Federal Court Cour fédérale

Date: 20250703

Docket: IMM-13781-24

Citation: 2025 FC 1181

Vancouver, British Columbia, July 3, 2025

PRESENT: The Honourable Madam Justice Ngo

BETWEEN:

FARANEH AKHOONDIAN

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Faraneh Akhoondian [Applicant], seeks judicial review of a decision from Immigration, Refugees and Citizenship Canada [IRCC] dated July 15, 2024, denying her temporary resident visa, a visitor visa [TRV]. She requested a TRV to visit her two sisters who live in Canada.

[2] The Applicant is a single 34-year-old Iranian with no dependents. Her parents live in Iran. The Applicant is currently pursuing a Master's degree in Iran and she has been employed at an Elementary School as an Art Instructor since 2021. She requested a visitor visa to visit her two sisters from September 5, 2024, to October 5, 2024. On July 15, 2024, an officer with the IRCC [Officer] rejected the TRV application because he was not satisfied that the Applicant will leave Canada at the end of her stay according to paragraph 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] for three reasons : (1) her assets and financial situation was insufficient to support the stated purpose of travel for yourself, (2) she does not have significant ties outside of Canada and (3) the purpose of her visit is inconsistent with a temporary stay given the details she provided in her application.

[3] The Applicant submits that the decision was unreasonable, applying the reasonableness standard of review (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]). She states that the Officer ignored evidence submitted in her application which directly contradicted the Officer's findings. In addition, she claims that the Officer breached procedural fairness by making veiled credibility findings with respect to the source of funds. The Officer ought to have given her the opportunity to address these concerns.

[4] The Applicant states that the financial statements provided clearly demonstrated the source of her funds. Further, she clearly stated that she would be funding her travels from her savings and that one of her sisters, with whom she will be staying with in Canada, "has also offered to help with any additional expenses" during her trip. The Applicant provided a letter from her employer, a Shahr Bank-Saving investment account certificate, a Shahr Bank short-

term deposit account certificate with the accompanying bank statement, and the Applicant's sister's bank account documents, among others. Considering the significant amount of evidence that had been submitted, the Applicant states that the Officer made an unreasonable finding when concluding that the funds for travel to Canada were insufficient. The Officer had a duty to explain his finding given that the evidence supported otherwise (citing *Sangha v Canada (Citizenship and Immigration*), 2020 FC 62 at paras 15-17).

[5] The Global Case Management System [GCMS] notes state that the banking transactions showed insufficient funds and that there were no banking transactions to show a history of funds. I agree with the Respondent that the financial documents provided by the Applicant, especially the nature of the investment account, were unclear. The investment accounts described in the TRV application as "1st bank account (Saving Account)" and another account as "2nd bank account" lacked contextual information. The Applicant should have explained that the 1st bank account does not generate bank statements because it was an investment account. As such, I was not convinced that the Officer's assessment of that account was unreasonable.

[6] The Respondent also relied on the checklist set out in the Temporary Resident Visa Instructions for Ankara [Checklist] and the required documentation for an applicant or host to submit. The Respondent cited *Bawa v Canada (Citizenship and Immigration),* 2024 FC 1605 at paragraphs 6 to 10, among other cases, for the proposition that an officer is required to conduct a detailed analysis of the funds presented. As such, the Respondent submits that it was reasonable for the Officer to conclude that the Applicant failed to meet her burden of demonstrating sufficient available funds to support her trip because of the absence of transaction histories.

[7] Yet, in this case, the Applicant also indicated that she would be staying with her sister during her stay and that her sister would assist her financially. This would lower her costs associated with travel. The GCMS notes were silent with respect to the host sister's financial information. I therefore cannot confirm whether the Officer grappled with the information and whether the Applicant fulfilled the financial requirements pursuant to the Checklist. As a result, I cannot confirm whether the decision was reasonable.

[8] The Respondent asserted that the finding relating to the Applicant's financial assessment was determinative (citing *Davoodabadi v Canada (Citizenship and Immigration)*, 2024 FC 85 at paras 12-16 [*Davoodabadi*]).

