Federal Court Cour fédérale

Date: 20250526

Docket: IMM-11610-24

Citation: 2025 FC 944

Ottawa, Ontario, May 26, 2025

PRESENT: The Honourable Mr. Justice Thorne

BETWEEN:

JASPAL SINGH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. OVERVIEW

[1] The Applicant, Jaspal Singh, seeks judicial review of an Immigration, Refugees and Citizenship Canada [IRCC] Officer's [Officer] decision denying him an Open Work Permit [Decision].

[2] For the reasons that follow, I allow the Application for Judicial Review, as I find the Decision to be unreasonable.

II. **BACKGROUND**

[3] The Applicant and his spouse are both citizens of India. About ten months after they were married, in October 2022, the Applicant's spouse came to study in Canada. She did so on a Study Permit that is valid until September 30, 2025.

[4] On January 25, 2024, the Applicant applied for an Open Work Permit pursuant to section 205(c)(ii) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR], in order to allow him to join his spouse in Canada for the remainder of her studies. The Applicant maintains that he intends to remain in Canada only until his wife finishes her diploma, at which point they will both return to India together.

[5] On June 7, 2024, the Officer denied the Applicant's Open Work Permit application. The Officer stated that this was because the Applicant had not established that he would leave Canada at the end of his authorized stay as he had claimed, given that his assets and finances were insufficient to support him and his spouse while in Canada. The Officer found that there was no proof that the Applicant and his wife had consistently accessible funds or savings, that their accounts were insufficient to support them during their stay, and that there were no bank statements demonstrating that they possessed consistent access to sufficient funds. Accordingly, the Officer also found that the purpose of the Applicant's visit to Canada was not consistent with a temporary stay. They therefore found they were not satisfied the Applicant would leave Canada at the end of his authorized stay.

III. RELEVANT LEGAL FRAMEWORK

[6] The authority to issue an Open Work Permit for the spouse of a foreign national residing in Canada is derived from section 205(c)(ii) of the IRPR. To be eligible, an applicant must demonstrate that they are in a genuine relationship with a foreign national who: holds a valid study permit; who is studying full-time at an eligible designated learning institution; and who is residing in Canada. An applicant further needs to demonstrate that they meet the other requirements of section 200 of the IRPR, which require that an IRCC officer must be satisfied that the applicant will leave Canada at the end of their authorized stay (IRPR, s 200(1)(b)). It is this requirement that includes the need for an applicant to demonstrate that they possess sufficient funds to be able to both support themselves while in Canada, and to depart the country.

IV. ISSUES AND STANDARD OF REVIEW

[7] The central issue at play in this judicial review application is whether the Officer's decision to refuse the Applicant's Open Work Permit was reasonable.

[8] The parties both correctly assert that in assessing the merits of the Decision, the standard of review is reasonableness, as articulated by the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]. This requires that the reviewing court "consider the outcome of the administrative decision in light of its underlying rationale in order to ensure that the decision as a whole is transparent, intelligible and justified" (*Vavilov* at para 15).

V. ANALYSIS

A. *The decision is unreasonable*

[9] At the outset, I must note that the written submissions of the Applicant were, to put it charitably, rather confused and difficult to parse. Indeed, it appeared these contained over twenty instances when facts were discussed, or arguments were made that seemingly pertained to wholly different circumstances than those that existed in the matter at hand. Similarly, several arguments were made in relation to issues that were never raised by the Officer in the Decision. It is at this point that I am compelled to note that the indiscriminate use of boilerplate or recycled submissions in counsel materials is not only unhelpful to the Court but can be detrimental to both the professional reputation of the author, and worse, the interests of their client.

[10] In any event, given all of this, I will focus this decision on one pertinent issue that was raised in relation to the Decision of the Officer, in both the Applicant's Memorandum of Argument and in his oral submissions.

[11] To that end, I note that the only eligibility criterion at issue in this matter is the question of whether the Applicant had sufficient funds to finance his stay in, and departure from, Canada. The Officer's Decision is clear that it was this consideration, and his conclusion that the Applicant did not satisfy this requirement, that resulted in the determination that the Applicant had not established that he would leave Canada and the ultimate denial of his Open Work Permit application.

[12] The Applicant submits that the Officer erred by not weighing the "positive aspects" of the Applicant's claim and, in particular, that the Officer's Decision made no mention of evidence that established that the Applicant held approximately $20,000 (Canadian) in fixed deposits in two banks. The Applicant had included two letters to this effect from these financial institutions in India, in his initial Open Work Permit application. He argues that this evidence was ignored or had been overlooked by the Officer in his assessment of the Applicant's financial situation and resources. He further asserts that this called into question the Officer's conclusion that there was no proof of consistently available funds, and that this accordingly rendered the Decision unreasonable. The Applicant contends that as the fixed deposit letters went directly to the concern of the Officer that he lacked the resources to support himself in, and depart from, Canada, the Officer should have in some way addressed this evidence. He also argued that the reasoning in the Decision was merely boilerplate, and that this also rendered the decision unfair.

