Federal Court Cour fédérale

Date: 20251009

Docket: IMM-13243-24

Citation: 2025 FC 1668

Montréal, Québec, October 9, 2025

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

ARSHDEEP SINGH BARING

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks the judicial review of June 11, 2024, decision made by an Immigration, Refugees and Citizenship Canada officer [respectively, the Decision, the IRCC and the Officer] that rejected the Applicant's International Mobility Program application for a spousal open work permit.

[2] The application was rejected by the Officer pursuant to paragraph 200(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*IRPR*] because the Officer

was not satisfied that, a) the Applicant's spouse, who is already in Canada and employed, has provided sufficient proof of funds to support the family's stay in Canada, b) that the Applicant has sufficient funds to support his stay in Canada, and, c) the Applicant would leave Canada at the end of his stay.

[3] The Applicant has not established that the Decision is unreasonable. His application is therefore dismissed for the reasons that follow.

I. **The Facts**

[4] The Applicant is a citizen of India, where he is currently employed as a bookkeeper. His spouse of two years resides in Canada. She is employed as an administrative assistant following her receipt of a post-graduation work permit that will expire on April 8, 2026.

[5] The Applicant filed a spousal open work permit application on April 10, 2024. The Applicant's spouse's letter of request for the Applicant to join her in Canada was also filed on April 10, 2024. The Applicant did not specify that he desired to work while in Canada, or any details of type of work he might seek while in Canada in his application. He submitted limited financial documentation in support of his application as follows:

a) A letter from his employer in India attesting to his monthly remuneration.

b) A single-page statement of available funds, accompanied by a printout of his bank account details, but without any supporting bank statements or other corroborating financial documents.

c) An Indian Income Tax Return Acknowledgment for the 2024-2025 assessment year reflecting his total income for the assessment period.

d) A six-page report prepared by chartered accountants, dated April 9, 2024, and entitled “Total Assets & Annual Income Certificate regarding Visa Application of Arshdeep Singh Baring S/O Jagtar Singh Baring”. The Total Assets Certificate contained in the report commingles the Applicant’s assets with those of his parents. This certificate was issued on the basis of “relevant documents and other details provided to [the chartered accountants]”. The report sets out various Indian Rupee amounts related to agricultural land, a residence, two plots of land, account balances in various banks, limited investment maturity amounts with associated investments, and annual total income compiled from the Applicant’s and his parents’ Indian tax returns. The near totality of the assets indicated are stated as belonging to the Applicant’s parents rather than to the Applicant himself.

e) An invitation letter from his spouse, three pay stubs relating to her employment in Canada, and a bank account statement for the month of March 2024. The statement shows deposits totaling CAD $15,000 made in relatively small increments over five days, without information as to their source or whether they may be recurring in nature.

f) An affidavit from the Applicant’s parents in which they state, jointly, “[t]hat [they] shall bear all the living expenses incurred by Arshdeep Singh Baring during his stay in Canada”, and that “[they] have access to sufficient funds to support his expenses in Canada”.

[6] The Applicant swore an affidavit in support of his application, in which he describes the documents he filed in the form of a list without additional detail. He avers that he has provided all the necessary evidence to quality for the issuance of a spousal open work permit. He also states that the financial documents he submitted demonstrate "sufficient liquid funds to bear the expenses in Canada".

II. **The Decision**

[7] On June 11, 2024, the Officer made the Decision to refuse the Applicant's application pursuant to paragraph 200(1)(b) of the *IRPR* because, a) the Applicant's spouse, who is already in Canada and employed, has not provided sufficient proof of funds to support the family's stay in Canada, and, b) the Applicant does not have sufficient funds to support his stay in Canada.

