

Federal Court



Cour fédérale

Date: 20250429

Docket: IMM-9714-24

Citation: 2025 FC 766

Toronto, Ontario, April 29, 2025

PRESENT: The Honourable Justice Battista

BETWEEN:

JOB MUMO KILONZO

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS
(rendered orally from the bench on April 28, 2025)

[1] The Applicant applied for a temporary resident visa (TRV) to visit his Canadian half-sister. That application was refused based on the Officer's concerns regarding the existence of sufficient funds to support his visit, the vague and poorly documented purpose of his visit, his lack of family ties outside of Canada, and his strong socio-economic ties to Kenya.

[2] The application is granted because the Officer failed to account for evidence concerning the first two bases for refusal. The decision is therefore unjustified in light of the evidence (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 126).

[3] Regarding the existence of sufficient funds to support the visit, the Officer stated that the Applicant's inviter did not appear to have sufficient funds for the trip. This ignores evidence from the Applicant's half-sister and host establishing savings accounts consistently showing balances of over \$26,000. These funds were specifically mentioned in the cover letter for the application but not mentioned in the decision.

[4] Counsel for the Respondent points out that there was no proof of provenance of some of these funds, but that was not the basis for the refusal. There is a reference to the lack of explanation for "other financial documents" but it is unclear to which documents this comment relates. Perfection is not a requirement of reasons, but transparency is required.

[5] Second, there was detailed evidence before the Officer regarding the purpose of the Applicant's visit. The Applicant's half-sister and host described in detail why she needed the support of her brother, and why it was difficult to travel to him for that support. This evidence was also emphasized by counsel in a cover letter submitted with the application. Contrary to the Officer's finding that their relationship had not been established, birth certificates demonstrating their shared parentage were provided.

[6] For these reasons, the decision is unreasonable for its disregard of the supporting evidence in the application. The application for judicial review is granted.

JUDGMENT in IMM-9714-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted.
2. The decision rendered on the Applicant's temporary resident visa is quashed, and the matter is returned to a different officer for redetermination.
3. There is no question for certification and no order regarding costs.

"Michael Battista"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9714-24

STYLE OF CAUSE: JOB MUMO KILONZO v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: APRIL 28, 2025

JUDGMENT AND REASONS: BATTISTA J.

DATED: APRIL 29, 2025

APPEARANCES:

Alison Pridham	FOR THE APPLICANT
Desmond Jung	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Smith Immigration Law Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT