

Federal Court



Cour fédérale

Date: 20241104

Docket: IMM-12330-23

Citation: 2024 FC 1758

Vancouver, British Columbia, November 4, 2024

PRESENT: Madam Justice McDonald

BETWEEN:

RAMANDEEP KAUR

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Ramandeep Kaur, is a citizen of India who seeks judicial review a Visa officer's decision denying her application for a 15-day Temporary Resident Visa (TRV) to visit her daughters in Canada. In support of her TRV application, Mrs. Kaur included her own financial information as

well as Affidavits from her daughters, Gurpreet Kaur and Simranjeet Kaur, who are in Canada on work and student permits, respectively. Her daughters also provided financial information.

[2] In the Decision of September 6, 2023, a Visa Officer denied Mrs. Kaur’s TRV application, stating:

I am not satisfied that you will leave Canada at the end of your stay as required by paragraph 179(b) of the *IRPR* [...]. I am refusing your application because you have not established that you will leave Canada, based on the following factors:

- Your assets and financial situation are insufficient to support the stated purpose of travel for yourself (and any accompanying family member(s), if applicable).
- The purpose of your visit to Canada is not consistent with a temporary stay given the details you have provided in your application.

I. Issue and standard of review

[3] In my view the only issue is if the Officer’s treatment of the financial evidence as a basis to refuse the TRV was reasonable. A reasonable decision is “based on an internally coherent and rational chain of analysis” and is “justified in relation to the facts and law that constrain the decision maker” (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 85-86).

II. Analysis

[4] The Officer refused the TVR on the grounds that the Applicant’s financial situation was insufficient to support her 15-day visit. In the GCMS notes, the Officer states that “bank

statements from the Applicant are from May 2023 to July 2023” and that “this provides limited information pertaining to the source of these funds since it does not provide a history of funds to assess.” In other words, the Officer found three months worth of bank statements was insufficient financial support for the Application.

[5] A review of the record indicates that the Applicant’s TRV application was supported by detailed financial information, beyond three months of bank statements, and included the following:

- Report prepared by a Chartered Accountant on the joint net worth of the Applicant and her husband, Ravinder Kumar, to be approximately 10,336,000 Indian Rupees (INR), equivalent to approximately \$166,700 CAD at the time the Report was prepared; and
- Sixteen months of certified bank statements for April 2022 to July 2023, from the State Bank of India of a joint account held with the Applicant’s husband, Ravinder Kuma, showing the balance of account to be approximately 600,289.18 INR.

[6] As well, the Applicant’s daughter, Gurpreet Kaur confirms in her Affidavit that she will provide her mother with “all basic requirements” including “boarding, lodging, and any other required expenses here in Canada”. Attached to Gurpreet Kaur’s Affidavit is 3 months of pay stubs, bank statements, a CRA Notice of Assessment, and an employer’s letter. The Notice of Assessment shows \$57,636 in household income for the 2022 year. The bank statements indicate approximately \$18,000 in savings. The employer’s letter confirms that the Applicant’s daughter had been employed since February 2022 and remained an employee as of July 12, 2023.

[7] In the face of this financial information, the Officer's conclusion that the Applicant's assets and financial situation are "insufficient" to support a 15-day visit, is not justified. The Officer refers to three months of bank statements whereas the Applicant provided sixteen months of bank statements and other financial information. Given the financial information provided, the Officer's finding is simply not rationally supported by the record. Further it is not enough for the Officer to say the evidence is insufficient, the officer must explain *why* the evidence is insufficient (*Opakunbi v Canada (Citizenship and Immigration)*, 2021 FC 943 at para 12).

[8] I acknowledge that the Officer has discretion to determine if the financial information provided is sufficient to support a 15-day visit. However in this case, the Officer erred by incorrectly justifying their Decision based on 3-months of information and not the 16-months of information that was provided.

III. Conclusion

[9] This judicial review is granted.

JUDGMENT IN IMM-12330-23

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is granted.
2. The matter is remitted for redetermination by a different officer.
3. There is no question for certification.
4. The Style of Cause is amended with immediate effect removing "Immigration, Refugees and Citizenship Canada" as the Respondent and replacing it with "The Minister of Citizenship and Immigration".

"Ann Marie McDonald"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-12330-23

STYLE OF CAUSE: RAMANDEEP KAUR v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

**HEARING HELD BY
VIDEOCONFERENCE AT:** VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: OCTOBER 29, 2024

JUDGMENT AND REASONS: MCDONALD J.

DATED: NOVEMBER 4, 2024

APPEARANCES:

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