

Federal Court



Cour fédérale

**Date: 20241010**

**Docket: IMM-8468-23**

**Citation: 2024 FC 1605**

**Ottawa, Ontario, October 10, 2024**

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

**BETWEEN:**

**BALJINDER SINGH BAWA  
AND TANVEER SINGH BAWA**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicants are a couple, both of whom are citizens of India. On May 15, 2023, a visa officer [Officer] refused their applications for Temporary Resident Visas [TRV] to visit family members in Canada.

[2] The Officer refused the visas because (1) the Officer was not satisfied that the Applicants would leave Canada at the end of their authorized stay; (2) that the Applicants' assets and

financial situation were insufficient to support the stated purpose of travel; (3) that the purpose of the visit was not consistent with a temporary stay; and (4) that the Applicants had not provided sufficient documentation to support their or their host's income and assets.

[3] The Officer's notes as set out in the Global Case Management System state the following:

I have reviewed the application. I have considered the following factors in my decision. The applicant's assets and financial situation are insufficient to support the stated purpose of travel for themselves (and any accompanying family member(s), if applicable). The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application. The applicant has not submitted enough supporting documents to satisfy me that the applicant has access to sufficient funds for this visit. Weighing the factors in this application. [*sic*] 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] The Applicants apply under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] for judicial review of the Officer's refusal decision. They submit the Officer made the decision without regard to evidence that demonstrates the Applicants had sufficient funds to support their planned one-month visit.

[5] The decision is to be reviewed on the standard of reasonableness. In conducting a reasonableness review, a court will only intervene where an applicant demonstrates the impugned decision fails to demonstrate the hallmarks of reasonableness; justification, transparency and intelligibility. Where a reviewing court is able to understand why the decision was made, and is satisfied the outcome is defensible in light of the facts and applicable law, the

court should not intervene (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 85-86, and 100).

[6] Visa applicants have the onus to establish their eligibility for the visa. This includes demonstrating that they will leave Canada at the end of their authorized stay (*Zamor v Canada (Citizenship and Immigration)*, 2021 FC 479 at para 17). The purpose of the visit to Canada, an applicant's ties to Canada and their home country, and an applicant's financial circumstances are all factors this Court has recognized as relevant to an officer's evaluation of whether an applicant will leave Canada at the end of their authorized stay (*Quraishi v Canada (Citizenship and Immigration)*, 2021 FC 1145 at para 13).

[7] Individuals applying for a TRV must provide proof of funds and an officer will be expected to conduct a "detailed and fulsome analysis about the source, origin, nature and stability" of the funds (*Abdisoufi v Canada (Citizenship and Immigration)*, 2024 FC 164 at para 10, citing *Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 at para 29).

[8] The publicly accessible Visa Office instructions for Bengaluru (Bangalore), Chandigarh, and New Delhi identify the financial documentation all individuals should include with a visa application. The Applicants failed to include a number of these documents, including copies of bank statements covering the previous six (6) months, and income tax returns for the past two years.

[9] The Visa Office instructions are not binding on an officer. However, the failure to provide documentation specifically identified in the instructions or to provide an explanation for not doing so may allow an officer to reasonably conclude that an applicant has failed to establish a financial situation that is sufficient to support the stated purpose of travel. That is the case here.

[10] While the Applicants point to other evidence in the record that might have supported a different conclusion, disagreement is not basis for intervention on judicial review. Nor is it the Court's role to re-weigh the evidence.

[11] The Application is dismissed. The parties have not identified a question for certification, and none arises.

**JUDGMENT IN IMM-8468-23**

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

1. The Application is dismissed.
2. No question is certified.

“Patrick Gleeson”

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Judge

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

**DOCKET:** IMM-8468-23

**STYLE OF CAUSE:** BALJINDER SINGH BAWA AND TANVEER SINGH  
BAWA v THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** VANCOUVER, BRITISH COLUMBIA

**DATE OF HEARING:** MAY 1, 2024

**JUDGMENT AND REASONS:** GLEESON J.

**DATED:** OCTOBER 10, 2024

**APPEARANCES:**

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Edward Burnet FOR THE RESPONDENT

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