

Federal Court



Cour fédérale

**Date: 20241219**

**Docket: IMM-6068-23**

**Citation: 2024 FC 2065**

**Ottawa, Ontario, December 19, 2024**

**PRESENT: The Honourable Mr. Justice Zinn**

**BETWEEN:**

**LAILA ABDUL RAHIM**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Administrative decision-making requires, at minimum, a demonstration of rational analysis connecting evidence to conclusions. The Officer's decision before me fails to meet even this basic threshold. In four sentences, the Officer managed to render a decision with profound consequences on the Applicant while providing virtually no analysis, ignoring contrary evidence, and relying on an undisclosed and unexplained verification process. Where, as here, a

decision-maker fails to provide even the barest bones of reasoned analysis, this Court must intervene.

[2] The Applicant submits that the decision under review was made in a procedurally unfair manner, and is unreasonable. I have serious questions regarding the Officer's selected process; however, the unreasonableness of the decision is sufficient to dispose of this application.

[3] The Applicant, a citizen of Ghana, applied for a study permit to pursue a bachelor's degree at Cape Breton University in Sydney, Nova Scotia.

[4] In support of her application, she submitted financial documentation centered on her brother as her sponsor. The primary evidence consisted of a GCB Bank statement covering the period from December 1, 2021 to April 4, 2022 [Bank Statement #1], which detailed the transaction history for her brother's account. This was accompanied by ancillary documentation including her brother's letter of sponsorship, passport, tax clearance certificate, and both his certificate of registration and business registration documents.

[5] While the application initially proceeded smoothly, circumstances changed on August 25, 2022, when the Canadian Mission in Accra was sent information pertaining to Bank Statement #1. The Officer had communicated with GCB Bank PLC, Compliance Department, about Bank Statement #1 asking for confirmation that the document was legitimately issued, and, if so, that no alterations had been made to it. The brief response to this request was to advise that "the statement presented **DOES NOT** reflect the records on the account [bolding in original]."

[6] This prompted the Officer to send the Applicant a procedural fairness letter on October 7, 2022:

**... I have concerns that the following document that you have submitted in support of this application is not genuine.**

**- The bank statement issued by GCB.**

**Please explain how you obtained this document and why it was submitted in support of this application.**

[bolding in original]

[7] The Applicant quickly replied on October 13, 2022:

I obtained this bank statement from my brother... who has been caring for me since my school days.

I submitted it in support of my study application because, my brother... is willing to finance and sponsor my education in Cape Breton University, Canada.

I have added an update of his current balance to clear any doubts of ingenuity.

[8] This updated statement was accompanied by a formal letter from GCB Bank, dated October 11, 2022, which bore both an official stamp and signature and attested to the authenticity of the bank statement:

We refer to the request from the above-named customer for the confirmation of the attached Bank Statement covering the period 1st December, 2021 to 11th October, 2022.

We wish to state that the statement emanates from this office and is a true reflection of our customer's standing with the Bank.

[9] On March 27, 2023, the Officer denied the Applicant's study permit application and found her inadmissible for five years due to misrepresentation pursuant to paragraph 40(1)(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[10] The entirety of the Officer's substantive reasons consists of four sentences:

I give very limited weight to the documents provided in response to the PFL. I note similarities between the statement initially submitted and the one provided in response to the PFL as well as inconsistencies in the information provided in the document. This negatively affects the weight given to the documents provided in support of the response to the PFL. In my assessment, I give more weight to the information obtained through the verification process from a reliable source of information and who is not an interested party to this application.

[11] With this meagre reasoning, the Officer arrived at a finding of misrepresentation that has serious impacts on the Applicant, barring her from Canada for five years and impugning her character. While the length of reasons alone is never determinative, this decision bears strong marks of unreasonable administrative decision-making.

[12] The Officer's vague reference to unspecified "similarities" and "inconsistencies" between bank statements represents the antithesis of transparent reasoning. These allusions to documentary issues, without any identification or explanation of their nature, leave both the Applicant and this Court guessing at the basis of the Officer's concerns. Not a single similarity is identified. Not one inconsistency is explained. For this Court to find such analysis reasonable would require an act of faith rather than reason. Such opacity undermines the requirement that reasons must "allow the reviewing court to understand why the tribunal made its decision:" *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 86.

While visa officers are not expected to deliver perfect decisions, they are required to provide reasons that identify the flaws they allege in support of their decisions.

[13] I find that the Officer's complete failure to engage with the bank's authentication letter submitted in response to the PFL demonstrates a remarkable indifference to contrary evidence. Although decision-makers need not address every piece of evidence, *Vavilov* at paragraph 128 demands engagement "with key issues or central arguments raised by the parties." This Court has consistently held that administrative decision-makers cannot reject contrary evidence without meaningful engagement: *Shirazi v Canada (Citizenship and Immigration)*, 2024 FC 822 at para 17; *Taghdiri v Canada (Citizenship and Immigration)*, 2023 FC 1516 at para 19; *Azari v Canada (Citizenship and Immigration)*, 2024 FC 34 at para 6; *Shirazi Nezhad v Canada (Citizenship and Immigration)*, 2024 FC 1747 at para 7. The Officer's complete disregard of official bank authentication that squarely contradicted concerns about document genuineness is inexplicable.

[14] The deficiencies in reasoning are particularly troubling given the gravity of a misrepresentation finding. A decision carrying a five-year inadmissibility finding and casting doubt on an individual's character demands reasons that reflect this high stake: *Vavilov* at para 133. The Officer's brief and unsupported analysis is a direct affront to this requirement.

[15] The Respondent's attempt to salvage this decision by identifying specific inconsistencies *post hoc* only serves to highlight the inadequacy of the Officer's original reasoning. For example, the Respondent points to a December 20, 2021 transaction where Bank Statement #1 shows a deposit under one name while Bank Statement #2 shows the same deposit under another. While this might be a legitimate inconsistency warranting scrutiny, it appears nowhere in the

Officer's analysis. As *Vavilov* emphatically states at paragraph 96, it is "not open to a reviewing court to disregard the flawed basis for a decision and substitute its own justification for the outcome." The Respondent's arguments effectively invite this Court to do precisely that.

[16] While this Court readily acknowledges the operational pressures facing visa officers and the deference their expertise commands, such considerations cannot be employed to bootstrap a decision completely devoid of meaningful analysis. The Officer's decision fails to demonstrate the rational chain of analysis that forms the bedrock of reasonable administrative decision-making: *Vavilov* at para 85, and must be set aside.

[17] No question for certification was proposed.

**JUDGMENT in IMM-6068-23**

**THIS COURT'S JUDGMENT is that** this application is allowed, the decision under review is set aside and the Applicant's study permit application is to be considered by a different decision-maker, and no question is certified.

"Russel W. Zinn"

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Judge

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

**DOCKET:** IMM-6068-23

**STYLE OF CAUSE:** LAILA ABDUL RAHIM v MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** DECEMBER 16, 2024

**JUDGMENT AND REASONS:** ZINN J.

**DATED:** DECEMBER 19, 2024

**APPEARANCES:**

Ali Esnaashari	FOR THE APPLICANT
Giancarlo Volpe	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Esna Law PC Barristers and Solicitors Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT