

Federal Court



Cour fédérale

Date: 20250526

Docket: IMM-93-24

Citation: 2025 FC 947

Toronto, Ontario, May 26, 2025

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

IRFAN SAEED PATEL

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered orally from the bench on May 26, 2025, and subject to stylistic, editorial, and syntax edits, as well as reference to jurisprudence and legal citations)

[1] The Applicant seeks judicial review of a decision of a visa officer refusing his application for a Temporary Resident Visa (“TRV”) under paragraph 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the “Regulations”). The officer determined that the Applicant’s assets and financial situation were insufficient and that the purpose of his visit was not consistent with a temporary stay.

[2] The Applicant is a citizen of India. He is a business owner. The Applicant cares for his mother in India. His brother lives in Toronto, Ontario.

[3] In November 2023, the Applicant applied for a TRV to attend his niece's birthday in Toronto. The Applicant's brother sponsored his application. To his application, the Applicant attached bank statements, land valuation reports, an income tax acknowledgement, and a registration certificate for his business. He also provided a sponsor's letter from his brother.

[4] On December 5, 2023, the officer refused the Applicant's application. The officer found there was "insufficient evidence regarding the origin of the [Applicant's] funds." The officer also noted that "[t]he purpose of the [A]pplicant's visit...is not consistent with a temporary stay."

[5] The two issues before the Court are whether the officer's decision is reasonable and procedurally fair. I find it is not. Although there was no breach of the duty of procedural fairness, the officer's decision is not justified in light of the facts and law.

[6] The Applicant submits that the officer made a veiled credibility finding by determining that there was "insufficient evidence regarding the origin of [his] funds." He submits that the officer infringed his procedural rights by denying him a chance to respond to these concerns.

[7] This submission is meritless. The Applicant's evidence was ambiguous as to the source of his savings. The Applicant's bank statements simply state the date and amount of deposits.

They do not specify the source. The officer did not disbelieve the Applicant on this point. Furthermore, “[t]he level of procedural fairness required when determining an application for a [TRV] is at the lower end of the procedural fairness spectrum...a visa officer is not required to ask for further information if an applicant has not met their [evidentiary] burden” (*Singh v Canada (Citizenship and Immigration)*, 2019 FC 969 at para 23). I therefore do not accept the Applicant’s submission that the officer breached his procedural rights.

[8] However, I agree with the Applicant that the officer’s decision is unreasonable. The officer provided no rational chain of analysis for their conclusion that “[t]he purpose of the [A]pplicant’s visit is not consistent with a temporary stay.” In both the decision letter and the Global Case Management System notes, the officer simply states their conclusion.

[9] The Respondent rightly submits that the Applicant’s materials on the purpose of his visit were not extensive. However, they were, in my view, sufficiently detailed to merit some consideration by the officer. The sponsor letter from the Applicant’s brother clearly states that the Applicant sought to enter Canada “for a period of 2 weeks to attend [his niece’s] birthday celebration...on 9th December 2023.” His sponsor went on to state that the Applicant “ha[s] his own business...since January 2018” in India and “will return back to India as he also take[s] care of [his] mother,” who was 62 years old at the time of the application. The Applicant’s documentary evidence, including the registration certificate for his business and his Family Information Form, substantiates his sponsor’s claims.

[10] In light of the details provided by the Applicant, the officer was obliged to provide at least some justification for their findings. This is especially so given this Court's previous determination that "[v]isits to close family members are understandable; and, are the very reason for the granting of such temporary visas" (*Guillermo v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 61 at para 8).

[11] In the absence of any analysis, I cannot find that the officer's decision is intelligible, transparent, or justified (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99).

[12] For these reasons, this application for judicial review is allowed. No question is certified.

JUDGMENT in IMM-93-24

THIS COURT’S JUDGMENT is that:

1. This application for judicial review is allowed.
2. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-93-24

STYLE OF CAUSE: IRFAN SAEED PATEL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 26, 2025

JUDGMENT AND REASONS: AHMED J.

DATED: MAY 26, 2025

APPEARANCES:

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