

Federal Court



Cour fédérale

Date: 20251003

Docket: IMM-10594-24

Citation: 2025 FC 1638

Ottawa, Ontario, October 3, 2025

PRESENT: Madam Justice Azmudeh

BETWEEN:

LEO DAGARGULIA

Applicant

and

**MINISTER OF IMMIGRATION
AND CITIZENSHIP**

Respondent

JUDGMENT AND REASONS

[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] In refusing the application, the Officer based their decision on two determinative issues, the provenance of funds and significant family ties in Canada. The Applicant had provided evidence that he and his parents lived in Russia, that he was a university student, and that both parents worked in Russia. However, the Officer's finding occurred in a context where the

Applicant and both of his parents had applied for visitor visas to visit the Applicant's sister in Canada.

[3] 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*].)

[4] For a decision relating to a temporary resident visa, reasons will normally be brief because of the important volume of requests being made (*Hajiyeva v Canada (Citizenship and Immigration)*, 2020 FC 71 at para 6; *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175 at para 15; *Lingepo v Canada (Citizenship and Immigration)*, 2021 FC 552 at para 13). In such a context, the decision must be read in light of the record that was before the decision maker, including the evidence and the arguments of the parties.

[5] The *Immigration and Refugee Protection Regulations* SOR/2002-227 [IRPR] place a positive obligation on TRV applicants to establish, among other things, that they will leave Canada by the end of the period authorized for their stay: IRPR, s 183(1). In evaluating visa applications, the presence of family ties outside Canada *may* be a relevant indicator as to whether an individual has met that obligation.

[6] In a context where the Applicant wanted to visit the only other member of his family together with the members of his entire immediate family, and such a visit would leave no immediate family member in Russia, it was open to the Officer to find that the Applicant would have significant family ties in Canada.

[7] Where the entire family applied for a visa, the Applicant would have no family left in Russia. Therefore, the Officer's conclusion that the Applicant had significant family ties in Canada was consistent with the totality of the evidence before them. It is not an error for an officer to consider strong family connections to Canada as a reason that an Applicant might remain in Canada (*Gomes v Canada (Citizenship and Immigration)*, 2020 FC 451 at para 18, citing *Anand v Canada (Citizenship and Immigration)*, 2019 FC 372 at para 30). In *Dhaliwal v. Canada (Citizenship and Immigration)*, 2025 FC 1286, this Court found reasonable a visa refusal that occurred because the Applicant's evidence showed their family ties were mostly in Canada. There, family ties were the determinative issue for the Officer.

[8] There is a presumption that visa applicants intend to immigrate to Canada. As a result, a foreign national who seeks temporary entry into Canada bears the burden to satisfy the officer that they will leave Canada at the end of the authorized period (*Pastor v Canada (Citizenship and Immigration)*, 2021 FC 1263 at para 16; *Singh Hundal v Canada (Citizenship and Immigration)*, 2023 FC 197 at para 11; *Kaleka v Canada (Citizenship and Immigration)*, 2024 FC 1457 at para 30). It was reasonable for the Officer not to view the Applicant and his family's visitor visa application as not having discharged the Applicant's burden.

[9] On this basis alone, the refusal of the TRV was reasonable and I need not assess the Officer's treatment of the other determinative issue, the provenance of funds.

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

[11] Neither party proposed a question for certification, and I agree that none arises.

JUDGMENT IN IMM-10594-24

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-10594-24

STYLE OF CAUSE: LEO DAGARGULIJA v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 2, 2025

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

DATED: OCTOBER 3, 2025

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