[8] The Global Case Management System [GCMS] notes produced in the Certified Tribunal Record [CTR] form part of the Officer's reasons for decision (*De Hoedt Daniel v Canada (Citizenship and Immigration)*, 2012 FC 1391 at para 51; *Afridi v Canada (Citizenship and Immigration)*, 2014 FC 193 at para 20; *Muthui v Canada (Citizenship and Immigration)*, 2014 FC 105 at para 3). They also set out the Officer's reasoning. They indicate that the Officer considered each of the financial documents filed by the Applicant in support of his application. The notes also reflect the Officer's reasoning as follows:

> I note the following information provided in the application:
>
> - PDWP issued to inviter on 2023-04-08 (valid to 2026-04-08). Administrative Assistant for Royal Design Centre with hourly wage of $26.00. Three pay slips provided.
>
> - Scotiabank statement for inviter provided with one month of transactions. Approx. $531 on March 1, 2024 and $16,579 on

> March 30, 2024. Many large deposits with no provenance file. No evidence of deposit of check from Royal Deign Centre in this account.
>
> - No evidence of joint bank statements.
>
> - Applicant employment in India on file. Bank statement as screen capture for applicant provided shows amount of approx. $16,000. No transaction history provided.
>
> - Affidavit from applicant's parents supporting and bearing all expenses. Financial information provided CA and property valuation report. SBI statement for approx. $5,000 for father and another for approx. $4,500 for mother. No transaction history or provenance provided. Many SBI statements for term deposit accounts, accumulation to large sums, no transaction history or provenance available.
>
> - Inviter and applicant married September 10, 2024. Marriage certificate on file. Wedding invitation and photos of wedding provided. No pre-marriage photos provided. Some WhatsApp messages provided dated February to April 2024.

[9] Additional notes in the GCMS are as follows:

> Application reviewed and all documents opened. Applicant has applied for an open work permit and intends to join their spouse in Canada.
>
> I note that the applicant was issued an exclusion order and departed Canada on December 29, 2016. ARC not required. I note the liability is Client so no payment of removal fee is required.
>
> Limited proof of source of funds on file. Scotiabank statement in name of inviter/spouse shows increase by $16,000 in a period of one month (March) due to large sum deposits with no provenance as to where they originated on file. Not satisfied that funds would be readily available. I note that three pay slips for inviter's employment in Canada were provided (dated Match 7, March 22 and April 7, 2024) however there is no evidence of deposit of income in provided Scotiabank statement for March 2024. No evidence of joint bank account. Bank statement for applicant provided shows $16,000 however there is no provenance or transactions on file. I note the affidavit and funds from applicant's parents stating they will cover all living expenses during their

> son's stay in Canada but no mention of supporting the spouse as well, namely as the applicant will be living with the spouse. Furthermore, as the applicant is applying for an open work permit, no mention of supporting themselves through obtaining an employment. I am not satisfied funds are sufficient or would be readily available to support both spouse and applicant during their stay in Canada. Application refused as per R200(1)(b).

III. **The Issues**

[10] There are two issues in this proceeding:

a) whether the Officer's decision is reasonable in light of the facts and the law; and,

b) whether there was a breach of procedural fairness arising from the Officer's failure to afford the Applicant an opportunity to address concerns regarding the content of his application prior to making the Decision.

[11] Leaving aside the procedural fairness issue for a moment, the parties agree that the applicable standard of review of the Decision is the standard of reasonableness discussed in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 25, 86-87 [*Vavilov*]. The Court agrees.

[12] Reasonableness is a deferential standard of review (*Vavilov* at paras 12-13). The reviewing court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible, and justified (*Vavilov* at para 15). 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 administrative decision maker (*Vavilov* at para 85). Whether a decision is reasonable depends on the relevant administrative setting, the record

before the administrative decision maker, and the impact of the decision on those affected by its consequences (*Vavilov* at paras 88-90, 94, 133-135).

[13] For a decision to be unreasonable, the applicant must establish that 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. A reviewing court must refrain from reweighing evidence before the administrative decision maker, and it should not interfere with factual findings absent exceptional circumstances (*Vavilov* at para 125). Flaws or shortcomings must be more than superficial or peripheral to the merits of the decision, or a "minor misstep" (*Vavilov* at para 100). Reasonableness review is not a "line-by-line treasure hunt for error" (*Vavilov*, at para 102).

[14] This Court has determined that the administrative setting in which visa officers operate is such that the need to give reasons is "typically minimal" and need not be extensive (*Iriekpen v Canada (Citizenship and Immigration),* 2021 FC 1276 at para 7; *Chaudhary v Canada (Citizenship and Immigration),* 2024 FC 102 at paras 27-30). A reviewing court should leave an administrative decision in place if it can discern from the record why the decision was made and if the decision is otherwise reasonable (*Vavilov* at paras 120-122; *Canada (Citizenship and Immigration) v Mason*, 2021 FCA 156 at paras 38-42). The Federal Court of Appeal affirmed this principle in *Zeifmans LLP v Canada*, 2022 FCA 160, when it wrote as follows at paragraph 10:

> In other words, the reasons on key points do not always need to be explicit. They can be implicit or implied. Looking at the entire record, the reviewing court must be sure, from explicit words in reasons or from implicit or implied things in the record or both,

> that the administrator was alive to the key issues, including issues of legislative interpretation, and reached a decision on them.

[15] Procedural fairness issues are to be reviewed on a standard that is best reflected in the correctness standard, although strictly speaking, no standard of review is being applied (*Canadian Pacific Railway Company v Canada (Attorney General),* 2018 FCA 69 at para 54 [*CP Rail*]). This standard of review is not deferential. The central question for issues of procedural fairness is whether the process was fair and just having regard to all of the circumstances, including the factors enumerated in *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at paras 21-28 (*CP Rail* at para 54).

IV. **The Legal Framework**

[16] A foreign national, such as the Applicant, may seek a work permit to work in Canada pursuant to Part 11, Division 2 of the *IRPR*. Pursuant to section 197 of the *IRPR*, a foreign national may apply for a work permit at any time before entering Canada. Subsection 200(1) of the *IRPR* sets out the conjunctive conditions that must be met for a work permit to be issued to a foreign national who applies for a work permit before entering Canada. Paragraph 200(1)(b) reads as follows:

DIVISION 3	**SECTION 3**
Issuance of Work Permits	Délivrance du permis de travail
Work permits	**Permis de travail — demande préalable à l'entrée au Canada**
200 (1) Subject to subsections (2) and (3) — and, in respect of a foreign national who makes an application for a work permit before	**200 (1)** Sous réserve des paragraphes (2) et (3), et de l'article 87.3 de la Loi dans le cas de l'étranger qui fait la demande préalablement à son entrée

entering Canada, subject to section 87.3 of the Act — an officer shall issue a work permit to a foreign national if, following an examination, it is established that	au Canada, l'agent délivre un permis de travail à l'étranger si, à l'issue d'un contrôle, les éléments ci-après sont établis :
(a) the foreign national applied for it in accordance with Division 2;	**a)** l'étranger a demandé un permis de travail conformément à la section 2;
(b) the foreign national will leave Canada by the end of the period authorized for their stay under Division 2 of Part 9;	**b)** il quittera le Canada à la fin de la période de séjour qui lui est applicable au titre de la section 2 de la partie 9;

[17] Therefore, while subsection 200(1) of the *IRPR* sets out the conjunctive conditions for the issuance of a work permit, paragraph 200(1)(b) provides that a foreign national may be issued a work permit if it is established that a foreign national will leave Canada by the end of period authorized for their stay.

[18] Pursuant to subsection 11(1) of the *Immigration and Refugee Protection Act,* SC 2001, c 27 [*IRPA*], the same foreign national who is seeking to enter Canada must meet the requirements fixed by the *IRPR* and the *IRPA*, and must satisfy a visa officer that they are not inadmissible pursuant to the *IRPA:*

Requirements	**Formalités**
Application before entering Canada	**Visa et documents**
11 (1) A foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document may be issued if, following an examination, the officer is satisfied that the foreign national is not	**11 (1)** L'étranger doit, préalablement à son entrée au Canada, demander à l'agent les visa et autres documents requis par règlement. L'agent peut les délivrer sur preuve, à la suite d'un contrôle, que l'étranger n'est pas interdit de territoire et se conforme

inadmissible and meets the requirements of this Act.	à la présente loi.

[19] Sections 33 to 43 of the *IRPA* set out various grounds of inadmissibility. Pursuant to section 39 of the *IRPA*, financial reasons may be a ground of inadmissibility:

Financial reasons	**Motifs financiers**
39 A foreign national is inadmissible for financial reasons if they are or will be unable or unwilling to support themself or any other person who is dependent on them, and have not satisfied an officer that adequate arrangements for care and support, other than those that involve social assistance, have been made.	**39** Emporte interdiction de territoire pour motifs financiers l'incapacité de l'étranger ou son absence de volonté de subvenir, tant actuellement que pour l'avenir, à ses propres besoins et à ceux des personnes à sa charge, ainsi que son défaut de convaincre l'agent que les dispositions nécessaires — autres que le recours à l'aide sociale — ont été prises pour couvrir leurs besoins et les siens.

[20] Whether other legal constraints, such as guidelines or program parameters, bind the Officer in connection with an application for an open work permit was not argued by either of the parties. Moreover, no such guidelines or program parameters were led in evidence or produced in this proceeding.

V. **Arguments and Analysis**

[21] The Applicant's main argument is that the Officer made an unreasonable decision by failing to consider the financial evidence he provided as a whole, and by presuming that financial support would not be provided or available to him on a going-forward basis. The Applicant

argues that the GCMS notes reflect that the Officer either misapprehended the financial evidence before them or made findings that the financial documentation provided was not credible.

[22] In order to establish his argument, the Applicant invites the Court to engage in a line-by-line treasure hunt for error through the GCMS notes while focussing myopically on the financial documentation provided on a one-by-one basis. The Applicant maintains throughout his submissions that he believed he provided all of the financial documentation necessary to satisfy the *IRPR*'s financial requirements in order to be issued an open work permit.

[23] The Court must decline the Applicant's invitation for several reasons.

[24] The Applicant's proposed approach is contrary to what a reviewing Court is tasked with on a reasonableness review (*Vavilov* at para 102). The Applicant is, in effect, asking the Court to reweigh the evidence presented in the application and apply its own conclusion rather than focus on the rationality of the Officer's Decision. *Vavilov*, at paragraph 125, and *Doyle v Canada (Attorney General),* 2021 FCA 237 at para 3, make clear that a reviewing court conducting a reasonableness review may only interfere with the admissibility or weight of evidence, or draw inferences from the evidence, where the administrative decision maker has made fundamental errors in fact-finding that undermine the acceptability of the decision under review. No such fundamental errors have occurred here.

[25] The Applicant's invitation ignores that there is a presumption that a foreign national seeking to enter Canada is an immigrant and that the onus is on them to establish, to the officer's

satisfaction, that they would leave Canada at the end of their stay (*Rahman v Canada (Citizenship and Immigration)*, 2016 FC 793 at para 16). The Applicant's belief that he provided all the financial documentation required to satisfy the Officer is neither determinant nor relevant.

[26] It is the Applicant's onus to provide all the material necessary for a favourable decision to be made on his application. Visa officers are under no legal duty to ask for clarification or for additional information before rejecting a visa application on the ground that the material submitted was insufficient to satisfy them that the relevant selection criteria were met (*Madan v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 8417 (FC), [1999] FCJ No 1198 at para 6*; Singh v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 84 at para 21; *Ugorji v Canada (Citizenship and Immigration)*, 2025 FC 571 at para 14).

A. ***The Decision is Reasonable***

[27] The Applicant does not argue that the Officer made fundamental errors in fact-finding. Rather, he argues that the Officer overlooked a) that he had been steadily employed for several years in India, had provided his proof of employment, and had sufficient funds in his account, as well as an affidavit from his parents stating that they would be financially supporting him during his stay in Canada; and b) that his spouse had provided her proof of employment and proof of funds to support herself and her husband during his stay in Canada.

[28] This Court's jurisprudence has established that visa officers have broad discretion in assessing applications and in determining whether an applicant has satisfied them that they will leave Canada at the end of their authorized stay. Considerable deference must be given to an

officer's decision in light of their expertise (*Zhang v Canada (Minister of Citizenship and Immigration)*, 2003 FC 149 at para 7). In making their assessment, officers must take into account all of the factors that are relevant to the issues before them. These factors include an applicant's economic establishment in their country of residence and family links, employment opportunities, and any incentives to return there (*Bahmani v Canada (Citizenship and Immigration)*, 2025 FC 1254 at para 17; *Ramos v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 768 at para 10).

[29] The Applicant's argument fails to grapple with the Officer's duty to be satisfied that he will leave Canada at the end of his authorized stay and that his demonstrated financial resources to actually leave Canada is one of the many relevant factors that the Officer can consider and weigh. The Officer is bound to consider the source and availability of the Applicant's wherewithal and that requires going beyond simply accepting financial documents at face value.

