

Federal Court



Cour fédérale

**Date: 20250717**

**Docket: IMM-12915-24**

**Citation: 2025 FC 1277**

**Toronto, Ontario, July 17, 2025**

**PRESENT: Madam Justice Go**

**BETWEEN:**

**SHARANJIT SINGH DAHELA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] Sharanjit Singh Dahela [Applicant], a citizen of India, applied for a visitor's visa to Canada to visit his sister, a Canadian citizen, and her spouse. Since 2010, the Applicant has owned a welding business in India. The Applicant seeks to travel alone to Canada, leaving behind his family including his mother and his spouse.

[2] The immigration officer assigned to the case [Officer] refused the Applicant's visa application [Decision] because they were not satisfied the Applicant would leave Canada at the end of his stay, for two reasons: a) the Applicant's assets and financial situation are insufficient to support the stated purpose of travel; and b) the purpose of the Applicant's visit to Canada is not consistent with a temporary stay.

[3] The Applicant seeks judicial review of the Decision arguing that the it was both unreasonable and procedurally unfair. I grant the application. I find the Decision was unreasonable because the Officer failed to engage with the Applicant's evidence.

## II. Preliminary Issues

[4] On the day of the hearing, counsel for the Applicant failed to attend in person. After being contacted by the Registrar, counsel apologized, stating that he had made a mistake and thought that the hearing was scheduled for the following day. Counsel noted that he would not be able to make the hearing on time and requested that he be allowed to join the hearing virtually.

[5] The Respondent referred to Rule 38 of the *Federal Court Rules*, SOR/98-106 stating that "[w]here a party fails to appear at a hearing, the Court may proceed in the absence of the party if the Court is satisfied that notice of the hearing was given to that party in accordance with these Rules." The Respondent did not take a position regarding the Applicant's counsel's request.

[6] The Court accepts the Applicant's counsel's explanation for his failure to attend in person. The Court is of the view that the Applicant should not bear the consequences of a

mistake not of his own doing. The Court reminds counsel to take steps to prevent similar mistakes from happening in the future. The Court notes that, despite his mistake mixing up the court date, counsel for the Applicant was well-prepared and he competently represented his client throughout the proceedings.

### III. Issues and Standard of Review

[7] The Applicant argues that the Officer ignored material evidence, that the Decision was based on findings of fact unsupported by the evidence, and that the Officer's reliance on Chinook 3+ resulted in a "truncated vision" of the application rendering the Decision unreasonable. The Applicant also argues the Officer acted "unfairly" by refusing the Applicant's visa application in the face of credible evidence of economic and social ties to his country, and that the Officer breached procedural fairness by failing to provide the Applicant with a procedural fairness letter.

[8] With respect to the merits of the Decision, I agree with the Respondent that the applicable standard of review in this case is reasonableness, as per *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]. The Court should assess whether the decision bears the requisite hallmarks of justification, transparency, and intelligibility: *Vavilov* at para 99. The Applicant bears the onus of demonstrating that the decision was unreasonable: *Vavilov* at para 100.

[9] The issue of procedural fairness, if any, is reviewable on a standard akin to correctness.

IV. Analysis

[10] Of the numerous issues the Applicant raises, I find the determinative one is the Officer's failure to engage with the entirety of evidence before them, which rendered the Decision unreasonable.

[11] The Officer's reasons are found in the Global Case Management System [GCMC] notes which state 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.) Proof of funds from host noted. I am not satisfied with the proof of funds demonstrated by the PA. Although a bank statement has been provided showing available funds, there is limited evidence regarding the origin of the funds presented. Considering this factor, I am not satisfied that the PA is sufficiently established and has the financial abilities to justify travel expenses. 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.

[12] The Applicant submits that the Officer made unreasonable findings without any regard to the materials before them, and their findings were not responsive to the evidence the Applicant submitted. As such, the Decision was neither transparent nor intelligible.

[13] I agree.

[14] As the Applicant submits, and I concur, the Officer ignored much of the evidence relating to the Applicant's financial circumstances and rendered a negative decision based solely on one document, namely the Applicant's bank statement. In finding that there is "limited evidence regarding the origin of the funds," the Officer made no reference to the rest of the documents the Applicant provided including the Applicant's employment records, income tax return documents, history of income from his welding business, a Chartered accountant report and property valuations report held in the name of the Applicant or his family members.

[15] The Decision also did not mention the affidavits provided by the Applicant's mother, spouse, sister and brother-in-law attesting to their support for the Applicant's visit. While the Decision acknowledge proof of funds from the "host," i.e. the Applicant's sister and brother-in-law, it made no mention that these two family members had pledged to cover the Applicant's expenses while he was in Canada.

[16] The Respondent characterizes these affidavits as "promises" and as such insufficient to overcome the Officer's concerns with the Applicant's financial circumstances. I disagree. These affidavits constitute evidence that was put before the Officer. Moreover, since the Officer made no mention of these affidavits in the Decision, there was no analysis in the Decision as to why the affidavit evidence was insufficient to overcome the Officer's concerns.

[17] The evidence with respect to the Applicant's employment and business, as well as the affidavits of support from the Applicant's family members, was relevant to the Officer's consideration of the Applicant's financial circumstances as well as the Officer's concerns about

the source of funds. The Officer's failure to mention such evidence suggests either that the Officer ignored relevant evidence, or that the Officer rendered a decision without regard to the totality of the evidence.

[18] As the Court found in *Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001 at para 18: "Where parts of the evidence are not considered or are misapprehended, where the findings do not flow from the evidence and where the outcome is not defensible, a decision will not withstand such probing examination." The same conclusion can be drawn here.

[19] The Respondent makes other submissions such as the Applicant's application included bank statements for a joint account held with his wife, the yearly household income for himself, is only \$8,000 CAD/year. These submissions are not reflected in the Decision or the GCMS notes, and in some way reinforce the Applicant's position that the Officer failed to provide reasons for their refusal: *Sangha v Canada (Citizenship and Immigration)*, 2020 FC 62 at para 16.

[20] The Respondent further cites *Aghvamihamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 [*Aghvamihamoli*] at paras 19-22 to submit that visa officers must not only look at the applicant's bank account, but also the source of fund. I note that the paragraphs the Respondent cites from *Aghvamihamoli* do not speak to this point. In any event, even accepting the Officer was entitled to consider the source of funds, I find the Officer was still obligated to consider the evidence that was relevant to the issue that the Officer was concerned about.

[21] Finally, I acknowledge visa officers need not provide detailed reasons and that it is presumed that a visa officer considered all the evidence, however, an officer must “nonetheless provide adequate reasons that justify his or her decision, and must address evidence that may contradict important findings of fact:” *Ul Zaman v Canada (Citizenship and Immigration)*, 2020 FC 268 at para 23. The Officer in this case failed to do so.

[22] In his written submission, the Applicant asks for costs of the application but makes no submissions to support the relief sought. I find the circumstances of the case do not warrant any cost award.

V. Conclusion

[23] The application for judicial review is granted.

[24] There is no question for certification.

**JUDGMENT in IMM-12915-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is granted and the matter sent back for redetermination by a different officer.
2. There is no question for certification.

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"Avvy Yao-Yao Go"  
Judge



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

**DOCKET:** IMM-12915-24

**STYLE OF CAUSE:** SHARANJIT SINGH DAHELA v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JULY 16, 2025

**JUDGMENT AND REASONS:** GO J.

**DATED:** JULY 17, 2025

**APPEARANCES:**

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Aneta Bajic	FOR THE RESPONDENT

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