

Federal Court



Cour fédérale

Date: 20250612

Docket: IMM-1503-25

Citation: 2025 FC 1058

Ottawa, Ontario, June 12, 2025

PRESENT: The Honourable Mr. Justice Pentney

BETWEEN:

AHMED TARIQ

Applicant

and

**MINISTER OF CITIZENSHIP, REFUGEES,
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Simplified Procedure – Study Permit Pilot Project)

[1] The Applicant, Ahmed Tariq, is seeking judicial review of a negative study permit decision. He is a citizen of Pakistan, who wanted to come to Canada to enrol in the Business Administration program at the Southern Alberta Institute of Technology.

[2] The Visa Officer’s (the “Officer”) refused the application because they found the financial information to be inadequate: “After reviewing – GIC, tuition receipt and Bank

statement, I am not satisfied that the application has sufficient finances readily available to fully cover their tuition and living costs while studying in Canada.” Based on this, the Officer was not satisfied that the Applicant would depart Canada at the end of his authorized stay.

[3] The only issue in this case is whether the Officer’s decision is reasonable, applying the framework set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] and confirmed in *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 [Mason]).

[4] This Court has discussed the legal framework that governs the judicial review of student visa denials in a large number of recent decisions (see for example: *Nesarzadeh v Canada (Citizenship and Immigration)*, 2023 FC 568 at paras 5–9; *Safarian v Canada (Citizenship and Immigration)*, 2023 FC 775 at para 2; *Amini v Canada (Citizenship and Immigration)*, 2024 FC 653 at para 4; *Kandath v Canada (Citizenship and Immigration)*, 2024 FC 1130 at para 5). These decisions confirm the following:

- A reasonable decision must explain the result, in view of the law and the key facts.
- *Vavilov* seeks to reinforce a “culture of justification,” requiring the decision-maker to provide a logical explanation for the result and to be responsive to the parties’ submissions, but it also requires the context for decision-making to be taken into account.

- Visa Officers face a deluge of applications, and their reasons do not need to be lengthy or detailed. However, their reasons do need to set out the key elements of the Officer's line of analysis and be responsive to the core of the claimant's submissions on the most relevant points.
- The onus is on the Applicant to satisfy the Officer that they meet the requirements of the law that applies to the consideration of student visas, including that they will leave at the end of their authorized stay.
- Visa Officers must consider the "push" and "pull" factors that could lead an Applicant to overstay their visa and stay in Canada, or that would encourage them to return to their home country.
- The decision must be assessed in light of the context for decision-making, including the high volume of applications to be processed, the nature of the interests involved, and the fact that in most instances an applicant can simply reapply.
- It is not open to the Minister's counsel or the Court to fashion their own reasons to buttress or supplement the Officer's decision: see *Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754 at para 6.

[5] Applying the principles set out above, I find the decision to be unreasonable.

[6] In this case, the Officer's reasons fail to meet the minimum standard of responsive justification because the Officer failed to explain why or how the financial information provided by the Applicant was insufficient. In particular, it is not clear whether the Officer took into account the sworn affidavit of the Applicant's brother pledging to pay for the costs of his tuition. Nor is it evident whether the Officer considered the Chartered Accountant's letter that confirms the brother's financial assets in the amount of \$79,800CAD. This was in addition to the proof of the Applicant's Guaranteed Investment Certificate of \$20,635CAD as well as a bank statement in the amount of \$15,350CAD. The total cost of the Applicant's program was \$41,000CAD. The Officer's failure to explain why the Applicant's financial information was inadequate, in light of this information, is unreasonable. The Officer was required to grapple with it in some way, shape or form, given that the decision rests entirely on this finding.

[7] It appears that the Officer may have found the financial information to be lacking because the Applicant did not demonstrate that he could pay for the entire costs of his stay in Canada for the duration of his studies. The Respondent points out that s. 220 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] requires that such proof be submitted. For his part, the Applicant points out that the Respondent's document checklist for applications for temporary residence only requires proof of sufficient financial support to cover the first year of studies.

[8] It is not necessary to discuss this point in any detail, because it is unclear whether the Officer actually relied on s. 220 of the IRPR. The Officer's reference to the fact that they were "not satisfied that the applicant has sufficient finances readily available to fully cover their

tuition and living costs while studying in Canada” tends to suggest that the Officer was relying on this provision. However, it is not entirely clear. In light of my findings on the decision as a whole, I will not delve further into the question of whether the Applicant could take any benefit from his reliance on the Respondent’s publications to the extent they may not be entirely consistent with s. 220 of the IRPR.

[9] While the Court must examine the reasons in light of the record, it is not the Court’s role to supplement or correct the reasons actually provided. In this case, for the reasons set out above, I find that the Officer’s reasons are unclear and lacking in sufficient detail on the key issue of the adequacy of the financial information. The reasons are not justified with reference to the factual matrix that constrained the Officer.

[10] For these reasons, the Officer’s decision will be quashed and set aside, and the matter remitted back for reconsideration by a different Officer. The Applicant shall be permitted to provide further information if he wishes to do so.

[11] There is no question of general importance for certification.

JUDGMENT in IMM-1503-25

THIS COURT’S JUDGMENT is that:

1. The application for leave to seek judicial review is granted.
2. The application for judicial review is granted.
3. The decision is quashed and set aside. The matter is remitted back for reconsideration by a different Officer.
4. The Applicant shall be permitted the opportunity to file further information, if he wishes to do so.
5. There is no question of general importance for certification.

“William F. Pentney”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1503-25

STYLE OF CAUSE: AHMED TARIQ v MINISTER OF CITIZENSHIP
AND IMMIGRATION

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

**JUDGMENT AND
REASONS:** PENTNEY J.

DATED: JUNE 12, 2025

WRITTEN REPRESENTATIONS BY:

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Helen Park FOR THE RESPONDENT

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