Federal Court Cour fédérale

Date: 20251110

Docket: IMM-13914-24

Citation: 2025 FC 1805

Toronto, Ontario, November 10, 2025

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

MEHAKDEEP SINGH MAAN

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. OVERVIEW

[1] The Applicant, Mehakdeep Singh Maan, applied for permanent residence in Canada under the Spouse in Canada class. His application was refused by Immigration, Refugees and Citizenship Canada [IRCC] on the grounds that his marriage was entered into primarily for immigration purposes. This matter was heard together with a separate application brought by Mr.

Maan, related to an exclusion order that was issued against him: see Court File Number IMM-12969-24.

[2] For the reasons that follow, I believe that this application should be dismissed.

II. BACKGROUND

A. *Facts*

[3] The Applicant, a citizen of India, came to Canada on December 29, 2016, on a student visa that was valid until November 30, 2018.

[4] Mr. Maan was enrolled in the Electrical Engineering Technician program at Sheridan College but withdrew after 8 months. He submits that he withdrew for "personal reasons," while the Respondent notes that he failed most of his courses and was on academic suspension as of spring 2017.

[5] The Applicant managed to renew his student permit on November 15, 2018, but he does not appear to have resumed his studies in any kind of sustained manner.

[6] On December 26, 2019, the Applicant met Ramneek Kaur Padda [Padda] at a birthday party. Padda and the Applicant started a relationship, and they married on April 18, 2020. The marriage was officially registered on October 19, 2020.

[7] In 2021 and 2022, the Applicant was charged with several crimes. All the charges were subsequently dropped, except for a charge of conspiracy to commit an offense, which remains pending.

[8] On October 8, 2021, the Applicant applied for permanent residence through the Spouse or Common-Law Partner in Canada class.

[9] On December 8, 2022, the Applicant received a request from IRCC to provide additional documents to substantiate the genuineness of the marriage. The Applicant submitted the requested documentation on February 8, 2022.

[10] On June 4, 2024, an IRCC officer called the Applicant. The Applicant reported that he and his wife lived at 80 Crumlin Crescent in Brampton with two other roommates. The Applicant also gave an update on the status of his criminal charges.

[11] That same day, the officer called the landlord of 80 Crumlin Crescent. According to the officer's notes, the landlord stated that there were 4-6 men living there, and that he did not believe any "females" were living there. The landlord then contacted Karanjot, another resident of 80 Crumlin Crescent, who stated that the Applicant had moved out about a year ago.

[12] Later that same day, the officer received a phone call from Karanjot. Karanjot told the officer that the Applicant and Padda live at 80 Crumlin Crescent.

[13] Based on these phone calls, the officer was concerned that the Applicant and Padda were not living together as husband and wife.

[14] On June 14, 2024, the Applicant and Padda were interviewed by an IRCC officer as part of the inland sponsorship process.

[15] After the interviews, the IRCC officer noted various discrepancies and concerns regarding the statements made by the Applicant and Padda.

[16] On June 17, 2024, the Applicant's permanent residence application was refused on the grounds that his marriage had been entered into primarily for immigration purposes. This is the decision for which the Applicant seeks judicial review in this matter.

[17] On July 5, 2024, a CBSA Minister's Delegate issued an exclusion order against the applicant under the *Immigration and Refugee Protection Regulations* [IRPR] section 228. This is the decision for which the Applicant seeks judicial review in the parallel proceeding referred to above: IMM-12969-24.

III. ISSUES and STANDARD OF REVIEW

[18] The Applicant raises four main issues, which go to both the substance of the decision under review, and to the fairness of the process which resulted in that decision. I summarize the issues as follows:

1) Did the officer err by failing to properly assess the genuineness of the applicant's marriage under section 4(1) of the IRPR?

2) Did the officer improperly rely on the applicant's past criminal charges in assessing the genuineness of his marriage?

3) Was the officer's decision procedurally unfair and biased, resulting in a failure to provide a fair and impartial review of the application?

4) Was the officer's decision unreasonable given the totality of the evidence presented?

[19] While counsel for the Applicant lists the above issues at the outset of his memorandum of argument, the argument that follows is disorganized and muddled. It conflates the above issues and raises numerous unsubstantiated allegations against the decision-maker. As such, in the reasons that follow, I will provide my broad conclusions on the substance of the decision, and the fairness of the process.

[20] The parties agree, and I concur, that the standard of review applicable to the substance of the officer's decision is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 23 [*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 a decision-maker" (*Vavilov* at para 85). It is a deferential standard, but remains a robust form of review and is not a "rubber-stamping" process or a means of sheltering administrative decision-makers from accountability (*Vavilov* at para 13).

[21] Within the reasonableness standard, the Respondent suggests that particular deference is owed to immigration officers on the highly fact-specific question of the genuineness of a relationship (*Roberts v Canada (Citizenship and Immigration)*, 2025 FC 364 at para 13).

[22] Procedural fairness is reviewed on a standard "akin to correctness": *Canadian Pacific Railway Company v Canada (Transportation Agency)*, 2021 FCA 69.

IV. RELEVANT PROVISIONS

[23] The *IRPR* sets out the following conditions under which a foreign national is not considered a spouse within the meaning of the *Immigration and Refugee Protection Act*:

Bad faith	**Mauvaise foi**
4 (1) For the purposes of these Regulations, a foreign national shall not be considered a spouse, a common-law partner or a conjugal partner of a person if the marriage, common-law partnership or conjugal partnership	**4 (1)** Pour l'application du présent règlement, l'étranger n'est pas considéré comme étant l'époux, le conjoint de fait ou le partenaire conjugal d'une personne si le mariage ou la relation des conjoints de fait ou des partenaires conjugaux, selon le cas :
(a) was entered into primarily for the purpose of acquiring any status or privilege under the Act; or	**a)** visait principalement l'acquisition d'un statut ou d'un privilège sous le régime de la Loi;
(b) is not genuine.	**b)** n'est pas authentique.

V. ANALYSIS

A. *The Decision Was Reasonable*

[24] At root, counsel for the Applicant argues that the decision under review is unreasonable because the officer failed to consider evidence that substantiated the genuineness of the marriage, and that tended to establish that it was not entered into for immigration purposes. As one example, the Applicant points out that he married his spouse over a year before applying for permanent residence in Canada. The Applicant also points out that he submitted his marriage certificate, photographs, financial documents, supporting affidavits, and proof of cohabitation.

[25] As a departure point for this argument, it is important to recall that decision-makers are presumed to have weighed and considered all the evidence presented and need not mention specific documents to demonstrate that they were considered: *Johnson v Canada (Citizenship and Immigration)*, 2025 FC 685 at para 27.

[26] It is true that the Applicant submitted a significant body of evidence that generally supported the claim that he was married to Padda, and that they continued to be in a relationship up until the decision refusing his sponsorship application.

[27] At the same time, there was cause for concern in the evidence in the record. Most notably, I refer here to the statement from the Applicant's landlord that he did not know of any women living in the Applicant's apartment, and to the statement from the Applicant's roommate that the Applicant had moved out of the apartment about a year prior, and did not know Padda. With these statements in mind, the decision of the officer to conduct an interview was clearly justified.

[28] Over the course of the interview, which lasted almost three hours, the officer identified numerous inconsistencies in the information provided by the Applicant and his spouse. Many of those inconsistencies were relatively minor in nature, and I would note that Padda and Mr. Maan were generally consistent in their answers. Had I conducted the interview, I may well have concluded that the couple were in a genuine relationship. But determining the genuineness of the relationship is not the role of the Court on judicial review. The evidence before the officer in this case was mixed, and ultimately, I cannot conclude that the officer's conclusions were outside the range of possible, reasonable outcomes. For me to conclude otherwise would be an exercise in

reweighing the evidence that was before the officer, which again, is not the function of a court on judicial review of an administrative decision. Ultimately, the onus was on the Applicant to demonstrate that he met the requirements set out in the *Act* and *Regulations*. I have no basis on which to conclude that it was unreasonable for the officer to find that he had not met that onus.

