

Federal Court



Cour fédérale

**Date: 20250218**

**Docket: IMM-3126-24**

**Citation: 2025 FC 310**

**Toronto, Ontario, February 18, 2025**

**PRESENT: The Honourable Mr. Justice A. Grant**

**BETWEEN:**

**MAHA KASSIRA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. OVERVIEW**

[1] The Applicant seeks judicial review of a Visa Officer's decision to refuse her application for a temporary resident visa [TRV]. In that decision, the Officer found that Ms. Kassira had not demonstrated she would leave Canada at the end of her stay. This conclusion was based on the Officer's findings that the Applicant did not have sufficient funds to support her travel, and that she did not have significant family ties outside of Canada.

[2] For the following brief reasons, I believe this application for judicial review should be dismissed. Based on the limited information provided in support of the TRV application, it was reasonable for the Officer to conclude that the Applicant had failed to demonstrate that she met the applicable requirements.

## II. BACKGROUND

### A. *Facts*

[3] The Applicant – Maha Kassira – is a citizen of Lebanon. She applied for a temporary resident visa [TRV] to come to Canada for 60 days in order to visit her ailing parents.

[4] In support of her application, Ms. Kassira provided the following:

- A handwritten invitation letter from her father.
- A bank statement, showing one deposit and a balance of \$35,679.01.

### B. *Decision under Review*

[5] A Visa Officer rejected the Applicant's TRV by letter dated February 5, 2024. The Officer was not satisfied that Ms. Kassira would leave Canada at the end of her stay because: a) the Applicant does not have significant family ties outside Canada; and b) her documented assets and financial situation were insufficient to support the stated purpose of her travel.

[6] In notes entered into the Global Case Management System [GCMS], which form part of the reasons for decision, the Officer acknowledged the Applicant's compelling purpose but noted that the only supporting documentation was the invitation letter. The Officer also noted that Ms.

Kassira's financial documentation showed "somewhat modest funds in limited documentation that fails to show consistency or as long period of funds ownership." Finally, the Visa Officer found that most of the Applicant's close family is in Canada, although her spouse resides in Lebanon.

### III. ISSUES and STANDARD OF REVIEW

[7] The Applicant submits both that the decision was unreasonable, and that it was made in a procedurally unfair manner.

[8] On issues relating to procedural fairness, the reviewing court must conduct its own analysis of the process followed by the decision-maker to determine whether the process was fair: *Bharadwaj v Canada (Citizenship and Immigration)*, 2022 FC 1362 at para 8. This approach to review is functionally the same as applying the correctness standard: *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 (CanLII), [2019] 1 FCR 121 at paras 49-56; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35.

[9] The applicable standard of review of the merits of a TRV decision is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]. A reasonable decision bears the hallmarks of justification, transparency and intelligibility with the burden resting on the challenging party to show that the decision is unreasonable: Vavilov at paras 99-100.

#### IV. ANALYSIS

##### A. *Preliminary Matter: New Evidence*

[10] The Applicant has included evidence in this application for judicial review that is not contained in the Certified Tribunal Record [CTR], and does not appear to have been before the Visa Officer at the time of the decision. At no point over the course of these proceedings did counsel for the Applicant indicate that the CTR was incomplete, and he made no arguments as to why these documents should be considered, even though they were not before the original decision-maker.

[11] Typically, the scope of judicial review is limited to the evidentiary record that was before the administrative decision-maker: *Maltais v Canada (Attorney General)*, 2022 FC 817 at para 21. The three exceptions to this rule are set out in *Tsleil-Waututh Nation v Canada (Attorney General)*, 2017 FCA 128 at paras 97–98 [*Tsleil-Waututh*], and are: where the new evidence (1) provides general background that might assist the Court in understanding the issues relevant to the judicial review; (2) is necessary to bring to its attention procedural defects; and (3) highlights the complete absence of evidence before the administrative decision maker. As the Applicant has made no arguments as to how the evidence submitted falls into these categories, I have no basis on which to consider it on this application for judicial review.

B. *The Decision was Fair*

[12] As noted, the Applicant submits that the Officer breached her right to procedural fairness by failing to send her a procedural fairness letter prior to refusing her application, in order to give her a chance to respond to the Officer's concerns.

[13] With respect, this argument has no merit. It is well-established that a visa officer is not required to notify an applicant of a concern that arises directly from the legislation or related requirements, or to provide the applicant with an opportunity to make submissions regarding such a concern: *Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at para 38. The onus is on the applicant to provide all the necessary information to satisfy the officer that they have met the relevant requirements, not on the officer to seek that information out: *Rahmati v Canada (Citizenship and Immigration)*, 2021 FC 778 at para 11. This is precisely the situation in the present case. The Officer's concern rested squarely on the Applicant's failure to provide sufficient documentation to demonstrate that she met the applicable statutory and regulatory requirements.