[9] Justice Pallotta recently addressed this very argument in *Malasi v Canada (Citizenship and Immigration)*, 2025 FC 10 [*Malasi*] in a similar TRV refusal. The reasoning in *Davoodabadi* is based on the specific language in section 220 of the IRPR, where sufficient and available financial resources are required for the duration of a study permit. However, no similar statutory requirement exists for a TRV and thus, reliance on *Davoodabadi* as a determinative issue in this case is misplaced (*Malasi* at para 11; see also *Singh v Canada (Citizenship and Immigration)*, 2025 FC 976 at para 12).

[10] Furthermore, in the Applicant's case, the Officer's refusal did not state that the Applicant's financial situation or sufficiency of funds was determinative. There were three factors for the refusal. The others were that the Applicant did not have significant family ties outside Canada, and that her visit was inconsistent with a temporary stay.

[11] In considering a TRV, an officer is required to assess the factors that might encourage the person applying to want to stay in Canada, as well as the factors that might pull them back to their home country (often referred to as “push and pull factors”). Family connections in Canada and the country of origin are obviously relevant to this assessment (*Kashefi v Canada (Citizenship and Immigration)*, 2024 FC 856 at para 9 [*Kashefi*]). However, to be reasonable, a decision needs to demonstrate an engagement with the specific facts of the case and provide sufficient detail to justify the result. Short, focused and clear reasons will be sufficient, and not every detail needs to be addressed. (*Kashefi* at paras 14-15).

[12] To support her assertion that she has significant family ties in Iran, the Applicant submitted that her parents still resided there and that she helps care for them. The GCMS notes only contain generic boilerplate language.

[13] In some cases, boilerplate language, read with the record holistically, can allow the Court to understand the decision under review. However, when boilerplate reasons read along with the record do not allow the Court to assess whether the proper criteria were applied, do not satisfy the Court that the reasoning “adds up”, or do not provide insight into an officer’s reasoning process, it can lack the requisite justification, intelligibility and transparency to avoid judicial interference (*Munzhurov v Canada (Citizenship and Immigration)*, 2023 FC 657 at para 21-23, other citations omitted). Even where the obligation to give reasons is minimal, as with TRV applications, the Court cannot be left to speculate as to the reasons for a decision, or attempt to fill in those reasons on behalf of a decision-maker when they are not clear from the decision read in light of the record (*Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at para 17).

[14] In this case, while it was open to the Officer to assess the Applicant's family ties in Canada versus those in Iran, the use of boilerplate language in light of the record does not allow the Court to assess how the "push and pull" factors were assessed and offer no insight into the Officer's reasoning.

[15] With respect to the conclusion that the purpose of the Applicant's visit is inconsistent with a temporary stay, the GCMS notes include the statement: "Employed in a vocation with high mobility rates and job insecurity that provide economic motives to remain in Canada."

[16] I agree with the Applicant that this conclusion is inconsistent with the evidence that was before the Officer. The Applicant submitted evidence that she had stable employment as an Art Instructor with the same employer for the last four years. She also provided evidence that she was completing a Master's program in Iran, and had to return to complete her studies.

[17] As such, the Officer's conclusion of being employed in "a vocation with high mobility rates and job insecurity" is not grounded in any evidence in the record, and thus, not intelligible, transparent or justified. The reliance on this statement was not benign, as the Officer concluded that the Applicant's employment situation "provided economic motives to remain in Canada". I therefore do not find that the decision is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision-maker (*Vavilov* at para 85).

[18] I acknowledge that officers have a significant volume of visa applications to process, and that their written reasons must not be assessed against a standard of perfection. Nonetheless, they must be intelligible and justified (*Hasanalideh v Canada (Citizenship and Immigration)*, 2022 FC 1417 at para 8 citing *Vavilov* at para 96). Here, the refusal of the TRV application was based on a misapprehension of evidence and/or did not have sufficient detail to justify the result. The errors relating to the Applicant's employment situation and to the family ties are sufficiently central to the TRV refusal that it warrants setting aside the decision. The application for judicial review must therefore be granted.

[19] The parties do not propose any question for certification, and I agree that in these circumstances, none arise.

JUDGMENT in IMM-13781-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted.
2. The Decision is set aside and the application is remitted for reconsideration by another officer.
3. There is no question for certification.

"Phuong T.V. Ngo"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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