

Federal Court



Cour fédérale

**Date: 20230406**

**Docket: IMM-6111-22**

**Citation: 2023 FC 497**

**Ottawa, Ontario, April 6, 2023**

**PRESENT: The Honourable Mr. Justice Pamel**

**BETWEEN:**

**SAMUNDER SINGH AND  
LAJWINDER KAUR AND  
JOBANPREET SINGH SIDHU**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The applicants, Samunder Singh, his wife Lajwinder Kaur, and their minor child, are citizens of India and seek judicial review of individual decisions by a visa officer dated June 3, 2022, refusing them temporary resident visas. Mr. Singh and his family planned to remain in Canada for three weeks, with the main purpose of their trip being to attend the convocation of their daughter, who was living in Canada on an international student visa and graduating from

the Manitoba Institute of Trades and Technology; the applicants also intended to visit family and to sightsee around Winnipeg. While in Canada, they would be staying with their daughter, although they would be taking on their own expenses.

[2] The standard of review applicable to visa officers' decisions is that of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 85; *Musasiwa v Canada (Citizenship and Immigration)*, 2021 FC 617 at para 22; *Aghaalikhani v Canada (Citizenship and Immigration)*, 2019 FC 1080 [Aghaalikhani] at para 11).

[3] The visa officer was not satisfied that the applicants would leave Canada at the end of their stay, as is required pursuant to paragraph 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227, based on their financial capacity, their socio-economic status, and the purpose of their visit. The reasons for the officer's decisions are recorded in the Global Case Management System notes and are the same for all three applicants:

I have reviewed the application. Taking the applicant's purpose of visit into account, the documentation provided in support of the applicant's financial situation does not demonstrate that the applicant is sufficiently established that the proposed visit would be a reasonable expense.

Family of 3 seeking entry to visit child/sibling in Canada. Financial documents displays modest income. The purpose of visit does not appear reasonable given the applicant's socio-economic situation and therefore I am not satisfied that the applicant would leave Canada at the end of the period of authorized stay.

Weighing the factors in this application. I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay. For the reasons above, I have refused this application.

[4] In support of their request, the applicants provided a number of financial documents relating to both their ability to afford the proposed visit and their financial establishment in India. In particular, the applicants provided an assessment from a chartered accountant, which they referred to in their written submissions, indicating that they have savings in their bank accounts equivalent to about \$36,000 to support themselves while travelling; that they have the equivalent of about \$15,000 in other movable assets, such as vehicles and jewellery; and that they have the equivalent of over \$2 million in immovable and business assets, including residential property and agricultural property, in India.

[5] In short, I find that the decisions of the visa officer lack the justification, transparency, and intelligibility required of a reasonable decision (*Aghaalikhani* at para 16; *Vavilov* at para 86). Putting aside that it is unclear what factors the visa officer weighed in coming to the decisions, and although the applicants' evidence of ties to India and travel history were relevant and seemed possibly to support that they would leave Canada at the end of their stay (*Rodriguez Martinez v Canada (Citizenship and Immigration)*, 2020 FC 293 at para 15), the decisions of the visa officer appear to be entirely based on the applicants' finances and assets. The visa officer did not question the reliability of the applicants' evidence. It is unclear from the reasons whether the visa officer, in reaching a conclusion about the applicants' socio-economic situation, weighed their agricultural income against their apparently significant property holdings, nor is it clear how such an assessment, if any, was carried out (*Najmi v Canada (Citizenship and Immigration)*, 2023 FC 132 [*Najmi*] at para 16). The visa officer did not question the reliability of the applicants' evidence, and it is unclear from the reasons whether or how the visa officer, in reaching a conclusion about the applicants' socio-economic situation, weighed their agricultural

income against their apparently significant property holdings (*Najmi v Canada (Citizenship and Immigration)*, 2023 FC 132 [*Najmi*] at para 16); the visa officer also failed to explain or justify the conclusion that the applicants' socio-economic situation was problematic or concerning (*Najmi* at para 16).

[6] Counsel for the Minister did a laudable job in picking through the evidence in search of support for the visa officer's conclusions, pointing to the fact that some of the property in question was leased rather than owned and that the bank account statements showed volatile balances. I accept that their balances, like the bank account balances of most people, tend to go up and down and that maybe some of the property that the applicants operate as an agricultural farm is leased; however, it was for the visa officer, and not for counsel for the Minister, to explain why the evidence suggesting a net worth of over \$2 million could not support a finding that the applicants' income was sufficient to render the expense related to a family's wish to attend their daughter's convocation for her university studies—note that her parents had been paying for the costs of her university studies throughout her time in Canada—a reasonable expense (*Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1998] 157 FTR 35 at paras 15–17; *Khansari v Canada (Citizenship and Immigration)*, 2023 FC 17 at para 19).

[7] I accept that it is not incumbent upon visa officers to provide a detailed analysis as part of their decisions. The need to give reasons is circumscribed by their operational realities, which for the most part include the need to process a high volume of visa applications. A visa officer's duty is only to provide minimal reasons that are sufficient to understand their reasoning

(*Sharafeddin v Canada (Citizenship and Immigration)*, 2022 FC 1269 at para 26). As was stated by Mr. Justice McHaffie in *Iriekpen v Canada (Citizenship and Immigration)*, 2021 FC 1276 at paragraph 7, “[g]iven this context and the nature of a visa application and refusal, the Court has recognized that the requirements of fairness, and the need to give reasons, are typically minimal”. In *Ekpenyong v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 1245, I found nothing objectionable in using template language for decisions on, in that case, study permits; however, I stated at paragraphs 22 and 23 that “when using templates, visa officers should bring the necessary modifications or render reasons that would indicate their thought process in an intelligible manner, and address evidence that may contradict important findings of fact” (see also Mr. Justice Little’s decision in *Zibadel v Canada (Citizenship and Immigration)*, 2023 FC 285 at para 37).

[8] I accept that it is not a simple matter of reviewing the applicants’ bank accounts and, if they have sufficient funds, granting them a visa; the visa officer must conduct a more detailed and fulsome investigation about the source, nature, and stability of these funds in order to determine whether their trip to Canada is a reasonable expense, especially in this case, where the applicants’ daughter had confirmed that it was her parents who would be responsible for that expense. However, it is not the role of the Court to speculate on how the visa officer arrived at a particular conclusion, and it was not for counsel for the Minister to fill in the gaps in order to justify the decisions by the visa officer (*Shohratifar v Canada (Citizenship and Immigration)*, 2023 FC 218 at para 12).

[9] Overall, I find the visa officer's reasons to be opaque, leaving no room for the Court to see how the dots, if any, are connected so as to understand the reasoning that led to the officer's findings and, in the end, the officer's conclusion. For that reason, the decisions must be set aside.

**JUDGMENT in IMM-6111-22**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is allowed.
2. The decisions dated June 3, 2022, are set aside, and this matter is returned for redetermination by a different decision maker.
3. There is no question for certification.

"Peter G. Pamel"

---

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-6111-22

**STYLE OF CAUSE:** SAMUNDER SINGH, LAJWINDER KAUR, AND  
JOBANPREET SINGH SIDHU v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** MARCH 28, 2023

**JUDGMENT AND REASONS:** PAMEL J

**DATED:** APRIL 6, 2023

**APPEARANCES:**

Samin Mortazavi FOR THE APPLICANTS

Zahida Shawkat FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Pax Law Corporation FOR THE APPLICANTS  
North Vancouver, British Columbia

Attorney General of Canada FOR THE RESPONDENT  
Vancouver, British Columbia