

Federal Court



Cour fédérale

Date: 20260430

Docket: IMM-23897-24

Citation: 2026 FC 579

Ottawa, Ontario, April 30, 2026

PRESENT: Madam Justice Azmudeh

BETWEEN:

NEELAM PRABHA

Applicant

and

**MINISTER OF IMMIGRATION
AND CITIZENSHIP**

Respondent

JUDGMENT AND REASONS

I. Overview and relevant facts

[1] The Applicant sought judicial review of two consolidated decisions, the original refusal of the temporary resident visa (TRV or visitor visa) on October 25, 2024 and the reconsideration refusal on November 18, 2024. These are my reasons to dismiss the judicial review of the decisions to refuse the Applicant's application to Canada.

[2] The Applicant is a 55-year-old citizen of India who was widowed in 2018. In July 2024, the Applicant applied for a “super visa” for TRV to visit her son and family in Canada. In her visitor visa application, the Applicant listed her occupation as “homemaker” since July 2014.

[3] The TRV application was first refused on the basis that the Officer was not satisfied the Applicant would leave Canada at the end of her intended stay, mainly because her assets and financial situation were deemed insufficient to support the stated purpose of the travel. In their reasons, as found in the GCMS notes, the Officer stated that:

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 members. 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.

[4] The Applicant requested the Respondent to reconsider, and the Officer refusing the reconsideration application stated:

Reconsideration Request received. 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). Balance confirmation certificate provided but no transaction history. I am not satisfied that funds are genuinely available. After a careful review of the application, I have determined that there was neither error in fact nor law in the previous decision and that the applicant did not submit compelling new information to warrant reopening the application. Therefore, previous decision stands.

[5] The Applicant’s evidence to support her financial situation consists of two balance confirmation certificates from the HDFC Bank Limited, both dated June 27, 2024. One account

has a balance of 3,032,155.74INR (approximately \$49,787.99 CAD) and one with a fixed deposit balance of 100,000INR (equivalent to \$1,642.00CAD).

II. Legal Issue and Standard of Review

[6] The Applicant raised two issues: 1) the TRV and reconsideration refusals are unreasonable, and 2) the Officers breached the Applicant's procedural rights by not giving her the opportunity to address their concerns on her financial situation. This is because by finding her assets to not be sufficient, they made a veiled credibility finding without her knowledge and ability to respond.

[7] 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*]).

[8] 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, 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, 23).

[9] 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, 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, 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.

[10] 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 Applicant’s financial situation may be a relevant indicator as to whether an individual has met that obligation.

[11] Regarding questions of procedural fairness, as Mr. Justice Régimbald wrote in *Nguyen v Canada (Citizenship and Immigration)*, 2023 FC 1617 at para 11:

The reviewing court must be satisfied of the fairness of the procedure with regard to the circumstances (*Singh v Canada (Citizenship and Immigration)*, 2023 FC 215 at para 6; *Do v Canada (Citizenship and Immigration)*, 2022 FC 927 at para 4; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54 [*Canadian Pacific Railway*]). In *Canadian Pacific Railway*, the Federal Court of Appeal noted that trying to “shoehorn the question of procedural fairness into a standard of review analysis is ... an unprofitable exercise” (at para 55). Instead, the Court must ask itself whether the party was given a right to be heard and the opportunity to know the case against them, and that “[p]rocedural fairness is not sacrificed on the altar of deference” (*Canadian Pacific Railway* at para 56).

III. Analysis

A. *The Refusals were Reasonable*

[12] The determinative issue for both Officers was that the Applicant's financial circumstances did not satisfy them that she would leave Canada after her visit. At the hearing, the Applicant agreed that in evaluating her financial situation, the Officers' conclusion would have been reasonable if she were only applying for a TRV and not for a super visa. However, the underpinning super visa is meant to reunite families, is designed to accommodate frequent visits by parents, and as such, great emphasis is given to the host's financial situation, in this case the Applicant's son and family. The Applicant's evidence showed that she would stay with her son and his family and that they would support her during her visit(s). Since the son and his wife's income and assets were more than adequate, the Applicant's own financial circumstances, which would have been determinative in a typical TRV application, should not have been determinative to the Officers in evaluating the super visa.

[13] The Respondent argued that the super visa does not mitigate or negate the requirements of a TRV, as evidenced in the Super Visa instructions from the publicly accessible IRCC website. Once an officer is satisfied that the Applicant meets the requirements of a visitor visa application, only then, the Officer will also evaluate the qualifications of the host (an applicant's child or grandchild) which includes their financial circumstances. This is why the Applicant had to complete a TRV application to make her demand, which included the checklist referencing the financial requirement.

[14] To support their argument, the Respondent referred to the *Ministerial Instructions regarding the Parent and Grandparent Super Visa (2023)* [2023 Ministerial Instructions] supplied by the Applicant in its Reply.

[15] Given these instructions that the Applicant must first meet the requirements of a TRV, it was reasonable for the Officer to not issue the TRV without further considering the additional requirements of a super visa. These *2023 Ministerial Instructions* were in place at the time of the application and set out some requirements for foreign nationals to be issued Super Visas [emphasis added]:

Requirements of a Super Visa

2(1). An officer should consider issuing a Super Visa to a foreign national if, following an examination, it is established that the foreign national, in addition to meeting all requirements for a temporary resident visa under the Act and Regulations, has

- a. applied from outside Canada;
- b. undergone a medical examination as per section 29 of the Regulations and is not inadmissible under subsection 38(1) of the Act;
- c. provided satisfactory evidence of
 - i. a health insurance policy from a Canadian insurance company, or
 - ii. a health insurance policy from an insurance company outside Canada that is approved by the Minister in accordance with section 15.1 of the Act;
- d. provided a letter of invitation by a host.

[16] The Applicant's materials are also consistent with the Ministerial Instructions and show that the Applicant must meet the requirements of a TRV before they can become eligible for a

super visa. The following requirements, which flesh out the exercise of discretion under section 179 of IRPR, are taken from the Applicant's Reply at footnote 6 (*Immigration, Refugees and Citizenship Canada*, "Super visa for parents and grandparents: what is a super visa" (date modified 2024-09-11)):

Applicant requirements

To be eligible, you (**the applicant**) must

- be outside Canada when you submit your application
- have your visa printed by a visa office outside Canada (wait for visa office instructions)
- be allowed to enter Canada
- show proof that you have private health insurance valid for a minimum of 1 year from the date of entry
- from a Canadian insurance company or
- from a company outside Canada that has been approved by the minister
- take an immigration medical exam (opens in a new tab)
- meet certain other conditions

General requirements for visiting Canada

There are some general conditions you must meet to come to Canada as a visitor. Before we make a decision on your application, we'll also consider

- whether you're a genuine visitor to Canada who will leave by choice at the end of your visit
- your ties to your home country
- the purpose of your visit
- **your family and finances** [Emphasis added]

[17] The above requirements were dated after the Applicant submitted her application. After the hearing, the Respondent provided a post-hearing Letter containing similar requirements, which was active at the time of the Applicant's application for a TRV (*Immigration, Refugees and Citizenship Canada*, "Super visa for parents and grandparents: what is a super visa" (date modified 2024-06-03)):

Eligibility

To be eligible for a super visa, you must have a host who [Host requirements omitted]

[...]

You must also

- be outside Canada when you submit your application for a super visa
- have your visa printed by a visa office outside Canada (wait for visa
- office instructions)
- be allowed to enter Canada
- take an immigration medical exam
- meet **certain other conditions**

[Emphasis added]

Other conditions we consider

We consider several things before we decide if you can come to Canada. You must be a genuine visitor to Canada who will leave by choice at the end of your visit.

When you apply, we'll consider

- your ties to your home country
- the purpose of your visit
- your family and finances

- the overall economic and political stability of your home country

[Emphasis added]

[18] I therefore find that the Respondent is correct that the Applicant must meet the requirements of a general TRV application, and for a super visa, the host must also meet certain “additional” requirements. Since the Applicant failed to meet the financial requirements for a TRV, it was reasonable for the Officers to not assess the super visa criteria. Their reasons are responsive to the totality of the evidence and, though the reasons are admittedly bare, a chain of reasoning links the evidence to the conclusion.

B. *The Decision was reached in a procedurally fair manner*

[19] I find that the Officers reached their decision fairly. The Applicant argues that the Officers made a veiled credibility finding in not accepting the Applicant’s evidence on her finances being sufficient, and did not give her the opportunity to respond. I disagree. They looked at the evidence filed and explained why the Applicant, who bore the onus to provide their best evidence, had not let sufficient evidence to meet her onus.

[20] The duty of procedural fairness on TRVs is on the lower end of the spectrum (*Nourani v Canada (Citizenship and Immigration)*, 2023 FC 732 at para 50 [*Nourani*]; *Patel v Canada (Citizenship and Immigration)*, 2020 FC 517 at para 12). Visa officers need not provide applicants with the opportunity to respond to concerns unless credibility, accuracy, or genuine nature of information are at issue (*Nourani* at para 50, citing *Hassani v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1283 at para 24).

[21] The onus was on the Applicant to demonstrate that she would return to India at the end of her stay, and that her finances would be sufficient to allow for it, and her evidence was simply deemed insufficient to establish it (*Kaleka v Canada (Citizenship and Immigration)*, 2024 FC 1457 at paras 24, 28, citing *Ibabu v Canada (Citizenship and Immigration)*, 2015 FC 1068 at para 35, *Koulaji v Canada (Citizenship and Immigration)*, 2024 FC 1044 at para 4).

IV. Conclusion

[22] I find that the decisions were reasonable and made in a procedurally fair manner. The judicial review is therefore dismissed.

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

JUDGMENT IN IMM-23897-24

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-23897-24

STYLE OF CAUSE: NEELAM PRABHA v. THE MINISTER OF
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**REASONS FOR JUDGMENT
AND JUDGMENT:** AZMUDEH J.

DATED: APRIL 30, 2026

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