

Federal Court



Cour fédérale

Date: 20250404

Docket: IMM-19339-24

Citation: 2025 FC 629

Ottawa, Ontario, April 4, 2025

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

PARHAM ALIBAKHSHI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS
(Simplified Procedure-Study Permit Pilot Project)

[1] The Applicant, Parham Alibakhshi, applied to study in Canada. An officer at Immigration, Refugees and Citizenship Canada (“the Officer”) refused the application on two grounds: lack of proof of funds and an unreasonable study plan. I agree with Mr. Alibakhshi that the Officer’s evaluation of the availability of funds was unreasonable. This is a sufficient basis to allow the judicial review.

[2] I dealt with this case in writing, on consent of the parties, as part of the Court's Study Permit Pilot project.

[3] The requirement that an officer be satisfied that a person applying to study in Canada will not overstay the period authorized for their stay is set out in subsections 11(1) and 20(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 and in paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[4] Section 220 of the IRPR provides that an Officer "shall not issue a study permit to a foreign national [...] unless they have sufficient and available financial resources, without working in Canada, to (a) pay the tuition fees for the course or program of study that they intend to pursue; (b) maintain themselves and any family members who are accompanying them during their proposed period of study; and (c) pay the costs of transporting themselves and the family members [...] to and from Canada."

[5] The Officer acknowledged that proof of payment for the first semester of studies was provided. Then they stated: "I am not satisfied that they will have sufficient funds for the additional year of study and for supporting themselves in Canada during their studies. Proof of funds not provided."

[6] The Officer's analysis of the Applicant's available financial resources did not engage with the evidence provided. In particular, the Officer made no mention of the financial documents provided by Mr. Alibakhshi's father, including bank statements. The Respondent

pointed to alleged deficiencies with this financial documentation. However, this was not the reasoning the Officer provided. There was no engagement with the financial evidence in the Officer's reasons. In fact, contrary to the evidence in the record, the Officer stated no proof of funds had been provided. The decision is unreasonable because the Officer failed to account for the evidence before them (Canada (*Minister of Citizenship and Immigration*) v *Vavilov*, 2019 SCC 65 at paragraph 126). On this basis alone, the matter must be redetermined.

JUDGMENT in IMM-19339-24

THIS COURT'S JUDGMENT is that:

1. Leave to bring the application for judicial review is granted;
2. The application for judicial review is granted;
3. The decision is quashed and sent back to be redetermined by a different decision-maker; and
4. There is no serious question of general importance certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-19339-24

STYLE OF CAUSE: PARHAM ALIBAKHSHI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

**SUBMISSIONS ON STUDY PERMIT PERFECTED LEAVE APPLICATION
CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO SECTION 72 OF THE
*IMMIGRATION AND REFUGEE PROTECTION ACT***

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: APRIL 4, 2025

WRITTEN PRESENTATIONS BY:

Cédric Marin

FOR THE APPLICANT

Blake Van Santen

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Marin Immigration Law
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FOR THE APPLICANT

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FOR THE RESPONDENT