

Federal Court



Cour fédérale

Date: 20250722

Docket: IMM-11150-24

Citation: 2025 FC 1307

Vancouver, British Columbia, July 22, 2025

PRESENT: Madam Justice Azmudeh

BETWEEN:

SIMRATPAL SINGH

Applicant

and

**MINISTER OF IMMIGRATION
AND CITIZENSHIP**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] These are my reasons to dismiss the judicial review of the decision to refuse the Applicant's temporary resident visa (TRV or visitor visa) application to Canada.

[2] The Applicant is a 28-year-old Indian citizen who applied for a visitor visa to visit his sister and her family in Canada for 20 days and to attend his nephew's birthday. The Applicant applied for the visitor visa at the Canadian High Commission in New Delhi, where there is a

specific Visa Office Instruction, applicable to the Applicant's visa application. Immigration, Refugees and Citizenship Canada, *TRV Instructions - IMM-5881 E New Delhi Visa Instructions* (2024), online: < <https://ircc.canada.ca/english/pdf/kits/forms/IMM5881E.pdf>>

[3] The New Delhi Visa Instructions require the Applicant to include with his visitor visa application as proof of financial support “[I]ncome Tax Returns for the past two years, Copies of bank statements or bank book covering the past six (6) months, any additional relevant documentation (employment letter, pay slips, proof of pension, business registration, investments, etc.).”

[4] The Applicant had provided evidence that between his own funds and that of his host family, there was a total of \$58,696.84 available for his stay. However, he failed to provide the documentation required by the New Delhi Visa Instructions. The deciding officer (Officer) reviewed the visa application and its supporting documents and notes the following in the Global Case Management System (GCMS) notes:

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). I have reviewed the proof of funds provided by the PA and I am not satisfied with the documentation presented. Although they have submitted a balance confirmation certificate showing available funds, it is not supported with the banking transaction history. Without satisfactory documentation that demonstrates the source of the funds presented, I am unable to determine whether the applicant is adequately established and possesses sufficient funds for their proposed stay in Canada. 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.

[5] In a letter dated April 10, 2024, the Officer refused the visa application because they were not satisfied that the Applicant would leave Canada at the end of his stay as required by paragraph 179(b) of the Immigration and Refugee Protection Regulations, SOR/2002-227.

II. Issues and Standard of Review

[6] The only issue before me is whether the decision to refuse the visa application was reasonable. Reasonableness review is a deferential and disciplined evaluation of whether an administrative decision is transparent, intelligible and justified: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, at paras 12 – 13 and 15 [*Vavilov*]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at paras 8 and 63 [*Mason*].

[7] I have started by reading the reasons of the decision-maker in conjunction with the record that was before them holistically and contextually. As guided by *Vavilov*, at paras 83, 84 and 87, as the judge in reviewing court, I have focused on the reasoning process used by the decision-maker. I have not considered whether the decision-maker's decision was correct, or what I would do if I were deciding the matter itself: *Vavilov*, at para 83; *Canada (Justice) v DV*, 2022 FCA 181 at paras 15 and 23.

[8] A reasonable decision is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law that constrained the decision-maker: see especially *Vavilov*, at paras 85, 91 – 97, 103, 105 – 106 and 194; *Canada Post Corp v*

Canadian Union of Postal Workers, 2019 SCC 67 at paras 2, 28-33 and 61; *Mason*, at paras 8, 59-61 and 66. For a decision to be unreasonable, the applicant must establish the decision contains flaws that are sufficiently central or significant (*Vavilov* at para 100). Not all errors or concerns about a decision will warrant intervention.

III. Analysis

A. *Was the Officer's decision reasonable?*

[9] My review of the Certified Tribunal Record shows that the Decision was reasonable. At the hearing, the Applicant accepted that he had not provided the particulars required in the New Delhi Visa Instructions, such as copies of bank statements or bank book covering the past 6 months as opposed to just a final balance. However, he argued that the New Delhi Visa Instructions are not law and that the only thing that really mattered was evidence of his financial stability in India, and that the Applicant had provided plenty of evidence to prove it.