[13] On the issue of the fixed deposit letters, counsel for the Respondent argued that the Officer's failure to address the fixed deposit letters did not render the decision unreasonable, saying that the Officer had been focused on whether the Applicant had "consistently available" funds in the form of bank account statements and liquid assets. He asserted that this was a reasonable way for the Officer to assess the sufficiency of the Applicant's funds. He also stated that it was unknown if the fixed deposit accounts had any conditions on them, if they were sufficiently liquid, or if the Applicant had purchased them with his own money.

[14] Despite the able submissions of counsel for the Respondent, I do not find these arguments persuasive. The Applicant is correct that the Officer's decision made no mention whatsoever of

the Applicant's bank letters establishing that he possessed approximately $20,000 in fixed deposits. I note that this was so even though this information seemingly clearly contradicted the Officer's finding that the Applicant lacked funds to support himself in Canada. In my view, this is an error.

[15] It is true that an Officer is presumed to have considered all the evidence before them, however this presumption may be undermined where there is evidence indicating the contrary (*Salehpour v Canada (Citizenship and Immigration)*, 2024 FC 1265 at para 16; see also *Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at para 28). In particular, "if the officer ignores relevant evidence pointing to an opposite conclusion and contradicting the officer's findings, it can be inferred that the officer did not review the evidence or arbitrarily disregarded it" (*Kheradpazhooh v Canada (Citizenship and Immigration)*, 2018 FC 1097 at para 18; see also *Siddiqui v Canada (Citizenship and Immigration)*, 2025 FC 305; *Brar v Canada (Citizenship and Immigration)*, 2024 FC 1664). Though a decision-maker's reasons need not be perfect, the "reasonableness of a decision may be jeopardized where the decision maker has […] failed to account for the evidence before it" (*Vavilov* at paras 91, 126). In addition, the more important the evidence is, the more important it is for the Officer to have considered it (*Gill v Canada (Citizenship and Immigration)*, 2021 FC 934 at para 41).

[16] In this case, the evidence of the fixed deposit accounts speaks directly to the Officer's central reason for denying the Open Work Permit: that the Applicant lacked proof of sufficient funds to support himself for the duration of his proposed stay in Canada, which was then taken as indicia that he was unlikely to leave the country. Had the Officer acknowledged the fixed deposit

letters, it certainly would have been open to him to have held that this evidence was not sufficient to establish that the Applicant possessed the requisite level of funds – and perhaps even to have done so for any of the reasons advanced by counsel for the Respondent. However, given the complete failure to acknowledge the existence of that evidence, I find that the Officer overlooked or disregarded the information about the fixed deposits, and I cannot find the decision to be reasonable.

[17] In my view, at a minimum, the Officer should have explained why the evidence that the Applicant had approximately $20,000 available to him in the form of fixed deposits was not considered, or why this sum was deemed insufficient to support the Applicant's stay in Canada. I also note that contrary to the submissions of Respondent's counsel, the fixed deposit letters each clearly indicated that those sums could be withdrawn at any time, without restriction, by the Applicant and would not seem to raise liquidity concerns. To the contrary, this would seem to particularly indicate that these funds were "consistently available."

[18] In any event, I must refuse the Respondent's invitation to speculate on this, or any of the other reasons advanced, as to why the officer might have believed the fixed deposit letters were insufficient to assuage concerns about the Applicant's financial wherewithal. It is not up to this Court to provide reasons that were not given, nor to guess at findings the Officer might have made (*Vavilov* at para 97, citing *Komolafe v Canada (Citizenship and Immigration)*, 2013 FC 431 at para 11).

[19] Finally, I note that the Applicant relies on Justice Sébastien Grammond's decision in *Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 805 to argue that the use of boilerplate language makes the decision unreasonable. I do not agree that this, alone, would render the decision unreasonable, even if it had been successfully established that there was such language used in the Decision. Indeed, Justice Grammond explicitly finds that "the use of boilerplate is not in itself objectionable, but the reviewing court must be satisfied that the decision-maker turned their minds to the facts of the case" (para 7, citing *Safarian v Canada (Citizenship and Immigration)*, 2023 FC 775 at para 3). It is for this reason – that I am not satisfied that the Officer turned their mind to the key facts of the case, including evidence that contradicted their conclusion – that I find the decision to be unreasonable. To be clear, I do not do so on the basis of any supposedly "boilerplate" language which that decision-maker may have employed.

VI. **CONCLUSION**

[20] For these reasons, the decision in this case is set aside and the matter is returned for redetermination by a different IRCC Officer.

[21] The parties proposed no question for certification, and I agree that none arises.

JUDGMENT IN IMM-11610-24

THIS COURT'S JUDGMENT is that:

1. The judicial review application is granted.
2. The decision of the Officer dated June 7, 2024, is set aside and the matter is returned for redetermination by a different immigration Officer.
3. No question of general importance is certified.

"Darren R. Thorne"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-11610-24
STYLE OF CAUSE:	JASPAL SINGH v. MCI
PLACE OF HEARING:	TORONTO, ONTARIO
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