

Federal Court



Cour fédérale

**Date: 20240801**

**Docket: IMM-6919-23**

**Citation: 2024 FC 1225**

**Toronto, Ontario, August 1, 2024**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**BALJIT SINGH**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Applicant is seeking judicial review of the refusal of an Immigration, Refugees and Citizenship Canada (IRCC) Immigration Officer (Officer) to reconsider his second study permit extension application. The Applicant alleges that the Officer was not responsive to central elements of his application for reconsideration. For the reasons below, I find the decision reasonable and the application will be dismissed.

## II. Background

[2] The Applicant is a 30-year-old Indian citizen. He arrived in Canada on August 18, 2019, to complete a Mechanical Technician, Industrial Millwright program at Northern College. His study permit issued upon entry was valid until July 31, 2021.

[3] Upon arrival, the Applicant changed programs to join a Mechanical Technician, Tool Making program at Sheridan College. He then changed it again for a Supply Chain degree at Canadore College. He joined this program in January 2020 and completed it on November 17, 2020.

[4] After completing this program, the Applicant began looking for a new program of study, but could not find anything and had difficulties securing funds due to the COVID-19 pandemic. He finally enrolled in a Project Management program at Georgian College, starting on May 17, 2021. He acknowledges that there was a gap of more than 150 days between his two study programs.

[5] On July 21, 2021, the Applicant applied for an extension of his study permit in order to finish his program at Georgian College. This application was granted on July 23, 2021, and the Applicant was issued a new study permit valid until September 30, 2021.

[6] This extension was not long enough for him to complete his program, and the Applicant applied for a second study permit extension on September 30, 2021. He continued his program while on maintained status under sections 183(5) and 189 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] and completed it in April 2022. He then applied for a post-graduate work permit (PGWP) on July 2, 2022.

[7] On August 2, 2022, an immigration officer rejected the Applicant's second application for an extension. This officer noted the Applicant's explanation that the 150-day gap in his studies resulted from his inability to find an appropriate program and his family's financial difficulties as a result of the COVID-19 pandemic. However, the officer refused the application on the basis that since his entry in August 2019, the Applicant had been enrolled in four different programs with four different colleges and that there was no connection between the programs and no logical progression in the Applicant's studies. The officer also noted that the Applicant had not complied with the conditions imposed on study permit holders by subsection 220.1(1) of the *IRPR* to actively pursue studies, because he had been on leave from studies for over 150 days while on a study permit.

[8] The Applicant requested reconsideration of this decision in December 2022.

[9] In his affidavit requesting reconsideration, the Applicant stated that he had submitted all the details about his education in Canada with his first application for an extension and, in particular, that he had explained why he had a gap longer than 150 days in-between studies, and that this first application had been granted.

[10] The affidavit also mentioned that he applied for a PGWP. However, it does not mention the fact that he completed his program in April 2022 and not December 2021, and it does not seem that the Applicant ever tried to update the duration of the requested extension.

[11] On February 24, 2023, the Officer rejected the Applicant's application for reconsideration. This is the decision under review.

III. Issues and standard of review

[12] The main allegation of the Applicant is that the decision on his reconsideration request was not responsive to the submissions and evidence he provided. As agreed by both parties, the standard of review applicable to this decision is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17.

IV. Analysis

[13] Because the Applicant's challenge to the decision relies on its lack of responsiveness to the submissions made by the Applicant, my task is to assess the difference between the Applicant's submissions and the Officer's reasons to determine if the gap between them is unreasonable.

[14] The Applicant made the following points to support his request for reconsideration:

- That he had already submitted the details about his program of study and provided an explanation for the more than 150-day gap in his application for a first extension, which had been approved;
- That he had completed his program while on maintained status and that a refusal of the extension would affect his ongoing PGWP application;
- That he had only continued his course at Georgian College because he had obtained the first extension and relied on it;
- That the refusal, which was based on information that had been sufficient to grant the previous application for extension, had caused him a prejudice.

[15] The reasons of the Officer in refusing the request to reconsider are the following notes in the Global Case Management System:

The applicant is requesting a reconsideration on their study permit. Upon further review of the application and review of the documents submitted the applicant states in their affidavit that they feel that IRCC did not have a comprehensive look at their second study permit extension and did not consider all the factors. As per the PDI's students are authorized to change designated learning institution within 150 days from the day they ceased or completed their studies at the previous institution. The applicant has exceeded the 150 day period as they switched school after a year and provided insufficient documentation that supports their change of [institution] or leave from studies. As such, I am not satisfied that the applicant is a bona-fide student who has complied with the conditions of their study permit by actively pursuing their course or program of studies nor remained enrolled at a designated learning institution as per R220.1(1). Furthermore, as per R219 a study permit shall not be issued to a foreign national unless they have written documentation from the designated learning institution where they intend to study that states they have been accepted to study there. The applicant has provided insufficient documentation such as LOA from a DLI passed their Georgian College LOA that stipulated a completion date of December 18, 2021. Thus refusal decision stands.

[16] The reasons indicate two justifications for the refusal to reconsider: first, that the Applicant provided insufficient information to support his change of institution and leave from studies, and second, that there was no letter of acceptance stipulating a completion date of studies after December 18, 2021. Accordingly, the Officer affirmed the belief behind the original extension refusal, which was that the Applicant was not a *bona fide* student.

[17] While there could have been a more exact match between the Applicant's submissions and the reasons for refusal, I am not convinced that the gap is an unreasonable one. The reasons indicate that the Officer did consider the explanation for the gap in studies but found it insufficient.

[18] The Applicant submits that it was not reasonable for the Officer to fail to refer to the fact that a previous extension had been granted despite the Applicant's gap in studies. However, little is known about the previous extension approval; it may have been erroneous or intentional. In any

case, both parties agree that the previous extension did not give rise to a particular outcome on the second extension request.

[19] Regarding the prejudice experienced by the Applicant, this is not a relevant consideration in the assessment of whether he was actively pursuing studies. I therefore cannot find its omission from the Officer's reasons to be a basis for setting aside the decision.

**JUDGMENT in IMM-6919-23**

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

1. The application for judicial review is dismissed.
2. There is no question of general importance for certification.

“Michael Battista”

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Judge

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

**DOCKET:** IMM-6919-23

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

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JULY 25, 2024

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** AUGUST 1, 2024

**APPEARANCES:**

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