

Federal Court



Cour fédérale

Date: 20250529

Docket: IMM-6182-24

Citation: 2025 FC 976

Vancouver, British Columbia, May 29, 2025

PRESENT: The Honourable Madam Justice Turley

BETWEEN:

RANJEET SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant seeks judicial review of a visa officer's decision refusing his application for a temporary resident visa [TRV]. The visa officer was not satisfied the Applicant would leave Canada at the end of his stay, in accordance with paragraph 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR]. The officer relied on two factors in support of their decision: (i) the Applicant's assets and financial situation were insufficient to support the

stated purpose of his travel; and (ii) the purpose of the Applicant's visit to Canada was not consistent with a temporary stay.

[2] I am allowing the application because the visa officer failed to address significant and contradictory evidence. As Justice Pentney recently held, while visa officers "face a deluge of applications, and their reasons do not need to be lengthy or detailed [...] reasons must show an actual engagement with the specific situation of the applicant": *Motahari v Canada (Citizenship and Immigration)*, 2025 FC 395 at para 7 [*Motahari*].

II. Analysis

[3] The primary purpose of the Applicant's trip to Canada was to attend a conference. According to a support letter from his employer, attendance at this conference aligned with the Applicant's career development, and would give him international exposure. In addition, the Applicant planned to visit his sister, who had recently purchased a house in Calgary, for which his employer had approved another 13 days of vacation.

A. *The visa officer's insufficiency of assets finding is not justified*

[4] The first factor relied upon by the visa officer for refusing the Applicant's TRV was that his "assets and financial situation are insufficient to support the stated purpose of travel": Letter dated March 20, 2024, Certified Tribunal Record [CTR] at 103. In the Global Case Management System [GCMS] notes, the officer elaborated: "I am not satisfied with the proof of funds demonstrated by [the Applicant]. Although a bank statement has been provided showing available

funds, there is limited evidence regarding the origin of the funds presented”: GCMS notes dated March 20, 2024, CTR at 4. Based on the record, I find that the officer did not adequately justify this factor.

[5] In support of his TRV application, the Applicant provided a number of financial documents: records for two different bank accounts, a net worth statement, a valuation report, his income tax returns for 2023–2024, his father’s affidavit of support, and bank records of a funds transfer from his father. According to the Applicant, his total net financial assets at the time of his application was the Canadian equivalent of \$389,419. Further, in his TRV application, he stated that the funds available for his stay were \$39,735.

[6] In addition, the Applicant’s sister submitted a letter declaring that she had invited him to stay with her in Calgary during which time she would support him financially. She also submitted a bank statement, and confirmation of her employment.

[7] The Respondent argues that the Applicant failed to comply with the Temporary Resident Visa Instructions for New Delhi [TRV checklist] by not providing income tax returns for the past two years, pay slips, and investments. Accordingly, this “alone is sufficient to dismiss the judicial review application”: Respondent’s Further Memorandum of Argument at para 15. I disagree.

[8] This Court has held that visa instructions are not binding on an officer: *Bawa v Canada (Citizenship and Immigration)*, 2024 FC 1605 at para 9. Furthermore, as in the case of *Kaleka v Canada (Citizenship and Immigration)*, 2024 FC 1457 [*Kaleka*], the TRV checklist does not refer

“to any ‘required’ documents for the application at issue”: *Kaleka* at para 20. In this case, two sections of the TRV checklist were applicable: (i) visiting family or friends; and (ii) business. Notably, neither of these sections refer to “required documents”. In contrast, the section applying to Super Visa applications expressly provides for certain “required documents”.

[9] Further, as in *Malasi v Canada (Citizenship and Immigration)*, 2025 FC 10 [*Malasi*], the visa officer did not conclude that insufficient financial information was determinative, but rather made their decision by “[w]eighing the factors in this application”: GCMS notes dated March 20, 2024, CTR at 4; *Malasi* at para 11.

[10] In both written and oral submissions, the Respondent advanced several explanations for the visa officer’s determination. For example, the Respondent argued that the officer’s finding about “limited evidence regarding the origin of funds presented” was reasonable based on a discrepancy in the evidence. Respondent’s counsel noted that the Applicant stated in his TRV application that he had \$39,000 in available funds for the trip, but that his bank records did not reflect this. In addition, the Respondent argued that the Applicant’s modest salary did not support the travel, and that the letter from his sister did not demonstrate having sufficiently available funds.

[11] These were not reasons provided by the visa officer. The jurisprudence is clear that the Respondent cannot supplement or buttress an officer’s decision: *Motahari* at para 7; *Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754 at para 6; *Nesarzadeh v Canada (Citizenship and Immigration)*, 2023 FC 568 at para 19; *Zhang v Canada (Citizenship and Immigration)*, 2022

FC 1679 at paras 21–23; *Torkestani v Canada (Immigration, Refugees and Citizenship)*, 2022 FC 1469 at para 20.

[12] Moreover, the Respondent’s reliance on study permit authorities is misplaced. As Justice Pallotta points out, section 220 of the *IRPR* specifically provides that officers shall not issue a study permit unless the applicant has sufficient and available financial resources, but there is no similar statutory requirement for TRV’s: *Malasi* at para 11.

[13] As the Supreme Court made clear, a decision-maker’s reasons must be “justified” based on the record, not merely “justifiable”: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 86 [*Vavilov*]. Here, the visa officer failed to justify their conclusion that the Applicant lacked sufficient assets to support his two-week trip to Canada given the relevant, supporting financial documentation set out in paragraphs 5–6 above.

B. *The visa officer failed to explain their finding that the Applicant’s visit was inconsistent with a temporary stay*

[14] The second factor relied upon by the visa officer to deny the Applicant’s TRV application was that “[t]he purpose of the [Applicant’s] visit to Canada is not consistent with a temporary stay given the details [he has] provided in [his] application”: Letter dated March 20, 2024, CTR at 103. The officer did not elaborate in their GCMS notes, simply repeating the conclusion: GCMS notes dated January 2, 2024, CTR at 4. The Respondent asserts that this statement is not “a new proposition requiring additional reasoning”: Respondent’s Further Memorandum of Argument at para 25. I do not agree.

[15] Notably, in two recent cases, this Court set aside a visa officer's decision for failure to justify this very same factor: *Patel v Canada (Citizenship and Immigration)*, 2025 FC 947 at paras 8–10 [*Patel*]; *Gao v Canada (Citizenship and Immigration)*, 2025 FC 127 at para 10 [*Gao*]. As in this case, the officers in those cases had not provided any reasoning for their conclusions that the purpose of each applicant's travel was not consistent with a temporary stay.

[16] Furthermore, contrary to the Respondent's assertions, this was a stand-alone factor upon which the visa officer based their refusal. Like in Justice Whyte-Nowak's decision in *Gao*, the decision letter in this case expressly bases its conclusion on the "following factors" [emphasis added], listed as separate bullet points — the insufficiency of finances, and the inconsistency of the stated purpose with a temporary stay: *Gao* at para 10.

[17] It was incumbent on the officer to explain what details in the Applicant's TRV application were inconsistent with a temporary visit. It is unreasonable for the officer to make such bald assertions, especially given the contradictory evidence on the record.

[18] The purpose of the Applicant's travel to Canada was two-fold: to attend a conference, and to visit his sister. The Applicant submitted a 14-day, return trip ticket: CTR at 20–22. He also submitted an approval letter from his employer. Furthermore, the Applicant provided a physician's letter stating that he supports his mother who requires monthly hospital visits: Letter dated January 17, 2024, CTR at 17. In the circumstances, it was unreasonable for the visa officer not to address any of this contrary evidence in their reasons: *Motahari* at paras 13, 18; *Gao* at para 9; *Malasi* at para 13.

III. Conclusion

[19] Based on the foregoing, I find that the visa officer's decision is not justified, intelligible or transparent: *Vavilov* at para 95. The application for judicial review is allowed, and the matter is remitted to another visa officer for redetermination.

[20] The parties did not propose any certified questions, and I agree that none arise.

JUDGMENT in IMM-6182-24

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is allowed.
2. The Officer’s decision dated March 20, 2024, is set aside and the matter is remitted for redetermination by another officer.
3. There is no question for certification.

“Anne M. Turley”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6182-24

STYLE OF CAUSE: RANJEET SINGH v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: MAY 28, 2025

JUDGMENT AND REASONS: TURLEY J.

DATED: MAY 29, 2025

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