[30] The GCMS notes reflect that the Officer engaged with the fact that the Applicant had been employed in India and had approximately $ 16,000 in his bank account. The Officer determined that the financial information provided by the Applicant was limited, did not show the provenance of the funds, and did not reflect any transactions that justify the information conveyed on the document's face. The Applicant's employment history in India and bank account balance at a fixed point in time were not sufficient to persuade the Officer that the Applicant would have sufficient funds to support himself while in Canada, particularly so when the Applicant made no mention of supporting himself or his spouse through obtaining

employment in Canada. The Officer's consideration and determinations regarding the Applicant's personal financial evidence was logical, coherent, and justified.

[31] The same GCMS notes reflect that the Officer engaged with the Applicant's spouse's income and financial evidence and observed that proof of the source of funds was limited. The Officer further noted that the financial documents provided with respect to the spouse reflect only one month of transactions and do not demonstrate that her employment income was deposited into her bank account or is otherwise available to support herself and the Applicant in Canada. The Officer's observations and determinations regarding the limitations in the Applicant's spouse's financial evidence were logical, coherent, and justified.

[32] The GCMS notes also reflect that the Officer considered the affidavit of financial support provided by the Applicant's parents along with their accompanying financial documentation and found that they were limited and contained shortcomings as noted by the Officer.

[33] The GCMS notes conclude that the Officer was not satisfied that the Applicant had sufficient or readily available funds to support both himself and his spouse during his stay in Canada. This conclusion was supported by the Officer's observation that the Applicant did not suggest that he would be seeking employment while in Canada. Considering the evidence and the context, it was open to the Officer to reason that an open work permit applicant who does not suggest that they intend to work while in Canada would not have an influx of funds sufficient to support himself while in Canada or to leave Canada at the end of their stay and therefore does not meet the requirements for an open work permit to be granted.

[34] The Officer then determined from his conclusion of financial insufficiency that the Applicant would not leave Canada at the end of his stay as is required by paragraph 200(1)(b) of the *IRPR*. While the explicit line of reasoning that leads to the Officer's ultimate conclusion is lacking, the implicit reasoning that insufficient financial resources for regular support leads to insufficient financial resources to leave Canada is plain.

[35] The Applicant has not established that the Decision is unjustified or unreasonable.

B. ***No Breach of Procedural Fairness***

[36] The Applicant also argues that the Decision is tainted by a breach of procedural fairness. He argues that the Officer was required to provide him with an opportunity address concerns regarding the evidence filed before rendering a decision. The Applicant relies on *Madadi v Canada (Citizenship and Immigration),* 2013 FC 716, at para 6 [*Madadi*] and *Bteich v Canada (Citizenship and Immigration),* 2019 FC 1230 at para 2 [*Bteich*] for this proposition.

[37] The Applicant's argument must be rejected. In *Madadi*, Justice Russel Zinn stated that "[w]here an applicant provides evidence sufficient to establish that they meet the requirements of the Act or regulations, as the case may be, and the officer doubts the 'credibility, accuracy or genuine nature of the information provided' and wishes to deny the application based on those concerns, the duty of fairness is invoked" (at para 6).

[38] The principle articulated by Justice Zinn is not at issue here because, a) the Applicant did not provide sufficient evidence to meet the requirements of the *IRPA* or of the *IRPR*, and b) the

Officer's notes do not suggest that they had any issue with respect to the credibility, accuracy, or genuine nature of the information provided by the Applicant. The Officer's concerns were with the sufficiency of the financial information reflected in the documents tendered.

[39] *Bteich* is easily distinguished in that the matter concerned a study permit application that is governed by different provisions of the *IRPR* and concerned an officer's negative inference from the presence of the applicant's parents' status in Canada. *Bteich* is of no assistance to the Applicant.

[40] The Applicant's argument that there was a breach of procedural fairness is factually and legally unsupported and is rejected.

VI. **Conclusion**

[41] The Applicant has not established that the Decision is unreasonable or reached while breaching his rights of procedural fairness.

[42] The Application for judicial review is therefore dismissed.

JUDGMENT in IMM-13243-24

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.

2. There is no serious question of general importance arising in this proceeding to certify.

3. There is no order as to costs.

"Benoit M. Duchesne"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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