

Federal Court



Cour fédérale

Date: 20250606

**Dockets: IMM-5956-24
IMM-5963-24**

Citation: 2025 FC 1030

Ottawa, Ontario, June 06, 2025

PRESENT: The Honourable Mr. Justice Régimbald

BETWEEN:

**CHAOSHENG YU
JINGFEI XIAO**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] An Immigration Officer refused the Applicants' Super Visa application because their hosts did not meet the financial requirements, including the applicable low-income cut-off [LICO] necessary to obtain the Super Visa. On judicial review, they allege that the Officer's decision is unreasonable because they failed to consider the hosts' financial situation as a whole

and assessed the application according to the wrong LICO. I disagree. For the following reasons, this application is dismissed.

[2] The sole issue is whether the decision under review is reasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 25 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at paras 7, 39–44 [Mason]). To avoid judicial intervention, the decision must bear the hallmarks of reasonableness—justification, transparency, and intelligibility (*Vavilov* at para 99; *Mason* at para 59). A decision may be unreasonable if the decision maker misapprehended the evidence before it (*Vavilov* at paras 125–126; *Mason* at para 73). Reasonableness review is not a “rubber-stamping” exercise, it is a robust form of review (*Vavilov* at para 13; *Mason* at para 63). The party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100).

[3] The Applicants applied for a Super Visa to come visit their son and his spouse, who would host them in Canada. The dispute revolves around the hosts’ financial situation and the applicable LICO. The Officer assessed the application according to the LICO for urban areas of residence of 500,000 persons or more as established by Statistics Canada (\$46,033), which the hosts did not meet with their before-tax annual income of \$43,964 (Certified Tribunal Record at 5). However, the evidence shows that the Applicants planned to live with their hosts in Brossard, a Québec municipality near Montréal with a population of approximately 95,000. For the Applicants, it was unreasonable to apply a LICO meant for larger urban areas such as Montréal to their smaller community, when their hosts met the applicable LICO for Brossard.

[4] The Officer applied the LICO applicable to an urban area of residence of 500,000 persons or more because they do not have any discretion to consider any other LICO. The *Ministerial Instructions regarding the Parent and Grandparent Super Visa (2023)*, which the Officer was bound to apply under subsection 15(4) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], provide that a Super Visa can only be granted where, *inter alia*, the hosts have a total before-tax annual income that is at least equal to the minimum necessary income to support the group of persons affected, in this case being the hosts and the Applicants, in an urban area of residence of 500,000 persons or more. Section 2 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] also defines the “minimum necessary income” as being the amount identified annually by Statistics Canada for urban areas of residence of 500,000 persons or more. Therefore, in considering the LICO, the Officer did not consider the Montréal urban area *per se*, but rather the “amount identified [...] by Statistics Canada [...] for urban areas of residence of 500,000 persons or more.” Indeed, in their reasons, the Officer does not mention that the “minimum necessary income” was for Montréal, as opposed to any other area.

[5] Holders of a Super Visa are entitled to some form of mobility across Canada during the five years of their valid stay (see subsection 29(3) of the IRPA; *Shams v Canada (Citizenship and Immigration)*, 2025 FC 544 at para 8), as compared with a period of only six months for a “regular” visitor’s visa (see subsection 183(2) of the IRPR; *Simic v Canada (Citizenship and Immigration)*, 2022 FC 719 at para 8). Regulatory authorities accordingly seek to ensure that there will be sufficient disposable income for the duration of an applicant’s stay, regardless of their location in Canada and whether it is in a large urban centre or a smaller community. A

minimum annual income sufficient to meet the LICO applicable and the needs of the group in larger urban centres is one way of pursuing that end.

[6] In this case, not only do the hosts not meet the applicable LICO, but they did not provide any proof of income for the year 2023, even if the application was filed in March 2024. As for the banking statements provided by the hosts, they only covered a one-month period in 2024. It was therefore reasonable, based on the record before them, for the Officer to find that the hosts did not establish that they had a total before-tax income at least equal to the minimum LICO necessary, and consequently the Applicants failed to discharge their burden to obtain the Super Visa.

[7] As a result, the application is dismissed; there is no question of general importance to certify.

JUDGMENT in IMM-5956-24 and IMM-5963-24

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question of general importance for certification.

“Guy Régimbald”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKETS: IMM-5956-24 and IMM-5963-24

STYLE OF CAUSE: CHAOSHENG YU and JINGFEI XIAO v MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTRÉAL (QUÉBEC)

DATE OF HEARING: MAY 13, 2025

JUDGMENT AND REASONS: RÉGIMBALD J.

DATED: JUNE 6, 2025

APPEARANCES:

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Me Mario Blanchard	FOR THE RESPONDENT

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