

Federal Court



Cour fédérale

Date: 20240909

Docket: IMM-9335-23

Citation: 2024 FC 1407

Toronto, Ontario, September 9, 2024

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

**VEERPAL KAUR
PARAMJIT KAUR**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. OVERVIEW

[1] The Applicants wished to visit Canada to attend the wedding of a family member. A Visa Officer refused their applications for Temporary Resident Visas (TRVs), finding that they had failed to establish that they would leave Canada at the end of their stay.

[2] I will allow this application, as I have found that the decision denying the Applicants' TRV applications was unreasonable. My brief reasons follow.

II. BACKGROUND

[3] The Applicants, Veerpal Kaur [the Principal Applicant or PA] and her mother, Paramjit Kaur [the Associate Applicant or AA], are citizens of India. As noted above, in June 2023, the Applicants applied for a TRV to attend a relative's wedding in Canada. In support of their application, they provided various documents, including the following:

- a) a bank statement for the PA indicating a balance of a little over \$16,359.00 CAD;
- b) a "Total Assets/ Net Worth Report" from a Chartered Accountant indicating the net worth of the PA as being roughly \$442,000 CAD, together with an annual salary of roughly \$11,000;
- c) an undertaking by the PA that she would be supporting her mother, the AA, during their visit to Canada;
- d) a statutory declaration from the Applicants' cousin, a Canadian citizen, inviting them to the marriage of his son, and undertaking to cover "accommodation, food and all expenses that may pertain to [the Applicants'] care and well-being in Canada";
- e) a screenshot of the Canadian cousin's bank statement indicating a balance of roughly \$57,000 in a chequing account and some \$42,000 in an investing account; and
- f) a "save the date" wedding invitation notice for September 15, 2023.

III. DECISION

[4] It appears that no decision was made on the Applicants' TRV applications until after the planned date of the cousin's wedding. However, in correspondence dated September 24, 2023, a Visa Officer rejected the applications. The Officer stated that the Applicants had failed to establish that they would leave Canada at the end of their stay, based on the following factors:

- The Applicants' assets and financial situation were insufficient to support the stated purpose of their travel.
- They do not have significant family ties outside Canada.
- The purpose of their visit to Canada is not consistent with a temporary stay given the details they had provided in their application.

[5] In notes entered into the Global Case Management System, which form a part of the Officer's reasons for decision, the Officer also provided as follows:

I have reviewed the application. I have considered the following factors in my decision. The applicant's assets and financial situation are insufficient to support the stated purpose of travel for themselves (and any accompanying family member(s), if applicable). The applicant does not have significant family ties outside Canada. The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application. Weighing the factors in this application. I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay. For the reasons above, I have refused this application.

IV. ISSUES

[6] The sole issue to be determined in this application is whether the Visa Officer's decision was reasonable.

V. STANDARD OF REVIEW

[7] The standard of review in this case is reasonableness, per *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 23 [Vavilov].

VI. ANALYSIS

A. *Failure to Consider Invitation Letter*

[8] As noted, in support of the Applicants' TRV applications, they submitted a statutory declaration from their relative in Canada who undertook to cover their expenses throughout their planned 24-day trip to Canada. In denying the application, the Officer did not consider this important piece of evidence. Indeed, the Officer did not refer to any of the financial information provided by the Applicants.

[9] On judicial review, counsel for the Respondent noted that much of the Principal Applicant's assets are not liquid. While this may be true, there is no mention of the liquidity of the Principal Applicant's assets in the Officer's decision. There is similarly no analysis as to how the combined assets of the PA and her relative in Canada would be insufficient to support the stated purpose of the Applicants' trip. Between the Principal Applicant and her Canadian relative, there appears to be at least \$73,000 in cash between their respective cash accounts. A reasonable decision would at the very least need to acknowledge this sum before determining that the Applicants assets were insufficient to fund their short trip to Canada.

B. *Purpose of Trip*

[10] I also find the Officer's statements about the purpose of the Applicants' trip to be unreasonable. The entirety of the Officer's reasoning in this regard is as follows: "The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application inconsistent with a temporary stay."

[11] Respectfully, I cannot discern a rational chain of analysis in this summary conclusion. Absent any further explanation, we are essentially left with a finding that the desire to attend a family wedding is inconsistent with a temporary stay. Understood in this light, I would hope that the unreasonableness of the Officer's decision comes into focus. There is nothing unusual about travelling for a family wedding and nothing, without any further information, that suggests such travel may not be temporary.

[12] As a result, I find the decision lacks justification and is therefore unreasonable. Perhaps there was more in the record that gave rise to a concern on the part of the Officer, but such a rationale (if there was one) is not apparent in the Officer's decision. To this extent, then, the decision lacks transparency, and is also unreasonable on this basis.

C. *Applicants' Family Members*

[13] The above findings provide a sufficient basis on which to grant this application for judicial review. That said, I would also note that the Officer's finding that the Applicants do not have significant family ties outside Canada appears to have been made with no consideration of the Applicants' family members who reside in India - namely the Principal Applicant's two sisters, who are also the Associate Applicant's two other daughters. The Associate Applicant stated as follows in her "Purpose of Visit" statement: "Virtually all of my immediate family living there [sic], my family ties a strong back home, and I will absolutely return home before my authorized stay expires and will absolutely leave Canada before my authorized stay."

[14] Given the information in the record about the Applicants' family ties to India, it was incumbent on the Officer to provide some semblance of a rationale for the finding that they have no significant family ties outside Canada.

VII. CONCLUSION

[15] The duty to provide reasons in the TRV context is not onerous. Reasons may be brief, and need not address all of the evidence provided in support of an application. Nevertheless, decisions must contain a rational chain of analysis and must satisfy the basic requirements of intelligibility, transparency, and justification. For the above reasons, I have concluded that the decision under review in this matter does not meet these requirements. The parties did not propose a question for certification, and I agree that none arises.

JUDGMENT in IMM-9335-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted.
2. The decision under review is set aside and the matter is referred back for redetermination by a different decision-maker.
3. No question is certified for appeal.

"Angus G. Grant"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9335-23

STYLE OF CAUSE: VEERPAL KAUR AND PARAMJIT KAUR v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

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JUDGMENT AND REASONS: GRANT J.

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