

Federal Court



Cour fédérale

Date: 20241217

Docket: IMM-6551-23

Citation: 2024 FC 2045

Ottawa, Ontario, December 17, 2024

PRESENT: Mr. Justice Pentney

BETWEEN:

ALA EDDINE LACHAL

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Ala Eddine Lachal, is seeking judicial review of the decision refusing his application for a temporary resident visa (“TRV”). He is a citizen of Algeria, who wanted to come to Canada to visit his brother.

[2] The key reasons for the Visa Officer’s (the “Officer”) refusal are that:

- The Applicant’s assets and financial situation are insufficient to support his stated purpose for travel; and
- The Applicant has significant family ties in Canada.

[3] Based on these considerations, the Officer was not satisfied that the Applicant would depart Canada at the end of his authorized stay.

[4] The only issue in this case is whether the Officer’s decision is reasonable, applying the framework set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov].

[5] This Court has discussed the legal framework that governs the judicial review of denials of TRV applications in a large number of recent decisions, including: *Kashefi v Canada (Citizenship and Immigration)*, 2024 FC 856; *Bawa v Canada (Citizenship and Immigration)*, 2024 FC 1605; *Malik v Canada (Citizenship and Immigration)*, 2024 FC 755; *Quraishi v Canada (Citizenship and Immigration)*, 2021 FC 1145). The following summary captures the key elements of the relevant principles:

- A reasonable decision must explain the result, in view of the law and the key facts.
- *Vavilov* seeks to reinforce a “culture of justification,” requiring the decision-maker to provide a logical explanation for the result and to be responsive to the parties’

submissions, but it also requires the context for decision-making to be taken into account.

- Visa Officers face a deluge of applications, and their reasons do not need to be lengthy or detailed. While “boilerplate” language is not inherently unreasonable, reasons must show an actual engagement with the specific situation of the applicant: *Saad v Canada (Citizenship and Immigration)*, 2024 FC 1302 at para 16. The reasons, when viewed in light of the record, must set out the key elements of the Officer’s line of analysis and be responsive to the core of the claimant’s submissions on the most relevant points.
- The onus is on the Applicant to satisfy the Officer that they meet the requirements for a TRV, including that they will leave at the end of their authorized stay.
- Visa Officers must consider the “push” and “pull” factors that could lead an Applicant to overstay their visa and stay in Canada, or that would encourage them to return to their home country.
- The decision must be assessed in light of the context for decision-making, including the high volume of applications to be processed and the nature of the interests involved.

- It is not open to the Minister's counsel or the Court to fashion their own reasons to buttress or supplement the Officer's decision: see *Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754 at para 6.

[6] Finally, it is important that people request TRVs for all sorts of reasons, and this may be a relevant consideration in examining the reasonableness of the reasons for the refusal. For example, denying a TRV request to visit an immediate family at the end of their life may require a more thorough explanation than a refusal where a person simply wanted to come to Canada to visit a tourist destination: see *Vavilov* at para 133.

[7] Applying the principles set out above, I find the decision to be reasonable.

[8] The Officer's reasons must be understood in the context of the record, in particular the TRV application and supporting documents provided by the Applicant. As noted earlier, the Officer's decision rests on two main grounds: the insufficiency of the financial information, and the Applicant's family ties to Canada.

[9] On the financial evidence:

- There are three inconsistent statements about who will be financially supporting the Applicant's travel. The Applicant said that his brother and father would pay his expenses, his brother said that he alone would support the trip, while the Applicant's

counsel said in the TRV application that the Applicant and his brother would provide the funding;

- The Applicant provided some financial information from his father and mother, but no indication that either of them had actually agreed to provide financial support for his trip;
- The brother's bank statements indicated modest savings, that fluctuated with his pay periods; overall the balances were in decline;
- The Applicant provided no information about his assets or financial situation.

[10] Based on this, the Officer's finding that the Applicant had not provided sufficient information about his assets or financial situation is reasonable. No further explanation was required.

[11] The second ground of the Officer's decision is that he has significant family ties to Canada, referring to the brother that he was coming here to visit.

[12] The Applicant says that he had provided evidence of his ties to Algeria, including that he was enrolled in university and lived with his parents. He says that this contradicts the Officer's conclusion that his ties to Canada are stronger than his links to Algeria. The failure to address this evidence makes the decision unreasonable, according to the Applicant.

[13] I disagree. It is important to note two key points. First, in his TRV application the Applicant did not describe in any detail his ties to Algeria, or his relationship with his parents or other family members. The application is silent on that. Instead, the Applicant focused on his lack of other ties to Canada apart from his brother's presence here.

[14] Second, the Officer did not actually make a finding that the Applicant's ties to Canada were stronger than his connection to Algeria. All that the Officer stated was a fact that is incontrovertibly true: the Applicant has significant family ties in Canada.

[15] In the absence of further information from the Applicant about the factors what would compel him to return to Algeria, I am not persuaded that the Officer was required to say more on this point.

[16] Visa officers considering a TRV application exercise a wide discretion, based on a host of factors including the details provided in the actual application documents, their knowledge of relevant country conditions and/or travel or other patterns. Such decisions deserve deference, but they must still meet the standard of responsive justification in *Vavilov*.

[17] Based on my review of the evidence in this case, and considering the submissions of the parties, I am not persuaded that the decision is unreasonable. The application for judicial review is, therefore, dismissed.

[18] There is no question of general importance for certification.

JUDGMENT in IMM-6551-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question of general importance for certification.

“William F. Pentney”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6551-23

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CITIZENSHIP AND IMMIGRATION

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