B. *The Process Was Fair*

[29] The Applicant's fairness arguments relate largely to the allegation that the officer's decision was unduly influenced by the Mr. Maan's criminal proceedings. Subsection 4(1) of the IRPR, the Applicant argues, concerns the genuineness of a marital relationship, not the Applicant's criminal background. More specifically, the Applicant argues that "the officer's conduct during the interview on June 5, 2024, was unfair and biased, as the officer's questions centered predominantly around the Applicant's past criminal charges rather than the true focus of the interview—the marital relationship."

[30] Beyond this bald allegation, counsel for the Applicant points to no specific moments in the interview that demonstrated a bias on the part of the Officer. From the interview notes, it does seem that the officer asked the Applicant about his criminal history, but these questions appear to have taken place toward the end of the interview after many questions were put to the Applicant and his spouse related specifically to their relationship. Contrary to the Applicant's assertion, his criminal history was not an irrelevant consideration in determining his application. Based on the record before me, there is simply no basis to suggest that any concerns related to the Applicant's criminal charges played a large or disproportionate role in the officer's determination.

[31] Allegations of bias are serious, as they call into question the legitimacy of a decision and the integrity of the decision-maker. Such allegations must be supported by evidence and should not be made on mere suspicion, which appears to be the case here.

[32] I also reject another argument raised by the Applicant, which is that the officer did not provide him with an opportunity to respond to his concerns. There is no merit to this argument. Based on the valid concerns that arose in the officer's conversations with Mr. Maan's roommate and landlord, it was appropriate – and an expression of fairness – to convene an interview with the Applicant. During the interview, the officer first explained the purpose of the process to both the Applicant and his sponsor and then interviewed the couple separately. Following these questions, the officer separately outlined concerns to the couple and gave each an opportunity to respond. Finally, the officer brought the couple together at the end of the interview. There is simply no evidence to suggest that the Applicant was deprived of an opportunity to respond to the officer's concerns.

[33] As a result of the above, I have concluded that the Applicant has failed to establish any unfairness in the process that led to the officer's decision.

VI. COSTS

[34] Hearings into this judicial review, and its companion judicial review in Court file number IMM-12969-24, were initially scheduled to be heard on August 19, 2025. However, counsel for the Applicant – Mr. Rajvinder Singh Grewal – brought a motion to adjourn that hearing to a later date. The reason provided for the adjournment at that time was that Mr. Grewal had a "family

obligation.” Counsel for the Respondent did not consent to the motion, but did not oppose it, noting it to be a “request for a one-time adjournment.” As a result, the hearings into these matters were re-scheduled for October 21, 2025.

[35] Mr. Grewal did not appear for the scheduled hearings on October 21, 2025. Instead, he sent an articling student, who advised that he was not there to argue the merits of the cases but to seek another adjournment because counsel had a dental procedure and would not be able to attend. This was despite the fact that Mr. Grewal had confirmed just a few days before the hearings, on October 17, 2025, that he would be attending them.

[36] Counsel for the Respondent opposed the articling student’s request for a further adjournment and disclosed that Mr. Grewal also confirmed to her that he would appear on the scheduled hearing date. Later, however, Mr. Grewal got back in touch with Respondent’s counsel to advise them of the dental procedure. At some point, Mr. Grewal also indicated that he would send an agent to act on his behalf. However, on October 20, 2025, this agent advised counsel for the Respondent that he also would not be attending these matters, as he had a conflict. None of this was communicated to the Court until Mr. Grewal’s non-appearance on the scheduled hearing date.

[37] As a result of the above, I instructed the parties that this matter would be determined on the basis of the written record only. Pursuant to subsection 404(2) of the *Federal Courts Rules*, SOR/98-106 [*Rules*]. I also solicited submissions from the parties on the question of costs, and whether, given the largely unexplained absence of counsel for the Applicant, an award of costs may be appropriate, as against counsel for the Applicant personally. I further instructed counsel

for the Applicant to provide a copy of my direction to the Applicant personally, and to provide written confirmation to the Court that it had been received by the Applicant.

[38] Counsel for the Applicant did provide written confirmation that the Applicant had received a copy of my direction, but did not make any submissions on the question of costs. In the absence of any submissions from counsel for the Applicant, the Respondent also declined to make submissions on the costs issue.

