



IAD File No. / N° de dossier de la SAI : VC2-10411
Client ID / N° d'identification du client : 59746246

Appellant(s)	RANJIT SINGH	Appellant(s)
Respondent	Minister of Citizenship and Immigration	Intimé
Date(s) and Place of Hearing	N/A	Date(s) et lieu de l'audience
Date of decision	May 5, 2023	Date de la décision
Panel	Linda Taylor	Tribunal
Counsel	Gurpreet Singh Khaira	Conseil
Designated Representative	N/A	Représentant désigné
Minister's Counsel	Nadine Wu	Conseil du ministre

NOTICE OF DECISION (AND REASONS)

Sponsorship Appeal

After reviewing the information in this appeal, and the consent and joint recommendation of both parties, as indicated in the ADR Agreement, the appeal is allowed. The officer's decision to refuse a permanent resident visa is set aside, and the officer must continue processing the application in accordance with the joint recommendation of the parties, as set out in the ADR Agreement.

I certify that this is the decision and reasons of the Member in this appeal.

R Kim

for Registrar

May 5, 2023

Date

Judicial Review – Under section 72 of the *Immigration and Refugee Protection Act*, you may make an application to the Federal Court for judicial review of this decision, with leave of that Court. You may wish to get advice from counsel as soon as possible, since there are time limits for this application.



Immigration and
Refugee Board of Canada
**Immigration Appeal
Division**

Commission de l'immigration
et du statut de réfugié du Canada
**Section d'appel
de l'immigration**

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Statement that a document was provided

I provided the following:

Notice of Decision

By e-mail to the Appellant RANJIT SINGH

At the following address: s.ranjitsingapore@gmail.com

By My Case portal to the Appellant's Counsel Gurpreet Singh Khaira on May 5, 2023

By e-mail to CBSA - Vancouver - Hearings and Appeals

At the following address: cbsa.appealspac-appelspac.asfc@cbsa-asfc.gc.ca



ALTERNATIVE DISPUTE RESOLUTION

AGREEMENT OF THE PARTIES

Appellant: RANJIT SINGH

IAD File No.: VC2-10411

UCI: 59746246

Date of ADR Conference: May 5, 2023

This appeal is from a refusal on the grounds that the sponsor did not meet the minimum income requirement for the sponsorship of the applicants. The appellant's income was assessed for the years 2018, 2019 and 2020. CPC Mississauga determined that the appellant did not meet the MNI for 2018 and 2019. According to the CPC assessment, the appellant's family size for 2018, 2019 and 2020 was five persons including himself, his spouse and co-signer, their child, and the two applicants.

The appellant's family size was determined by the visa office to be five persons in 2018 however it appears that the appellant's child, Rayandeep Singh, was born in 2019 and therefore the appellant's family size in 2018 should be four persons.

For the years 2019 and 2020 the appellant's family size was five persons including himself, his spouse and co-signer, their child, and the two applicants. The appellant's family size remains five persons now.

The parties jointly recommend to the Immigration Appeal Division that this appeal be allowed; the parties agree that the following is the basis upon which they consent to the appeal being allowed.

- 1) The appellant did not meet the required income in years 2018 and 2019. The MNI for five persons in 2018 was \$68,357 and in 2019 was \$69,422. The appellant's income for 2018 and 2019 were 35,245 and \$64,895, respectively. The appellant explained that he did not meet the MNI in the years 2018 and 2019 because he first came to Canada in August 2018 and in 2019 the co-signer was on maternity leave.
- 2) The minimum necessary income for the year 2021 for a family of five persons is \$55,694. Notices of Assessments on file for the appellant and co-signer indicate that the couple's combined income for 2021 is \$62,646. Documentary evidence and oral testimony provided by the appellant indicate that the couple's income for 2022 is over \$100,000. Having considered the oral and documentary evidence of the appellant at the ADR conference, it appears that the couple's income for the year 2022 will meet the MNI requirement for the same year. The appellant and applicant have provided documentary evidence which establishes that they have exceeded the MNI since 2020. The appellant has maintained steady employment and demonstrated that his income has increased every year since his arrival in Canada.

- 3) The appellant demonstrated a strong emotional bond to the applicants and ongoing communication. The applicant visited the appellant in 2019 and spent time with the appellant's family following the birth of the appellant's child. The appellant also explained that he and his family have returned from a visit to India where they spent three weeks with his mother and the rest of his family. He credibly described the bond between his son and his mother through daily video calls as well as the recent return visit. The appellant credibly explained the positive impact his mother will have on him and his family in Canada.

While the refusal is valid in law, the Minister recommends that the appeal be allowed on humanitarian and compassionate grounds. The Minister's Counsel is of the opinion that if this case proceeded to a full hearing before the Immigration Appeal Division, the appellant would likely succeed in the appeal. Consequently, the Minister's Counsel is of the opinion that it is not in the public interest to litigate this matter further.

The parties agree that this Agreement is the basis upon which they consent to the appeal being allowed, and the parties jointly recommend to the Immigration Appeal Division to allow this appeal.

Appellant: RANJIT SINGH
Appellant's Counsel: Gurpreet Singh Khaira
Minister's Counsel: Nadine Wu

I certify that both parties provided their verbal agreement to the contents of this ADR Agreement.

I certify that both parties confirmed by email their agreement to the contents of this ADR Agreement.

Early Resolution Officer : Teresa Nguyen

Date : May 5, 2023

Appeal allowed : After reviewing the information in this appeal, and the consent and joint recommendation of both parties, as indicated in the ADR Agreement, the appeal is allowed. The officer's decision to refuse a permanent resident visa is set aside, and the officer must continue processing the application in accordance with the joint recommendation of the parties, as set out in the ADR Agreement.

“Linda Taylor”

IAD Member / ADC

5 May 2023

Date