

Date: 20090130

Docket: IMM-550-08

Citation: 2009 FC 107

Vancouver, British Columbia, January 30, 2009

PRESENT: The Honourable Mr. Justice Campbell

BETWEEN:

AMANPREET SINGH ARORA

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] In the present case, the Applicant applied for landing in the skilled worker class. In rejecting the Applicant's application, the Visa Officer determined that the Applicant had not "performed a substantial number of the main duties" in the job classifications for which he applied (CAIPS Notes, Applicant's Application Record, p. 14).

[2] Counsel for the Applicant relies on Justice Noël's decision in *Noman v. Canada (Minister of Citizenship and Immigration)*, [2002] F.C.J. No. 1568 at paragraph 29 to argue that the Visa Officer erred in law because all that is required of the Applicant is that he establish that he has performed "some" of the duties in three of the four job categories in which he applied. I agree with Counsel for the Applicant's argument that Justice Noël's finding is correct. As a result, I find the Visa Officer's decision is rendered in reviewable error.

ORDER

Accordingly, I set aside the Visa Officer's decision and refer the matter back to a different visa officer for re-determination.

"Douglas R. Campbell"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-550-08

STYLE OF CAUSE: AMANPREET SINGH ARORA v. THE MINISTER OF
CITIZENSHIP

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 20, 2009

**REASONS FOR ORDER
AND ORDER:** CAMPBELL J.

DATED: JANUARY 30, 2009

APPEARANCES:

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