

Federal Court



Cour fédérale

**Date: 20150303**

**Docket: IMM-5303-14**

**Citation: 2015 FC 270**

**Vancouver, British Columbia, March 3, 2015**

**PRESENT: The Honourable Madam Justice Mactavish**

**BETWEEN:**

**MUHAMMAD SALMAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
& IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Reasons delivered orally in Vancouver on March 3, 2015)**

[1] Muhammad Salman seeks judicial review of the decision of a visa officer refusing his application for a temporary work permit. The officer was not satisfied that Mr. Salman would leave Canada at the end of his stay as a temporary resident based upon a number of factors. These included his family ties in Canada versus his family ties in Pakistan, his limited employment prospects in Pakistan, and his personal assets and financial position. Mr. Salman

submits that the reasons given by the visa officer were inadequate and that the officer's decision was unreasonable. He further submits that he was denied procedural fairness in this matter as he was not afforded an opportunity to address the visa officer's concerns prior to a decision being made with respect to his application for a temporary work permit. However, Mr. Salman has not persuaded me that there is a basis for this Court to intervene, and consequently the application for judicial review will be dismissed.

[2] Dealing first with the issue of the sufficiency of the officer's reasons, as the Supreme Court of Canada established in the *Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708, an alleged insufficiency of reasons is no longer a stand-alone basis for granting judicial review. In cases such as this, reasons need not be fulsome and need not address all of the evidence or arguments put forward by a party. Rather, they are to be read as a whole, in conjunction with the record, in order to determine whether the reasons provide the justification, transparency and intelligibility required of a reasonable decision. It is clear from the officer's GCMS notes precisely why the temporary work permit was refused and consequently there is no merit to the argument that the reasons provided by the officer were insufficient.

[3] This takes us to the next question which is whether the decision was reasonable. I am satisfied that the officer's decision was indeed reasonable. Amongst other things, the officer noted that Mr. Salman is single and has no dependents in Pakistan. He has submitted four temporary resident visa applications in Canada and the UK, all of which have been refused. He claims to have been a director of the Fraser Valley Community College since June 2013.

However, this assertion was inconsistent with the documentation that Mr. Salman had himself submitted in support of his application. Mr. Salman claims to own a business in Pakistan, but did not provide any documents to support this claim. Mr. Salman submitted documentation regarding money transfers that took place in June 2014, but it appeared that he had limited funds in his account prior to this period, again suggesting that he was not economically well-established in Pakistan. Based on this, the officer was not satisfied that Mr. Salman was well-established in Pakistan and that he had a high economic incentive to remain in Canada.

[4] I do agree with Mr. Salman that, in the absence of a clear finding with respect to the legitimacy of the educational institution with which he is supposedly affiliated, the location of the community college in a strip mall is of limited relevance to the visa application. That said, as was noted earlier, the officer had numerous other reasons for questioning whether Mr. Salman was truly seeking to enter Canada on a temporary basis all of which were entirely reasonable.

[5] Moreover, and contrary to Mr. Salman's submissions, the visa officer did not find that he had family members in Canada. The decision-letter simply states that the issue of Mr. Salman's family ties in Canada and Pakistan was considered as a factor in deciding whether he was going to leave Canada at the end of his visa period.

[6] The officer properly noted that the applicant was single and had no dependents in Pakistan. The relative family ties of a visa applicant in Canada and in their country of origin is a proper consideration in assessing whether a visa applicant will leave Canada at the end of the visa period. While the visa officer did not specifically mention the presence of Mr. Salman's

parents and siblings in Pakistan, the officer is presumed to have considered all of the evidence submitted by a visa applicant and I have not been persuaded that any material evidence was overlooked by the officer. Indeed, I agree with the respondent that Mr. Salman is essentially asking me to re-weigh the evidence that he provided in support of his visa application and to come to a different conclusion than did the officer.

[7] The final argument advanced by Mr. Salman is that he was treated unfairly in the visa process as he was not notified of the visa officer's concerns and was not afforded an opportunity to respond to these concerns prior to a decision being made in relation to his visa application. However, in this case the officer's concerns did not arise as a result of reliance on extrinsic evidence, but rather arose out of the inconsistencies and gaps in the information that Mr. Salman had himself provided in support of his application. In accordance with section 179 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227, the onus is on the visa applicant to establish that he will leave Canada at the end of the visa period. This Mr. Salman failed to do.

[8] As a result, this application for judicial review is dismissed. I agree with the parties that the case does not raise a question that is suitable for certification.

**JUDGMENT**

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

“Anne L. Mactavish”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-5303-14

**STYLE OF CAUSE:** MUHAMMAD SALMAN v THE MINISTER  
OF CITIZENSHIP & IMMIGRATION

**PLACE OF HEARING:** VANCOUVER, BRITISH COLUMBIA

**DATE OF HEARING:** MARCH 3, 2015

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**DATED:** MARCH 3, 2015

**APPEARANCES:**

Baldev S. Sandhu

FOR THE APPLICANT

Krysta Cochrane

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Sandhu Law Office  
Barrister and Solicitor  
Surrey, British Columbia

FOR THE APPLICANT

William F. Pentney  
Deputy Attorney General of Canada  
Vancouver, British Columbia

FOR THE RESPONDENT