident status. On the application form, he indicated he was applying to "restore my status as a visitor."

13. On the same day, April 7, 2025, a Nominee Officer emailed the Applicant saying:

> Please provide clear evidence that you have maintained legal authorization to remain in Canada.

> Specifically, please provide one of the following requirements outlined below:
>
> Option A:
>
> Proof that you have submitted a status extension application to IRCC and did so prior to the expiration of your most recent status document (ie. Work permit) AND proof that a decision has not yet been made on that application…
>
> OR
>
> Option B:
>
> Proof that your status extension application has been approved.
>
> OR
>
> Option C
>
> Proof that you have returned to your country of origin.

14. The Applicant responded the next day with a copy of his previous work permit, the refusal letter from his application to extend his work permit, and his application to restore his visitor status.

15. On June 9, 2025, the NSNP Coordinator emailed the Applicant's immigration consultant, who was an authorized representative of the Applicant. The email dealt with an employer issue but also stated:

> …The Immigration & Population Growth Branch (IPG) of the Department of Labour, Skills and Immigration is evaluating your application and notes that you have not provided documentation to prove your legal status in Canada, or the documentation you have provided does not prove you have legal status in Canada. If a foreign national in Canada has not maintained their status, they may be inadmissible under Canadian immigration law pursuant to the *Immigration and Refugee Protection Act (IRPA)* s. 41, 21(1), and/or 22(1), which affects eligibility for provincial nomination.

16. On June 11, 2025, a letter was emailed to the Applicant from a program officer which reiterated the paragraph noted above and went on to state:

> As legal status in your country of residence (Canada) is a requirement to maintain admissibility to Canada and eligibility under the NSNP, we are offering you the opportunity to provide additional documentation confirming you currently hold valid legal status in Canada, in order to continue processing your application.
>
> Unfortunately, if satisfactory proof of legal status is not received within 10 calendar days of your receipt of this letter, your application will be determined to not meet minimum eligibility criteria of the NSNP stream, and IPG will proceed to close this application without further notice.
>
> If you are not able to demonstrate valid legal status, you must first take steps to restore your status in Canada before being eligible to apply to any immigration program. This may include applying for a visitor record or restoring their status as a worker.
>
> If your situation changes and you choose to reapply to the NSNP, we welcome the opportunity to assess your new application against the program's eligibility in effect at that time.

17. The Applicant's immigration consultant replied on June 16, 2025, outlining that the Applicant had applied for restoration of his status and that he was "legally authorized to remain in Canada" through a "policy of non-enforcement while a bona-fide restoration is in process."

18. On July 3, 2025, the Applicant received a letter stating:

> Unfortunately, the documentation provided does not confirm that you currently hold legal status in Canada. Maintaining valid status is a key requirement under both Canadian immigration law (IRPA s. 21(1), 22(1), and 41) and the NSNP eligibility criteria.

> As such, your application has been closed for not meeting the minimum eligibility requirements of the stream.
>
> If your situation changes and you choose to reapply to the NSNP, we welcome the opportunity to assess your new application against the program's eligibility criteria in effect at that time.

Issues

[6] The issues to be considered on this judicial review are as follows:

1. Was the Program Officer's decision that the Applicant failed to meet the minimum eligibility requirements of the NSNP Occupations in Demand stream, reasonable?
2. Was the Program Officer's finding that the Applicant did not have legal status, founded on evidence available to the Program Officer at the time of the decision?
3. Did the Program Officer breach any issues of procedural fairness in coming to the decision, including was the Program Officer's decision inconsistent with the purpose of the immigration program?

Standard of Review

[7] Both parties agree that the standard of review in this case is reasonableness in accordance with the Supreme Court of Canada decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65. In addition, the court in

1445913 Ontario Inc. v. The Province of Nova Scotia, 2024 NSSC 70, confirmed that reasonableness is the standard of review for decisions made under the NSNP framework (see para 26.)

[8] The Nova Scotia Court of Appeal recently summarized the principles of a reasonableness review in *EMC Emergency Medical Care Inc. v. Canadian Union of Postal Workers,* 2024 NSCA 55, at paras. 32-47. Specifically, the Court of Appeal noted:

