

Federal Court



Cour fédérale

Date: 20250324

Docket: IMM-5451-24

Citation: 2025 FC 536

Toronto, Ontario, March 24, 2025

PRESENT: Madam Justice Go

BETWEEN:

KAZI ARIFUL ISLAM

Applicant

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Kazi Ariful Islam [Applicant], a citizen of Bangladesh, applied for a visitor's visa in October 2023. His stated purpose of travel was to physically collect a cheque for the proceeds of the sales of two properties he once owned in Québec.

[2] The immigration officer assigned to the case [Officer] refused the Applicant's visa application because they were not satisfied the Applicant would leave Canada at the end of his stay, based on the following factors: (1) the Applicant does not have significant family ties outside of Canada; (2) purpose of the Applicant's visit to Canada is not consistent with a temporary stay given details provided in his application; and (3) the Applicant's current employment situation does not show Applicant is financially established in his country of residence [Decision].

[3] The Applicant seeks judicial review of the Decision. I grant the application, as I find the Officer failed to engage with the Applicant's stated purpose of travel, as well as evidence of the Applicant's financial ties to his country of origin.

II. Analysis

[4] The Applicant raises several issues to argue that the Decision was unreasonable.

[5] The applicable standard of review is the reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]. The Court should assess whether the decision bears the requisite hallmarks of justification, transparency, and intelligibility: *Vavilov* at para 99. The Applicant bears the onus of demonstrating that the decision was unreasonable: *Vavilov* at para 100.

[6] In my view, the Decision contained boiler-plate reasons that failed to engage with the evidence before the Officer. Specifically, I find two reviewable errors arising from the Decision.

[7] First, the Officer did not engage with the Applicant's evidence and submissions relating to the stated purpose of his visit.

[8] In an affidavit in support of his visa application, the Applicant stated that he was planning to move to Québec in 2013, and accordingly bought two properties in that province. Although he received a Québec Selection Certificate in 2017, the Applicant had, by that time, become a permanent resident of Hungary and was no longer interested in moving to Canada. As a result, he sold his Canadian properties for a combined sum of \$597,184.51 CAD. The Applicant outlined in both his affidavit and representative's letter in support of his visa application that the purpose of his visit was to collect the sale proceeds which, according to a notary, cannot be wired, must be provided by cheque, and must be cashed in Canada.

[9] The Global Case Management System [GCMS] notes containing the Officer's reasons made no mention of the Applicant's stated purpose of the visit whatsoever. Instead, the GCMS notes stated:

I have reviewed the application. I have considered the following factors in my decision. The applicant does not have significant family ties outside Canada. The applicant didn't provide sufficient proof of ties in their country of residence. 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's current employment situation does not show that they are financially established in their country of residence. The applicant did not provide sufficient proof of employment, as such, cannot establish strong ties to his country of residence. 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.

[10] I acknowledge the Respondent's argument that reviewing courts are not to assess reasons against a standard of perfection, or expect administrative decision-makers to "respond to every argument or line of possible analysis" or "make an explicit finding on each constituent element, however subordinate, leading to [their] final conclusion," citing *Vavilov* at paras 91, 128.

[11] However, *Vavilov* also teaches us that the principles of justification and transparency require that an administrative decision-maker's reasons meaningfully account for the central issues and concerns raised by the parties; a decision-maker's failure to meaningfully grapple with key issues or central arguments raised by the parties may call into question whether the decision-maker was actually alert and sensitive to the matter before it: *Vavilov* at paras 127-128.

[12] Here, the Applicant's stated purpose of visit was to collect and cash a cheque from the proceeds of the sale of his properties, which was central to his visa application. While the Respondent takes issue with the lack of documentary support for the Applicant's stated purpose (such as the original real estate transactions and evidence that the Applicant must be physically in Canada to cash the cheque), I note the Officer did not cite any of the concerns the Respondent now raises. The Officer did not address the Applicant's explanation for his proposed travel, nor did the Officer raise any concern about the Applicant's stated purpose or the documents the Applicant submitted to prove his stated purpose.

[13] While it was certainly open to the Officer to assess and determine the sufficiency of the documentary evidence, the fact that the Officer failed to engage with the evidence that the Applicant did submit means the Decision lacks the requisite justification.

[14] Second, I find the Officer's finding that the Applicant did not establish "strong ties to his country of residence" unreasonable.

[15] I pause here to note that it is unclear to me when referring to the Applicant's "country of residence," whether the Officer meant Hungary or Bangladesh, as the evidence suggests the Applicant splits his time almost evenly between the two countries.

[16] In support of his visa application, the Applicant, a business owner, provided evidence including his business bank statements showing that he had the requisite funds to support his one-week trip to Canada. The Applicant provided proof of his financial establishment in his country of origin, Bangladesh, as well as Hungary. Specifically, with respect to Bangladesh, the Applicant submitted business bank statements and evidence of liquid assets in shares, business capital, and cash of substantial value. The Applicant also submitted income tax filing and other documents relating to his business licence in Bangladesh.

[17] While the Officer stated in the GCMS notes that they were not satisfied the Applicant was financially established in their country of residence, which may be a reference to Hungary, I agree with the Applicant that the reasons provide no insight into why the evidence was insufficient to establish the Applicant's economic ties to Bangladesh and why it would not support the Applicant's visa application.

[18] The Respondent acknowledges that the Applicant submitted financial transaction documents and evidence of a business in Bangladesh, but argues that none of this evidence

indicated in any way that his presence was necessary in Bangladesh. The Respondent notes that, per the Applicant's own submissions before the Officer, he claims to be outside of Bangladesh for 10-15 days a month for vacations in Hungary. Moreover, the Respondent notes, the business appears to have been the business of the Applicant's father, who remains in Bangladesh.

[19] The Respondent's argument on this issue—similar to their argument about the purpose of visit—does not correspond with the actual reasons the Officer provided. The Respondent appears to be filling in the gaps for the justifications that could have been, but actually were not, part of the Officer's reasons.

[20] For these reasons, I find the Decision unreasonable.

III. Conclusion

[21] The application for judicial review is granted.

[22] There is no question for certification.

JUDGMENT in IMM-5451-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted and the matter sent back for redetermination by a different officer.
2. There is no question for certification.

"Avvy Yao-Yao Go"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5451-24

STYLE OF CAUSE: KAZI ARIFUL ISLAM v MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: HELD VIA VIDEOCONFERENCE

DATE OF HEARING: MARCH 6, 2025

JUDGMENT AND REASONS: GO J.

DATED: MARCH 24, 2025

APPEARANCES:

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