

Federal Court



Cour fédérale

**Date: 20220407**

**Dockets: IMM-4752-21  
IMM-4757-21  
IMM-4759-21**

**Citation: 2022 FC 486**

**Ottawa, Ontario, April 7, 2022**

**PRESENT: The Associate Chief Justice Gagné**

**Docket: IMM-4752-21**

**BETWEEN:**

**MUHAMMAD RAHIM**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**Docket: IMM-4757-21**

**AND BETWEEN:**

**ROZINA RAHIM**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**Docket: IMM-4759-21**

**AND BETWEEN:**

**ZARINA MUSSA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Nature of the Matter

[1] Muhammad and Rozina Rahim are a couple of Pakistanis in their 40s, while Zarina Mussa is Rozina's older sister, also from Pakistan. They seek judicial review of three simultaneous and identical decisions made by a visa immigration officer refusing their Applications for a Temporary Resident Visa [TRV].

[2] Having considered the Applicants' family ties in Canada and in their country of residence, the purpose of their visit and their financial situation, the officer was not satisfied that they would leave Canada at the end of their authorized stay and rejected their Applications.

[3] The Applicants request that the decisions be set aside and the matter referred back for re-determination.

II. Background Facts

[4] The Applicants have been living together for over 10 years in Karachi, Pakistan. They are deaf and mute, impoverished and functionally illiterate. They have never travelled outside of Pakistan before. They have always been financially dependent on their relatives in Canada – first the parents, and now the female Applicants' niece and her husband, who are both Canadian citizens.

[5] Because of the spouses' disabilities, between 2006 and 2016 their three children were under the remote care and responsibility of the Canadian niece and her husband. In 2016, the three children moved to Canada to live with them and their two biological children. They were officially adopted in 2017. The three children are now between the ages of 21 and 26 and are Canadian citizens.

[6] Upon the request of the children, the adopted mother and her husband have invited the Applicants to visit them in Canada for three months.

[7] In July 2019, the Applicants simultaneously submitted separate TRV applications. Each Application included common materials in support of these Applications: Counsel submissions, Declaration of the adopted mother, and Declaration of one of the three children.

[8] In August 2019, the Applications were first refused without interview or prior communication and the Applicants applied for judicial review (IMM-5210-19, IMM-5211-19,

IMM-5212-19). The matter was discontinued in November 2019 when the Applicants accepted the Respondent's offer to reconsider the Applications.

[9] In February 2020, the Applicants submitted a further declaration by the adopted mother as an additional document for consideration. In March 2020, the Applications were once again refused without interview on the basis that the adoptions were not genuine because "the relationship between the children and the biological parents has not been severed" and because the officer was not satisfied of the temporary purpose of the visit. The matter was again discontinued in September 2020 and the Applications reconsidered.

[10] This third decision is the subject of this judicial review.

### III. Decision Under Review

[11] The following comes from the Global Case Management System [GCMS] notes, which form part of the decisions.

[12] All three Applications were refused with identical reasons: the officer was not satisfied that the Applicants would leave Canada at the expiration of any authorized stay because of (1) the Applicants' family ties in Canada, (2) the Applicants' current employment situation, and (3) the Applicants' personal assets and financial status.

[13] The decisions are concise but detailed. They mention the lengthy evidence provided by the Applicants. In describing the Applicants' disabilities and functional illiteracy, the officer

mentions that the Applicants “lead full lives in the Ismaili community” but that they were unable to raise their children.

[14] The officer mentions that only one of the Applicants is employed and that most of the Applicants’ income comes from remittances from the Canadian niece and her husband. The three Applicants have no bank accounts, savings, significant assets, or property. The officer concludes from the evidence that the Applicants have “no significant assets to tie them to Pakistan” and that they are impoverished as suggestions of “economic motives for departing Pakistan.” The officer details the financial support the Applicants receive from the Canadian niece and her husband, which support has increased since the only employed Applicant stopped working at the beginning of the world pandemic in April 2020. As such, the officer considers that Mr. Rahim’s employment is not a strong bond for him in Pakistan, especially considering that he stopped working during the pandemic (although the officer mentions the Applicant’s intention to start working again when possible) and the “significant recent waves in South Asia.”

[15] The officer counts that the sister Applicants have “approximately the same number of family members in BC as in other parts of the world”, including Karachi, Dallas, and Edmonton, but that the male Applicant’s “family ties are more concentrated in Karachi, though he too has family ties to BC.” The officer mentions the videos and transcripts of conversations with the couple’s children in American and Pakistani Sign Language and states that this evidence shows that the parents are “well aware of [their children’s] lives” and that “the parent-child relationship continue[s]”, as shown by “their ongoing contact in spite of separation and adoption.” The officer finds that “the Rahims have not satisfied [him] their children are not their strongest bonds.”

[16] The officer concludes with “Overall, their assets and financial status appear to be a push factor out of Pakistan rather than a tie to it.”