[14] To phrase the issue inversely, this is *not* a situation, for example, in which an officer relied on credibility findings that were not put to the Applicant, or where an officer wished to rely on information that was extrinsic to the record. Rather, the Officer in this case merely found that the Applicant had not provided sufficient documentation to establish that she met the requirements to be issued a visa. There is no notice requirement in this context.

C. *The Decision was Reasonable*

[15] I find that the Applicant has also failed to establish that the Officer's decision was unreasonable.

[16] As noted, the Officer refused Ms. Kassira's TRV application because they determined that she a) did not have significant family ties outside Canada, and b) did not have sufficient funds to support her travel. In coming to these conclusions, the Officer found that, aside from her spouse, most of Applicant's close family lives in Canada; and that the Applicant's financial documentation was insufficient to prove she could support the stated purpose of her travel. The Officer also noted that Ms. Kassira's purpose was compelling, but that it was supported only by a letter of invitation (rather than medical documentation). These findings were open to the Officer.

[17] On the issue of the Applicant's financial resources, I note that the only document she provided was a bank statement showing an account opened in August 2021, with one deposit and no other transactions, and an initial balance of \$35,679.01. The date listed on this bank statement was March 10, 2022. The Applicant submitted her visa application more than 18 months later, in November 2023. In these circumstances, it was entirely reasonable for the Officer to find that Ms. Kassira showed only "somewhat modest funds in limited documentation that fails to show consistency or a long period of funds ownership." By extension, it was therefore reasonable for the Officer to conclude that the Applicant did not have sufficient funds to support her travel.

[18] This Court has held that the absence of adequate documentation confirming the availability of funds is sufficient on its own to refuse an application: *Abdisoufi v Canada*

*(Citizenship and Immigration)*, 2024 FC 164 at para 11; *Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 at para 31; *Sharifi v Canada (Citizenship and Immigration)*, 2024 FC 1925 at para 20.

[19] In this case, the Applicant provided minimal, dated financial information that did not comply with the publicly available instructions for the Beirut visa office, which instruct applicants that they should provide, amongst other things, a bank statement covering the last twelve months and showing the balance of the account. The Applicant failed to comply with these instructions and, as such, it was open to the Officer to conclude that she had not established that she was eligible for a TRV.

[20] While the above is sufficient to dispose of this application, I will note that the Visa Officer's finding regarding Ms. Kassira's family ties was also reasonable. The Applicant, as I understand it, essentially submits that the Officer erred in ignoring that Ms. Kassira's four children, as well as her spouse, would be remaining in Lebanon. I disagree.

[21] Ms. Kassira indicated in her TRV application form that she did not have any children. While she has submitted documentation to this Court indicating she does have children, this evidence does not appear to have been before the Visa Officer, and I will not consider it for the purposes of this application. Suffice to say, it would be inappropriate for this Court to find a decision unreasonable, based on information that was not provided to the decision-maker.

[22] While the Applicant further argues that the Officer erred in discounting that her spouse would remain in Lebanon, I see no error in this regard. The Officer stated, "Most of PA's close

family is in Canada, though I note PA's spouse is in Lebanon.” There is simply no inaccuracy in this statement.

[23] The same is true of the Applicant’s submission that the Visa Officer erred in stating that Ms. Kassira’s compelling purpose was unsupported by medical documentation. While the Applicant has submitted medical documentation confirming her parents’ medical conditions and their inability to travel to this Court, this information was, once again, largely not before the decision-maker. It was therefore reasonable for the Officer to note that the purpose for Ms. Kassira’s visit was only supported by a handwritten invitation letter from her father. Further, it appears that this finding was largely ancillary to the core basis on which the Officer refused the application, as the Officer did not indicate in the decision letter that they were refusing the application due to the purpose of the Applicant’s travel.

## V. CONCLUSION

[24] For the foregoing brief reasons, I believe this application for judicial review should be dismissed.

[25] Neither party proposed a question of general importance, and I agree that none arises.

**JUDGMENT in IMM-3126-24**

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

1. This application for judicial review is dismissed.
2. There is no question for certification.

"Angus G. Grant"

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Judge

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

**DOCKET:** IMM-3126-24

**STYLE OF CAUSE:** MAHA KASSIRA v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY WAY OF VIDEOCONFERENCE

**DATE OF HEARING:** FEBRUARY 3, 2025

**JUDGMENT AND REASONS:** GRANT J.

**DATED:** FEBRUARY 18, 2025

**APPEARANCES:**

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Jake Boughs	FOR THE RESPONDENT

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