

Federal Court



Cour fédérale

Date: 20250722

Docket: IMM-11607-24

Citation: 2025 FC 1301

Ottawa, Ontario, July 22, 2025

PRESENT: Madam Justice McDonald

BETWEEN:

MD SAIDUR RAHMAN

Applicant

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, a citizen of Bangladesh, seeks judicial review of the May 7, 2024, decision refusing his application for temporary resident visa (TRV). The Officer was not satisfied that the Applicant would leave Canada at the end of their stay as required by

paragraph 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[2] The Applicant argues that the decision was unreasonable because the Officer failed to engage with or acknowledge key evidence, including financial information, evidence of strong family ties, and business obligations in Bangladesh. The Applicant also submits that the Officer breached their duty of procedural fairness by implicitly questioning the credibility of the Applicant's financial and travel intentions without giving the Applicant the opportunity to respond.

[3] For the reasons that follow, I find the Officer's decision is reasonable and no procedural fairness issues arise. This application for judicial review is dismissed.

I. Analysis

A. *Did the Officer reasonably consider the evidence?*

[4] The Applicant argues that the Officer unreasonably concluded that the Applicant's assets and financial situation could not support their stated purpose of travel.

[5] Upon conducting a reasonableness review, this Court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible, and justified (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 12, 15 [*Vavilov*]). A reasonable decision is one that is based on an internally coherent and rational

chain of analysis and that is justified in relation to the facts and law that constrain the decision maker (*Vavilov* at para 85).

[6] The Visa Officer's Global Case Management System (GCMS) notes, which comprise part of the decision, read as follows:

I have reviewed the application.

I have considered the following factors in my decision.

Although financial documentation has been provided showing available funds, there is insufficient evidence regarding the origin of these funds. Considering this factor, I am not satisfied that the PA is sufficiently established and has the financial ability to justify such travel expenses.

The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application.

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.

[7] The Officer's notes show they considered the Applicant's financial information.

However, the Officer reasonably questioned the source of several large cash deposits. Some bank statements showed a zero balance before the account opened, and the Applicant did not explain this or provide documents to support the deposits.

[8] The onus is on the Applicant to provide sufficient and clear information to support the Visa request, there is no obligation on the Visa Officer to give the Applicant the benefit of the doubt (*Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 at para 9).

[9] The Officer's finding regarding the financial documentation was a sufficient basis to also conclude that the purpose of the Applicant's visit to Canada was not consistent with a temporary stay. Therefore, the decision is reasonable.

B. *Was there a breach of procedural fairness?*

[10] The Applicant argues that the Officer implicitly questioned his credibility on his financial information and travel intentions without giving him the opportunity to respond.

[11] On procedural fairness, the Court looks to whether the applicant knew the case to meet, and whether the applicant had a full and fair opportunity to respond (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 54, 56). In the visa context, as here, the level of procedural fairness owed is at the low end of the spectrum (*Semenushkina v Canada (Citizenship and Immigration)*, 2022 FC 1170 at para 36). Finally, there is no right to be "heard" as argued by the Applicant nor is there a right to respond to the Officer's concerns about the evidence. Rather the burden is on the Applicant to provide clear evidence and documentation in support of their application.

[12] In this case, I do not accept the Applicant's characterization of the Officer's findings that they were not satisfied that the applicant would leave Canada at the end of their authorized stay, as a credibility finding, rather, that is merely the Officer referencing the statutory language that the Officer must consider when reviewing the evidence in support of the application. Here the

Officer was not satisfied that the Applicant provided sufficient evidence in support of his application. No procedural fairness issues arise on this case.

II. Conclusion

[13] This judicial review application is dismissed. There is no question for certification.

JUDGMENT IN IMM-11607-24

THIS COURT'S JUDGMENT is that:

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

"Ann Marie McDonald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-11607-24

STYLE OF CAUSE: RAHMAN V MCI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JUNE 9, 2025

JUDGMENT AND REASONS: MCDONALD J.

DATED: JULY 22, 2025

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