[39] The *Rules* provide the Court with a broad discretion to order costs. Subsection 400(1) of the *Rules* states:

> **400 (1)** The Court shall have full discretionary power over the amount and allocation of costs and the determination of by whom they are to be paid.

[40] The *Rules* also contemplate the awarding of costs against a solicitor personally in certain situations. Section 404 of the *Rules* provides the following:

> **404 (1)** Where costs in a proceeding are incurred improperly or without reasonable cause or are wasted by undue delay or other misconduct or default, the Court may make an order against any solicitor whom it considers to be responsible, whether personally or through a servant or agent,
>
> > **(a)** directing the solicitor personally pay the costs of a party to the proceeding; or
> >
> > **(b)** disallowing the costs between the solicitor and the solicitor's client.
>
> **(2)** No order under subsection (1) shall be made against a solicitor unless the solicitor has been given an opportunity to be heard.
>
> **(3)** The Court may order that notice of an order against a solicitor made under subsection (1) be given to the solicitor's client in a manner specified by the Court.

[41] Despite the Court's broad discretion, awards of costs are not typically provided in immigration cases because of section 22 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, which provides that:

> No costs shall be awarded to or payable by any party in respect of an application for leave, an application for judicial review or an appeal under these Rules unless the Court, for special reasons, so orders.

[42] The question, then, is whether this is a case in which "special reasons" arise.

[43] To paraphrase a famous quote, success in life is largely about "showing up." Showing up is also perhaps the most basic and fundamental responsibility a lawyer has in providing competent legal representation for one's clients. Merely showing up is not, of course, sufficient on its own, but it is the *sine qua non* of effective legal representation. In this case, Mr. Grewal not only failed to appear on the scheduled date (having already been granted an earlier adjournment), but he also failed to communicate anything to the Court prior to the morning of the hearing. On the contrary, his only communication to the Court came some four days prior to the hearing when he indicated that he *would* appear.

[44] In these circumstances, I am satisfied that Mr. Grewal's failure to appear at the scheduled hearings, together with his total lack of communication with the Court until the morning of the hearing, amounts to special reasons for the awarding of costs in this matter, and for those costs to be paid by Mr. Grewal personally. The actions of counsel for the Applicant wasted considerable resources on the part of both the Respondent and the Court. More importantly, counsel's failure to appear also demonstrates startlingly poor representation for his client. Moreover, his failure to

provide a prompt explanation for his absence and his failure to provide any submissions when given the opportunity suggests that there was essentially no justification for it.

[45] As such, I have determined that this is precisely the kind of situation contemplated by subsection 404(1) of the *Rules.* I shall therefore award costs in the amount of $750 in this proceeding and $750 in the parallel proceeding in Court file number IMM-12969-24, for a global total of $1,500 payable forthwith to the Respondent by Mr. Rajvinder Singh Grewal personally. Pursuant to subsection 404(3) of the *Rules*, I will also order that Mr. Grewal provide a copy of this decision, including this costs order, to his client.

VII. CONCLUSION

[46] As a result of the above, this application for judicial review will be dismissed. For the special reasons set out above, I also award costs in the all-inclusive amount of $750 to the Respondent, to be paid by counsel for the Applicant personally.

JUDGMENT in IMM-13914-24

THIS COURT'S JUDGMENT is that:

1. The Application for judicial review is dismissed.

2. There is no question for certification.

3. Counsel for the Applicant – Mr. Rajvinder Singh Grewal – shall personally pay costs in the amount of $750 to the Respondent, forthwith.

4. Counsel for the Applicant – Mr. Rajvinder Singh Grewal – shall provide a copy of this decision, including the above costs order, to the Applicant, Mr. Mehakdeep Singh Maan.

"Angus G. Grant"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-13914-24
STYLE OF CAUSE:	MEHAKDEEP SINGH MAAN v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	WRITTEN SUBMISSIONS ONLY
JUDGMENT AND REASONS:	GRANT J.
DATED:	NOVEMBER 10, 2025

WRITTEN SUBMISSIONS BY:

Rajvinder Singh Grewal	FOR THE APPLICANT
Kareena Wilding	FOR THE RESPONDENT

SOLICITORS OF RECORD:

RSG Law Professional Corp Barristers and Solicitors Thornhill, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT