

Federal Court



Cour fédérale

Date: 20250526

Docket: IMM-2598-24

Citation: 2025 FC 943

Ottawa, Ontario, May 26, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

MOHIT GUPTA

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Mr. Mohit Gupta (the “Applicant”) seeks judicial review of the decision of an officer (the “Officer”), refusing his application for a Temporary Resident Visa (“TRV”), pursuant to section 179 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the “Regulations”).

[2] The Applicant is a citizen of India. He applied for a TRV in order to visit his sister and brother-in-law for two weeks and to celebrate the admission of his sister to the Bar.

[3] The Officer refused the application on the grounds that the Applicant had not provided satisfactory evidence that his assets and financial circumstances supported the purpose of the travel. In particular, the Officer noted that failure of the Applicants to provide his bank statements for the preceding six weeks.

[4] The Applicant now argues that the Officer provided a “boilerplate” decision and ignored the evidence, thereby showing a prejudicial attitude and bias. He also submits that the Officer failed to explain why the purpose of his visit was inconsistent with a temporary stay.

[5] The Minister of Citizenship and Immigration (the “Respondent”) argues that the Officer reasonably considered the evidence presented and explained the basis for the negative decision, that is the lack of evidence to show the Applicant’s financial resources.

[6] Any issue of procedural fairness is reviewable on the standard of correctness; see the decision in *Canada (Citizenship and Immigration) v Khosa*, [2009] 1 S.C.R. 339.

[7] Following the decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, [2019] 4 S.C.R. 653, the merits of the decision are reviewable on the standard of reasonableness.

[8] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision”; see *Vavilov, supra*, at paragraph 99.

[9] I am not persuaded that there was any breach of procedural fairness here. The Applicant had the chance to make his case and the Officer was not satisfied with the evidence submitted. That does not give rise to a breach of procedural fairness.

[10] The Officer is mandated to assess the evidence. The Officer did so. The Applicant bore the burden of submitting sufficient evidence to demonstrate his finances. According to the Officer, he failed to do so.

[11] The Officer reasonably explained the basis of the decision, that is lack of sufficient acceptable evidence.

[12] There is no basis for judicial intervention and the application for judicial review will be dismissed. There is no question for certification.

JUDGMENT IN IMM-2598-24

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question for certification.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2598-24

STYLE OF CAUSE: MOHIT GUPTA v. MCI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 16, 2025

REASONS AND JUDGMENT: HENEGHAN J.

DATED: MAY 26, 2025

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