> [33] Reasonableness is a "reasons first" approach. The reviewing court does not start with its view, *i.e.* it does not fashion its "own yardstick … to measure what the administrator did", and then proceed with "disguised correctness review". Rather, the reviewing court "must begin its inquiry into the reasonableness of the decision by examining the reasons provided with 'respectful attention' and seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion". (*Vavilov*, paras. 83-84; *Mason*, paras. 8, 58, 60 and 62-63)
>
> …
>
> [40] Nonetheless, the decision must satisfy *Vavilov*'s minimum standards, *i.e.* the "hallmarks of reasonableness". These are "justification, transparency and intelligibility". (*Vavilov*, paras. 99 and 103; *Mason*, para. 60)
>
> [41] Intelligibility and transparency mean a decision will be unreasonable where "the reasons read in conjunction with the record do not make it possible to understand the decision maker's reasoning on a critical point" (*Vavilov*, paras. 99 and 103; *Mason*, para. 60). A question-begging gap or incoherence on a critical point may impair intelligibility. Mere repetition of statutory language followed by a peremptory conclusion challenges transparency, "will rarely assist a reviewing court" and is "no substitute for statements of fact, analysis, inference and judgment" (*Vavilov*, para. 102; *Mason*, para. 65).
>
> [42] In this case, intelligibility and transparency require that the reviewing court be able to understand the arbitration board's reasoning from the board's reasons, supported by the permissible contextual aids I have noted above. (*Vavilov*, paras. 88-94, 97 and 110; *Mason*, paras. 61, 67 and 70)
>
> [43] Reviewing courts "cannot expect administrative decision makers to 'respond to every argument or line of possible analysis' [citation omitted], or to

> ‘make an explicit finding on each constituent element, however subordinate, leading to its final conclusion’ ”[citation omitted]. That is because “[t]o impose such expectations would have a paralyzing effect on the proper functioning of administrative bodies and would needlessly compromise important values such as efficiency and access to justice”. Rather, the questions for the reviewing court are: was the decision maker “actually alert and sensitive to the matter before it”, were the parties’ concerns “heard”, and does an omission reflect “inadvertent gaps and other flaws in its reasoning”? [*Vavilov*, para. 128; *Mason*, para. 74].
>
> [44] The third hallmark is justification. In *Vavilov*, the majority explained:
>
> - An outcome derived from reasoning with a significant error is unreasonable. The reviewing court “must be able to trace the decision maker’s reasoning without encountering any fatal flaws in its overarching logic, and it must be satisfied that ‘there is [a] line of analysis within the given reasons that could reasonably lead the tribunal from the evidence before it to the conclusion at which it arrived’ [citation omitted]”. (Vavilov, para. 102).
>
> - On the other hand, a “minor misstep” or a “merely superficial or peripheral” shortcoming will not suffice to overturn an administrative decision. The flaw must be “sufficiently central or significant to render the decision unreasonable”. (Vavilov, para. 100).
>
> - To assess whether there is a sufficiently central or significant flaw, the reviewing court asks whether the administrative decision “is based on an internally coherent and rational chain of analysis and … is justified in relation to the facts and law that constrain the decision maker”. If yes, “[t]he reasonableness standard requires that a reviewing court defer to such a decision”. If no, the decision “fails to provide a transparent and intelligible justification” and is unreasonable. (Vavilov, paras. 84-85, 99, 100-107; Mason, paras. 8, 59, 64).
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> - Vavilov, paras. 105-135, and Mason, paras. 65-76 elaborated on the factors that “constrain the decision maker”, under this test, and their utility in a particular case: the governing statutory scheme, other statutes or common law, principles of statutory interpretation, evidence before the decision maker, submissions of the parties, past practices and decisions, and the impact of the decision on the affected individuals. The factors are “not a checklist” and will vary in application and significance from case to case (Vavilov, para. 106; Mason, para. 66).

[9] To distill these principles, it is for this Court to review the Program Officer’s decision by examining the reasons provided with ‘respectful attention’ to ascertain whether the Program Officer was “actually alert and sensitive to the matter before

it", whether the Applicant's concerns were "heard", and whether the decision was "based on an internally coherent and rational chain of analysis and … is justified in relation to the facts and law."

Issue #1 – Was the Program Officer's decision reasonable?

[10] The decision of the Program Officer was reasonable. It outlined what stream the application related to and what eligibility criteria under that stream the Applicant failed to meet. It highlighted both sections of the *Immigration and Refugee Protection Act* that were applicable to the decision as well as the NSNP eligibility criteria.

[11] Specifically, the decision stated that the Applicant did not currently hold legal status, and that such legal status was a key requirement for approval in the NSNP, Occupations in Demand stream.

[12] The decision of the Program Officer was properly outlined, took into account the documentation provided by the Applicant, and confirmed the Applicant did not currently hold legal status in Canada, which was a requirement pursuant to the IRPA and the NSNP eligibility criteria. As such, the Program Officer's decision was transparent and intelligible.

[13] However, the Applicant says the decision was not justified as there was no requirement for the Applicant to maintain legal status in Canada – only that the Applicant needed to establish valid legal status ***at the time*** of submitting his Application.

[14] With respect to this argument, the Applicant may be misinterpreting the Application Guide for the NSNP, Occupations in Demand stream.

[15] As outlined above, the Guide specifies that proof of immigration status in the applicant's country of residence is an eligibility requirement. In addition, the Guide expressly indicates that a nomination may be withdrawn, at any time, if "you no longer meet the eligibility requirements of the Occupations in Demand stream."

[16] In contrast, the only reference the Applicant relies on to suggest the legal status requirement only exists until the application is submitted, is in reference to the documents that one must submit with their application.

[17] Certain sections of the Guide may be open to interpretation. But what this Court is only able to assess is whether the Program Officer gave due regard to the provisions of the Guide and made a decision that is in keeping with the contents of the Guide and the applicable legislation. Given the Guide expressly notes that a nomination can be withdrawn at any time prior to receiving a permanent resident

visa and arriving in Canada ***IF*** the applicant no longer meets the eligibility requirements, the Program Officer's decision is in keeping with the provisions of the Guide.

[18] The Applicant relies solely on the Guide. He does not address or review the requirements of the *Immigration and Refugee Protection Act* and he did not address the April 7, 2025 email which plainly outlined that the Applicant needed to do one of three things, at that time, to continue with his application: (1) submit a status extension application before expiration of his most recent status document (2) provide proof that the status extension application was granted or (3) return to his country of origin to await a final decision.

[19] Overall, the Applicant's concerns were "heard" and the decision of the Program Officer was reasonable when reviewing the facts and law.

Issue #2 – Evidence on legal status

[20] The Applicant submitted that the Program Officer's finding that the Applicant did not have legal status, was not founded on evidence available to the Program Officer at the time of the decision.

[21] The Court has a hard time understanding this position as it is clear and unchallenged that the Applicant did not have legal status at the time of the decision. This was further acknowledged, in oral submissions, by the Applicant's counsel.

[22] Moreover, all emails and supporting documents that the Applicant submitted were contained in the record. The refusal letter also highlighted the "documentation provided."

[23] Therefore, there is no evidence before this Court to suggest the Program Officer did not properly consider the evidence and there is confirmation in the decision letter that documentation was provided but such documentation did not confirm the Applicant had legal status in Canada. This is logical as the Applicant did not have legal status in Canada.

[24] As such, the Program Officer's decision was in keeping with the evidence available to the Program Officer at the time of the assessment and decision.

Issue #3 – Procedural Fairness

[25] In the Notice of Judicial Review, the Applicant noted issues of processing timelines and the effect of those on people being able to maintain status. However, no evidence was filed in relation to processing timelines and the Court had nothing in the record dealing with this issue. The Applicant bears the burden of establishing

a lack of procedural fairness and he failed to offer any evidence on processing timelines and no such submissions are contained in his briefs.

[26] However, in the Applicant's reply brief, he does reference that the Program Officer did not seek clarification or updated documentation regarding the Applicant's status and specifically the fact that he had filed a restoration application that was in process.

[27] Specifically, the Applicant says "basic procedural fairness required the decision maker to provide the Applicant with an opportunity to clarify his status before rendering a negative decision."

[28] The record establishes that the Program Officer had a copy of the restoration application, and the June 16, 2025 letter from the Applicant's immigration consultant that outlined the Applicant's position as to his restoration application and the effect on the NSNP application. Therefore, the Applicant was given an opportunity to clarify his status and did so on June 16, 2025.

[29] Finally, the Applicant says the decision of the Program Officer was inconsistent with the purpose of the immigration program. Again, the only evidence in the record as to the "purpose of the immigration program" is the Guide applicable to the NSNP, Occupations in Demand stream. As previously outlined, the decision

of the Program Officer was reasonable and in keeping with the Guide and the outlined requirements. In addition, the refusal letter specifically notes the sections of the *Immigration and Refugee Protection Act* and the requirement that one hold valid legal status in the country in which they reside at the time of their application.

[30] It is unknown what the Applicant relies on to say the "purpose of the immigration program… is to recognize individuals who are contributing to the province's economy, workforce and communities." Regardless, there was no procedural unfairness in the Program Officer's decision to rely on requirements of the program guide and the *Immigration and Refugee Protection Act.*

[31] I find no issues of procedural fairness in relation to the decision of the Program Officer.

Conclusion

[32] The decision of the Program Officer, dated July 3, 2025, rightfully outlined that as of July 3, 2025, the Applicant did not hold legal status in Canada. As such, his application under the NSNP, Occupations in Demand stream was refused for failing to meet the minimum eligibility requirements. This decision was reasonable and procedurally fair.

[33] The Application for Judicial Review is dismissed with costs payable to the Respondent. If the parties cannot agree on costs, the Court will accept written submissions (not to exceed 5 pages in length) within 30 days of this decision.

Kelly, J.