Federal Court  Cour fédérale

Date: 20220419

Docket: IMM-3621-21

Citation: 2022 FC 558

Toronto, Ontario, April 19, 2022

PRESENT: The Honourable Madam Justice Furlanetto

BETWEEN:

ANITA AHMADNEJAD

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Ms. Anita Ahmadnejad, seeks judicial review of a decision of a visa officer [Officer] refusing her application for a study permit as being contrary to subsection 216(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. The Officer was not satisfied that the Applicant would leave Canada at the end of her stay based on the purpose of her visit.

[2] For the reasons that follow, I find that the Decision was reasonable and that this application should be dismissed.

I. Background

[3] The Applicant is an Iranian national. In February 2021, she applied for a study permit to continue and complete her last year of high school in Canada. The Applicant was offered a placement at Convoy International Secondary Academy Boarding School for April 2021 – April 2022. Her mother prepaid tuition and room and board for five months. The Applicant indicated that the reason she wanted to complete grade 12 in Canada was to strengthen her application to a Canadian university for the following year. A cousin of the Applicant's mother, who is a registered nurse in Canada, agreed to be the Applicant's custodian while she stayed in Canada.

[4] On April 1, 2021, the Applicant's application for a study permit was refused. The Officer stated that they were not satisfied the Applicant would leave Canada at the end of her stay based on the purpose of the visit. The reasons for the Officer's decision as stated in the Global Case Management System [GCMS] notes were as follows:

> I have considered the positive factors outlined by the applicant, including statements or other evidence. However, I have given less weight to the positive factors, for the following reasons: The applicant's plan of studies appears vague and poorly documented. Chosen program at such expense appears illogical or redundant in light of the PA's reported scholarly history. On balance, the PA has failed to satisfy me that the course of study is reasonable given the high cost of international study in Canada when weighed against the potential career/employment benefits, the local options available for similar studies, and the PA's personal circumstances. Taking the applicant's plan of studies into account, the applicant's family does not appear to be sufficiently well established that the proposed studies would be a reasonable expense. Refused

II. Issues and Standard of Review

[5] The parties submit and I agree, the standard of review of the Officer's decision is reasonableness: *Musadiq v Canada (Citizenship and Immigration)*, 2020 FC 316 [*Musadiq*] at para 10; *Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 [*Nimely*] at para 5. None of the situations that would rebut the presumption that administrative decisions are reviewable on a standard of reasonableness are present: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 9-10.

[6] The Applicant asserts that the Officer refused her application for a study permit for two reasons: the purpose of her visit, and financial means. The Respondent asserts that the refusal letter states only one reason for rejecting the Application – that the Officer was not satisfied that the Applicant would leave Canada at the end of her stay based on the purpose of her visit. It asserts that the Officer considered the financial cost of studying in Canada to be unjustified in view of the purpose of the visit. As such, the financial means was not a separate ground for refusing the application. I agree with the Respondent.

[7] The refusal letter and GCMS notes make clear that the Officer's evaluation of the purpose of the visit was the basis for the Officer's decision. As such, it is my view that the sole issue for determination is whether the Officer's assessment of the purpose of the visit was reasonable.

[8] In evaluating this issue, the Court must develop an understanding of the reasoning that led to the decision and must determine whether the decision is "based on an internally coherent

and rational chain of analysis" that is "justified in relation to the facts and law that constrain the decision maker": *Vavilov* at paras 85-86; *Canada Post Corp* v *Canadian Union of Postal Workers*, 2019 SCC 67 at paras 2, 31.

[9] In this case, the Court must start from an understanding that the decision of a visa officer on a student permit is entitled to significant deference: *Musadiq* at para 38; *Nimely* at para 7. Extensive reasons are not required given the high volume of applications visa officers are required to process: *Nimely* at para 7. However, the reasons must still be responsive to the submissions and evidence before the decision-maker: *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at paras 15 and 17.

[10] The decision will be reasonable if when read as a whole and taking into account this administrative setting, it bears the hallmarks of justification, transparency, and intelligibility: *Vavilov* at paras 91-95, 99-100.

III. Analysis

[11] The Applicant argues that the Officer erred in finding the study plan "vague and poorly documented" and "illogical or redundant". She asserts that the rationale for why the Applicant wanted to study in Canada was detailed in the study plan and that the Officer did not have regard to this evidence.

[12] The Applicant's study plan states that the Applicant's "goal is to complete grade 12 in Canada, one of the most progressive countries in the world, to add to her educational asset by

getting educational experience in one of the highest qualification academic environments". The Applicant states that she "believes that completing her high school program in Canada will be her golden key to strengthen her application for one of the top Universities in Canada the following year".

[13] The study plan does not provide any information regarding the program and courses the Applicant would be taking and how, or if, they differ from her current grade 12 program. Nor does it provide any information on the criteria for accepting international students into university in Canada.

[14] The Applicant asserted in oral argument that it was not possible to obtain information from universities on entry criteria or evaluation. The Applicant contends that as a matter of logic and common sense, it would be understood that studies in Canada would improve the Applicant's chances of entry into a Canadian university. However, I do not accept that the Officer was obliged to make these assumptions.

[15] The onus is on an applicant to establish, on a balance of probabilities, that they will leave Canada at the end of their authorized stay: *Nimely* at para 13. This includes the burden of establishing the merits of their study plan: *Charara v Canada (Citizenship and Immigration)*, 2016 FC 1176 at para 36. In this case, the Applicant is seeking to pursue the same year of study that she is currently taking at a top high school in Tehran. It was reasonable for the Officer to expect something more in the study plan to establish that studies in Canada would be necessary or beneficial for the Applicant; particularly, as she is already attending a high school in Tehran

with an integrated international curriculum, has advanced English skills and is excelling with a high academic standing in her current program.

[16] Further, as the Applicant is seeking to continue and ultimately repeat the same year of study and there is no evidence submitted to demonstrate that the courses or curriculum would be materially different or more advanced, it was also open for the Officer to find that the chosen program appeared “illogical or redundant” in light of her academic history.

[17] The Applicant argues that the Officer did not explain what local options were available for study when it found that the Applicant had failed to establish that the course of study was reasonable given the “high cost of international study in Canada when weighed against the potential career/employment benefits, the local options available for similar studies, and the Applicant’s personal circumstances”. She cites *Yuzer v Canada (Citizenship and Immigration)*, 2019 FC 781 [*Yuzer*] in support of her argument.

[18] However, unlike *Yuzer*, it was evident from the record that the Applicant was already enrolled in a local high school with an international curriculum that she described as being a top high school of “unrivalled excellence”. The Applicant was also not seeking to study in Canada because curriculum or local English programs were inadequate. She had already achieved an advanced level of English through her current studies.

[19] The Applicant also takes issue with the Officer's statement that the Applicant's family did not appear to be "sufficiently well established" such that the proposed studies would be a reasonable expense.

[20] I agree with the Applicant that where sufficient financial means to cover the costs of international schooling have been demonstrated, the choice to expend such finances should remain with the Applicant: *Motala v Canada (Citizenship and Immigration)*, 2020 FC 726 at para 17. However, in my view the Officer's statement cannot be read in isolation, but must be read in context. In this case, where the benefit of the study plan was not established through evidence, it was open for the Officer to weigh the high costs of studying in Canada against the local options available to the Applicant at her current high school and to find that the proposed studies did not appear to be reasonable. The disputed statement follows from this earlier finding. Indeed, the statement is prefaced with the qualification that it is made, "[t]aking the applicant's plan of studies into account".

[21] As set out above, a fair reading of the refusal letter and the GCMS notes indicates that the application was not refused based on financial means, but on the basis that the merits of the purpose of the visit had not been made out. I do not consider the Officer to have ignored the financial evidence in arriving at this conclusion. The central concern for the Officer was that the proposed study plan appeared illogical and redundant and it was on this basis that the Officer stated that the expenses did not appear to be justified. Accordingly, I do not consider there to be a reviewable error arising from this statement.

[22] For the reasons noted, I consider the Officer's assessment of the purpose of the visit to be reasonable and that the application should be dismissed.

[23] There was no question for certification proposed by the parties and none arises in this case.

JUDGMENT IN IMM-3621-21

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

2. No question of general importance is certified.

"Angela Furlanetto"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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