

Federal Court



Cour fédérale

**Date: 20150303**

**Docket: IMM-5515-14**

**Citation: 2015 FC 268**

**Vancouver, British Columbia, March 3, 2015**

**PRESENT: The Honourable Madam Justice Mactavish**

**BETWEEN:**

**HAFTOM TEKLAY WELDEGERIMA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
& IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Haftom Teklay Weldegerima seeks judicial review of the decision of a visa officer refusing his application for a student visa. The officer was not satisfied that Mr. Weldegerima had sufficient funds available to him to allow him to pursue his studies, nor was the officer satisfied that Mr. Weldegerima would leave Canada after completing his program.

[2] Mr. Weldegerima submits that the reasons given for the visa officer's decision were inadequate, and the decision itself was unreasonable. He further submits that he was treated

unfairly by the visa officer, as he was not afforded an opportunity to address the officer's concerns. Mr. Weldegerima has not, however, persuaded me that there is a basis for this Court to intervene, with the result that his application for judicial review will be dismissed.

I. Background

[3] Mr. Weldegerima is an unmarried 26 year-old who lives in Addis Ababa, Ethiopia with his parents and one of his four siblings. His other siblings also live in Ethiopia. In 2014, Mr. Weldegerima applied for a visa to pursue a Business Diploma in the E-Business and Technology program at Fraser Valley Community College in Surrey, British Columbia.

[4] Mr. Weldegerima stated in his application that he has been working for Samueal General Trading & Industry P.L.C. since he graduated from high school in 2008, and that he currently holds the position of "Manager Administration". Samueal General Trading is a construction company that imports materials, and constructs roads and buildings.

[5] Mr. Weldegerima says the company selected him to study abroad because he is a "key employee" with a passion for adapting to new technology and systems. In his May 28, 2014 letter to Citizenship and Immigration Canada, Mr. Weldegerima explained that many Ethiopian construction companies still manage projects using manual systems with outdated technology and that they struggle with profit margins. He hoped that studying abroad would make the company's projects more profitable and increase "effectivity."

[6] Mr. Weldegerima's employer also provided a letter stating that it was hoped that the program would help them gain "vital knowledge in the field of E commerce" and "enhance [the company's] growth."

## II. Mr. Weldegerima's Financial Resources

[7] Section 220 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227, requires that applicants for study visas have sufficient financial resources available to them to allow them to complete their studies in Canada. The information provided by Mr. Weldegerima with respect to his financial situation was, however, both confusing and internally inconsistent.

[8] For example, Mr. Weldegerima stated on his application form that his employer would provide him with \$30,000 in total. His tuition amounted to \$10,290, which would leave him with \$19,710 for his living expenses. In contrast, Mr. Weldegerima stated in a letter dated June 21, 2014 that his employer had transferred \$11,000 to him for his living expenses. Mr. Weldegerima did not provide any explanation for this discrepancy, or any means by which these inconsistent amounts could be reconciled.

[9] To further complicate matters, a letter from Mr. Weldegerima's employer stated that he would be provided with \$15,000 for his living expenses. However, Mr. Weldegerima provided a deposit voucher dated June 18, 2014, which indicated that his employer had deposited \$21,000 into his bank account.

[10] If some of these funds were intended to cover Mr. Weldegerima's tuition, this would again be inconsistent with the letter from Samuel General Trading, which stated that the

company would pay tuition “as and when due *directly to the College Bank Account*” [my emphasis].

[11] There is further inconsistency in the evidence as to when it was that Mr. Weldegerima would receive his funding from his employer. Mr. Weldegerima stated that “my Employer has also transferred the full Annual Living expenses”, providing a deposit voucher indicating that he had received the sum of \$21,000. However, the letter from Samueal General Trading states that payment for Mr. Weldegerima’s living expenses “will be made available *as and when the travel arrangements for the study program have been finalized*” [my emphasis].

[12] Given the wholly unsatisfactory nature of the information provided by Mr. Weldegerima as to the financial resources available to him, the officer’s finding that he had failed to establish that he had sufficient financial resources available to him to allow him to complete his studies in Canada was entirely reasonable.

[13] There was, moreover, no obligation on the visa officer to notify Mr. Weldegerima of the officer’s concerns in this regard, nor did fairness require that Mr. Weldegerima be afforded an opportunity to address those concerns prior to a decision being made in relation to his application for a study permit. There is a legislative requirement that applicants demonstrate that they have sufficient financial resources to allow them to complete their studies in Canada, and it was incumbent on Mr. Weldegerima to provide coherent evidence establishing that he had sufficient financial resources available to him. This he failed to do.

[14] The visa officer had two independent reasons for refusing the visa application. My finding that the finding that Mr. Weldegerima had failed to establish that he had sufficient funds

available to him to complete his proposed course of studies is sufficient to dispose of this application. Had it been necessary to do so, I would also have found that the officer's finding that Mr. Weldegerima had not established that he would leave Canada after completing his studies was also reasonable.

[15] Contrary to Mr. Weldegerima's submission, the officer did not find that Mr. Weldegerima had family members in Canada. The decision-letter simply indicates that Mr. Weldegerima's family ties in Canada and Ethiopia were considered in evaluating whether he would leave Canada after the completion of his studies. The relative family ties of a visa applicant in Canada and in his country of origin is a proper consideration in assessing whether a visa applicant will leave Canada at the end of the visa period.

### III. Conclusion

[16] For these reasons, the application for judicial review is dismissed. I agree with the parties that the case does not raise a question for certification.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed.

“Anne L. Mactavish”

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Judge

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

**DOCKET:** IMM-5515-14

**STYLE OF CAUSE:** HAFTOM TEKLAY WELDEGERIMA v THE  
MINISTER OF CITIZENSHIP & IMMIGRATION

**PLACE OF HEARING:** VANCOUVER, BRITISH COLUMBIA

**DATE OF HEARING:** MARCH 2, 2015

**JUDGMENT AND REASONS:** MACTAVISH J.

**DATED:** MARCH 3, 2015

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