[10] I disagree with the Applicant's characterization that the Officer's compliance with the New Delhi Visa Instructions in effect turned the decision unreasonable. This Court has held that absence of adequate documentation confirming the availability of funds is sufficient on its own to refuse an application (*Bhardwaj v Canada (Citizenship and Immigration)*, 2025 FC 736 at para 10 [*Bhardwaj*] citing *Kassira v Canada (Citizenship and Immigration)*, 2025 FC 310 at para 18 and cases cited therein). *Bhardwaj* also relied on *Salemi v Canada Citizenship and Immigration*, 2024 FC 1858 at para 33 to find it reasonable for an officer evaluating a visitor visa application to assess the origin, nature and stability of an applicant's funds in determining whether the applicant has sufficient resources.

[11] I find that the Applicant's reliance on *Gill v Canada (Citizenship and Immigration)*, 2024 FC 1453 [*Gill*] to argue that the Officer's reasons were unreasonable to be misplaced. In *Gill*, the applicant had filed the provenance of the funds through what the Court referred to as "detailed documentation" (*Gill* at para 25), which included proof of significant funds with detailed financial transactions for the four to six months on various accounts prior to the application date. It was in the context of this detailed evidence that the Court found it was unreasonable to conclude that the applicant had insufficient assets without acknowledging the funds available to them (*Gill* at para 27).

[12] Equally misplaced is the Applicant's reliance on *Pal v Canada (Citizenship and Immigration)*, 2025 FC 1008 [*Pal*]. *Pal* was about the refusal of a work permit application when the officer was not satisfied that the applicant could perform the intended duties of his proposed job in Canada. It was in this context that the Court held that the officer's failure to connect the absence of salary deposits to the necessary work experience was unreasonable. In light of this finding, and that the Officer had not explained why salary deposits would support their conclusion, the Court rejected the respondent's arguments on the New Delhi Visa Instructions. In this case, the availability of funds, and their provenance, is far more central to the support of a visitor visa application, and I therefore agree with the Respondent that *Pal* is distinguished from this case.

[13] I agree with the Respondent that this case is analogous to *Bhardwaj*. In that case the Court found that in light of the lack of support as to the source and availability of these funds, it was reasonable for the Officer to refuse the visa application. Just as in *Bhardwaj*, the determinative

issue in this case was also that the Applicant had not established availability of sufficient funds for his stay.

[14] The Applicant also argued that the Officer's conclusion that the purpose of travel was not consistent with a temporary stay was also not supported by the totality of the evidence.

[15] Visa officers have a wide discretion in their assessment of the application and the Court ought to provide considerable deference to an Officer's decision given the level of expertise they bring to these matters (see especially *Zhang v Canada (Minister of Citizenship and Immigration)*, 2003 FC 1493 at para 7; see also *Umar v Canada (Citizenship and Immigration)*, 2022 FC 539 at para 8; *Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at para 12; *Obeng v Canada (Citizenship and Immigration)*, 2008 FC 754 at para 21; *Zamor v Canada (Citizenship and Immigration)*, 2021 FC 479 at para 19. The onus is on the Applicant who seeks temporary entry to Canada to establish and satisfy a visa officer that they will leave Canada at the end of the authorized period of stay requested. Once the Officer reasonably concluded that the Applicant had not established the availability of sufficient funds, it was open to them to come to this conclusion. I find that their reasons show a rational connection between the available evidence and the conclusion.

IV. Conclusion

[16] The Officer's decision is reasonable. It does exhibit the requisite degree of justification, intelligibility, and transparency. The application for judicial review is therefore dismissed.

[17] Neither party proposed a question for certification, and I agree that none arises in this matter.

JUDGMENT IN IMM-11150-24

THIS COURT'S JUDGMENT is that

1. The Judicial Review is dismissed without costs.
2. There are no questions to be certified.

"Negar Azmudeh"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-11150-24

STYLE OF CAUSE: SIMRATPAL SINGH v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: JULY 16, 2025

**REASONS FOR JUDGMENT
AND JUDGMENT:** AZMUDEH J.

DATED: JULY 22, 2025

APPEARANCES:

Amandeep Singh Cheema

FOR THE APPLICANT

Lucas Kam

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Amandeep Singh Cheema
Surrey, British Columbia

FOR THE APPLICANT

Department of Justice Canada
Vancouver, British Columbia

FOR THE RESPONDENT