

Federal Court



Cour fédérale

Date: 20251001

**Dockets: IMM-20523-24
IMM-20883-24**

Citation: 2025 FC 1617

Ottawa, Ontario, October 1, 2025

PRESENT: Madam Justice Azmudeh

BETWEEN:

**AVTAR SINGH
BALWINDER KAUR**

Applicants

and

**MINISTER OF IMMIGRATION
AND CITIZENSHIP**

Respondent

JUDGMENT AND REASONS

I. Overview

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

[2] The Applicants are a married couple from India who applied for visitor visas to Canada to see their son and grandson in Laval, Quebec. An officer reviewing their visa applications refused to issue the visas for the following reason:

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). **Bank statement is not supported with evidence pertaining to the source of these funds. More evidence is required to show the source of funds provided by the applicant on their bank statement.** The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application. Applicant has not provided sufficient evidence of proof of relationship between the inviter, I am not satisfied the applicants purpose of visit is genuine. 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. (emphasis added)

[3] The Respondent argues that the decision is reasonable because among other factors, at the Canadian High Commission in New Delhi, where the Applicants applied, a specific Visa Office Instruction requires certain materials (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>> (“New Delhi Visa Instructions”)).

[4] As proof of financial support, the New Delhi Visa Instructions require that the Applicants include with their visitor visa application “[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.).”

[5] The Applicants had provided financial documentation that included tax information on their annual income of CAD \$9,034.79, documentation on income from other sources, namely from the Punjab Tractor Motor Garage, ownership of three immovable assets with an estimated combined value of CAD \$383,481, a net worth certificate showing a net worth of INR 2,52,35,321.42, that included movable assets such as gold, jewellery and cash, and five months worth of bank statements with balances between INR 1,100,000 and 1,200,000 (a different decimal system used by the bank notes them in the approximate range of 11,00,000 and 12,00,000).

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 decision-maker's reasons in conjunction with the record that was before them holistically and contextually. As the reviewing judge, guided by *Vavilov*, at paragraphs 83, 84 and 87, I have focused on the decision-maker's reasoning process. I have not considered whether the decision-maker's decision was correct, or what I would do if I were deciding the matter myself (*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. The Applicants point to evidence that would be contrary to the Officer's conclusion. They argue that the Officer's lack of engagement with material evidence to the contrary left a gap in the Officer's chain of reasoning. I agree with the principle behind their argument, that if there is evidence that would point to a contrary conclusion, the Officer must engage with it and explain why they discounted it (*Thavaratnam v Canada (Citizenship and Immigration)* 2022 FC 967). However, I do not agree with their characterization that this happened here.

[10] The Applicants argue that while the Officer mainly took issue with the source of their funds, they had submitted extensive financial evidence that should have satisfied the Officer. They had outlined their annual income and the details of the sources of that income. For the

Applicants, given the evidence provided, the Officer's brief reasons are not justified and lack intelligibility.

[11] However, the Applicants provided detailed documentation for an annual income of the equivalent of CAD \$9,034.79 (INRs 551,574), as well as valuation statements of their assets. The Applicants had demonstrated a combined income of INRs 366,750 for "income from salary", "income from house property", "income from business profession", "income from other sources", and an "agricultural income" of INRs 184,824 ($366,750 + 184,824 = 551,574$ or CAD \$9,034.79).

[12] I find that the Officer's finding that "Bank statement is not supported with evidence pertaining to the source of these funds. More evidence is required to show the source of funds provided by the applicant on their bank statement." is consistent with the evidence before the Officer. The evidence pointed to a modest annual income, a consistently high bank balance with a gap as to the source of the funds deposited. In bank statements provided for a five-month period, the closing balance was slightly lower than the opening, and there were two deposits made, one for interest payment, and the other showing "By ACH Credit...". While the Applicants had filed evidence of substantial assets, they had not claimed that they had liquidated any of them. It is in the context of their modest income and unliquidated assets that I also find the Officer's finding, that their asset and financial situation was insufficient to support their application, to be consistent with the totality of the evidence before the Officer.

[13] At the hearing, the Applicants accepted that they had provided five months worth of bank

records as opposed to six months, as required in New Delhi Visa Instructions. However, they argued that five months worth of bank statements together with extensive corroboration of their financial state is inconsistent with the Officer's rationale.

[14] I agree that the Officer's reasons did not turn on the five as opposed to six months worth of bank statements. However, the Applicants' supporting documents, while pointing to extensive immovable assets that were not liquidated, pointed to a modest income. The bank statements themselves do not explain where the money came from. It is therefore reasonable to conclude that the bank statements are unsupported by evidence as to the source of the funds. A contrary finding would require the Officer to fill the evidentiary gaps by speculating about how the funds were obtained. Finding of fact must rest on evidence, not conjecture, and it was not unreasonable for the Officer to have avoided basing their conclusions on speculations and conjectures.

[15] 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.

[16] 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 source of funds, it was open to the Officer to come to this conclusion. I find that their reasons show a rational connection between the available evidence and the conclusion.

[17] Because the Officer's conclusion on the main determinative issue—the applicants' source of funds—was reasonable, it is not necessary for me to analyze their secondary reason, i.e, the Officer's treatment of the Applicants' relationship with their son.

IV. Conclusion

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

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

JUDGMENT IN IMM-20523-24 and IMM-20883-24

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

DOCKETS: IMM-20523-24 and IMM-20883-24

STYLE OF CAUSE: AVTAR SINGH ET AL. v. MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VIDEOCONFERENCE

DATE OF HEARING: SEPTEMBER 25, 2025

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

DATED: OCTOBER 1, 2025

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