Federal Court  Cour fédérale

Date: 20250124

Docket: IMM-14027-23

Citation: 2025 FC 145

Toronto, Ontario, January 24, 2025

PRESENT: The Honourable Mr. Justice Gleeson

BETWEEN:

MASOUMEH AHMADALINEZHAD

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, a citizen of Iran, applied for a study permit to pursue a Master of Science Program. In a decision dated November 2, 2023, an Immigration Officer [Officer] was not satisfied the Applicant would leave Canada at the end of her authorized stay. The Officer found the Applicant's assets and financial situation were insufficient to support the stated purpose of travel, that the Applicant had not demonstrated significant family ties outside Canada, and that the purpose of the visit was not consistent with a temporary stay given the details provided.

[2] For the reasons that follow, I would allow the Application and remit the matter for redetermination before a different Immigration Officer.

[3] In seeking judicial review under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], the Applicant argues the Officer's:

A. Treatment of the evidence and inadequate reasons render the decision unreasonable; and

B. Finding that the purpose of the visit was inconsistent with a temporary stay rested on an adverse credibility finding and the failure to provide the Applicant an opportunity to address the Officer's concerns was a breach procedural fairness.

[4] The Officer's reasons, as set out in the Global Case Management System notes, state the following:

> I have reviewed the application. I have considered the following factors in my decision. The documentation provided in support of the applicant's financial situation does not demonstrate that the funds would be sufficient or available. The bank statements provided did not include banking transactions to demonstrate the history of funds accumulation and the availability of these funds. In the absence of satisfactory documentation showing the source and availability of these funds, I am not satisfied the applicant has sufficient funds for the intended travel. Evidence of available funds associated with assets such as a vehicle, rental properties, or potential income, have not been included in the calculation of available funds. The applicant does not have significant family ties outside Canada. 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.

[5] The Officer's decision is to be reviewed on the presumptive standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 10 [*Vavilov*]). A reasonable decision is one that is based on an internally coherent and rational chain of analysis, and that is justified in relation to the facts and law that constrain the decision-maker (*Vavilov* at paras 85, 102, 105–07). The reviewing court does not assess the reasons against a standard of perfection (*Vavilov* at para 91); a decision should not be set aside unless it contains "sufficiently serious shortcomings [...] such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov* at para 100).

[6] *Vavilov* recognizes that reasons must be read with sensitivity to the institutional setting from which they emanate (para 96). This Court has acknowledged that Visa officers' reasons need not be extensive given the high volume of applications that must be decided but must nonetheless be sufficient to explain the result (*Potla v Canada (Citizenship and Immigration)*, 2020 FC 646 at para 24, citing *Quintero Pacheco v Canada (Citizenship and Immigration)*, 2010 FC 347 at para 36; *Ogbuchi v Canada (Citizenship and Immigration)*, 2016 FC 764 at paras 12-13; *Omijie v Canada (Citizenship and Immigration)*, 2018 FC 878 at paras 22-28). Brevity does not detract from the requirement that the reasons, when considered within the context of the whole of the record, must reflect the attributes of transparency, justification and intelligibility.

[7] The Officer's reasons, when considered in light of the evidence provided by the Applicant, fall well short of the *Vavilov* standard.

[8] The *Temporary Resident Visa: Ankara Visa Office Instructions* [Ankara Checklist] require that an Applicant provide six months of bank statements with their application. The Applicant did not comply with this requirement but did provide a detailed letter setting out her financial circumstances, the financial circumstances of her parents in Iran and those of her sister and brother-in-law who were to host the Applicant in Canada. The letter explained the source of her available funds and attached documentary proof of the reported sources.

[9] While it may have been open the Officer to conclude the Applicant's failure to provide bank records was fatal, the mere assertion that this was so was not sufficient in this case. The Officer was required, however briefly, to acknowledge the evidence establishing the source of funds and explain why that was not sufficient. The Officer also fails to even acknowledge the evidence relating to the financial circumstances of the Applicant's parents or her sister and brother-in-law in Canada, which were both identified as sources of funding. The Applicant further provided the Officer a letter from her sister pledging comprehensive assistance, including financial aid, during the Applicant's stay in Canada. The documents required by the Ankara Checklist in a situation where a host in Canada will fund a visit were all included with the application.

[10] The Officer's failure to acknowledge evidence that was directly relevant to the issue of financial sufficiency, and in direct contradiction to the Officer's statement that they were not satisfied the Applicant has sufficient funds for the intended travel, causes me to infer this evidence was not considered and conclude that the decision is unintelligible in light of the record.

[11] For the same reasons, the Officer's conclusion that the Applicant "does not have significant family ties outside Canada," [emphasis added] is also unintelligible. The Applicant's parents and her long-time partner remain in Iran. In her study plan, the Applicant described her strong connection to her parents, her partner, and disclosed ties in Iran arising from property ownership and her professional circumstances. The Officer's finding is inconsistent with all of this evidence, although the Officer acknowledges some family ties to Iran, describing them as not being significant. If this were the only shortcoming with the decision I might well have concluded it is insufficient to justify intervention, but that is not the case.

[12] The conclusion that the Officer was not satisfied the Applicant would leave Canada at the end of her authorized stay flows from the Officer's unreasonable consideration of family ties and availability of funds to support the Applicant's visit and therefore cannot stand.

[13] Having concluded the decision is unreasonable, I need not address the fairness issue.

[14] The Application is granted. The parties have not identified a question for certification, and none arises.

JUDGMENT IN IMM-14027-23

THIS COURT'S JUDGMENT is that:

1. The Application is granted.

2. The matter is returned for redetermination by a different decision maker.

3. No question is certified

"Patrick Gleeson"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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