[17] The officer also considers that the third Applicant, Ms. Mussa, “also had family ties in Canada and a financial situation that appears to be a push factors”, that she has “a close relationship” with the other two Applicants’ children, and that “she can’t be left in Pakistan without the care of” the other two Applicants. The officer concludes that, should the other two Applicants decide to stay in Canada, the third Applicant would also stay.

#### IV. Issues and Standard of Review

[18] This Application for judicial review raises a single issue:

*Did the officer err in finding that the Applicants’ natural born children in Canada are their strongest bond and in relying upon push factors suggested by the financial circumstances but unwarranted by the evidence?*

[19] I agree with the parties that reasonableness is the applicable standard of review for a visa officer’s decision regarding a temporary visa (*Abdelrahman v Canada (Citizenship and Immigration)*, 2020 FC 1141 at para 14; *Shoaib v Canada (Citizenship and Immigration)*, 2020 FC 479 at para 11; *Itsekor v Canada (Citizenship and Immigration)*, 2020 FC 294 at para 12).

[20] I also agree with the Respondent that a visa officer’s decision is a highly discretionary decision based on factual findings, and therefore should be granted considerable deference.

V. Analysis

[21] The Applicants state that they listed many more family members in Pakistan than in Canada. Still, the officer concluded that the biological parents and three children had a continuing parent-children relationship, which means that their strongest family ties are located in Canada. The Applicants submit that this finding is unreasonable for two main reasons.

[22] First, this finding is inconsistent with the evidence pertaining to the adoption and immigration proceedings and to the long-term relationship between the children and their adoptive parents.

[23] Second, this finding is inherently contradictory since the officer considered that “their physical separation from their three biological children since 2016 they [sic] would naturally be their strongest ties” but then found that they should have stronger family ties in Pakistan.

[24] Visa applicants have the onus to demonstrate that they meet the criteria for the issuance of a TRV, including that they will leave Canada at the end of their authorized stay (*Khan v Canada (Minister of Citizenship and Immigration)*, 2001 FCA 345 at para 22). Amongst the factors that were considered relevant to that determination, we find the applicant’s ties to Canada and to their own country, along with their financial ability (*Kheradpazhooh v Canada (Citizenship and Immigration)*, 2018 FC 1097 at paras 2-4; *Bunsathikul v Canada (Citizenship and Immigration)*, 2019 FC 376 at paras 18-19; *Rudder v Canada (Citizenship and Immigration)*, 2009 FC 689 at paras 11–12).

[25] Having reviewed the file and heard the parties' submissions, I agree with the Respondent that both of the Applicants' arguments can be interpreted as if they were asking this Court to reweigh the evidence and to substitute its finding over that of the officer's. That is not the role of the Court.

[26] Respectfully, I believe that the officer's reasons are in line with the evidence adduced by the parties. The reasons meet the test set out by the Supreme Court of Canada in Canada (*Minister of Immigration and Refugee Protection*) v *Vavilov*, 2019 SCC 65, in that they enable the Court to ascertain the decision maker's train of reasoning.

[27] That is especially true considering i) the large volume of visa applications that are received in visa offices in Canada and around the world, ii) the visa officers' duty to process applications quickly and efficiently, and iii) the fact that they are not expected to give extensive reasons for their decisions (*Yuzer v Canada (Citizenship and Immigration)*, 2019 FC 781 at para 9, 15 and 20).

[28] Where, as is the case before me, the visa officer meets the requirements of responsiveness and justification, the Court should refrain from intervening.

[29] The Applicants argue that the children are now at older ages and do not need financial support and daily presence of their parents. That is true. However, the Applicants' emotional and financial ties with their Canadian family members is real and strong. In addition, they do not have real financial incentive to stay in Pakistan. These findings align with the evidence before the officer.



[30] In my view, the officer reasonably assessed the push and pull factors and overall, his decision falls within reasonable outcomes.

VI. Conclusion

[31] For the foregoing reasons, I am dismissing this Application for judicial review. The parties did not suggest any question for certification and none arises from the facts of this case.

**JUDGMENT in IMM-4752-21, IMM-4757-21 and IMM-4759-21**

**THIS COURT’S JUDGMENT is that:**

1. The Application for judicial review is dismissed;
2. No question of general importance is certified;
3. No costs are granted.

“Jocelyne Gagné”  
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Associate Chief Justice

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKETS:** IMM-4752-21, IMM-4757-21 AND IMM-4759-21

**DOCKET:** IMM-4752-21

**STYLE OF CAUSE:** MUHAMMAD RAHIM v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**AND DOCKET:** IMM-4757-21

**STYLE OF CAUSE:** ROZINA RAHIM v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**AND DOCKET:** IMM-4759-21

**STYLE OF CAUSE:** ZARINA MUSSA v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** JANUARY 26, 2022

**JUDGMENT AND REASONS:** GAGNÉ A.C.J.

**DATED:** APRIL 7, 2022

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