

Federal Court



Cour fédérale

Date: 20250509

Docket: IMM-9127-24

Citation: 2025 FC 856

Ottawa, Ontario, May 9, 2025

PRESENT: Mr. Justice Norris

BETWEEN:

HUSNAIN

Applicant

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The applicant is an 18-year-old citizen of Pakistan. After he was accepted into Grade 11 at the USCA Academy in Mississauga, Ontario, he applied for a study permit.

[2] In a decision dated April 29, 2024, a visa officer with Immigration, Refugees and Citizenship Canada refused the application because the officer was not satisfied that the applicant would leave Canada at the end of his authorized stay, as required by

paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227.

The officer reached this conclusion because, in the officer's view, the applicant had failed to establish how the intended program of study was a logical step in the progress of his education or the pursuit of a career.

[3] The applicant, who is self-represented, has applied for judicial review of this decision under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (*IRPA*).

[4] It is well established that a decision of this kind is to be reviewed on a reasonableness standard. 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" (*Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85). To set aside the decision on the basis that it is unreasonable, the reviewing court must be satisfied that "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov*, at para 100).

[5] In *Nesarzadeh v Canada (Citizenship and Immigration)*, 2023 FC 568 at paras 5-9, Justice Pentney provided a helpful summary of the key principles that guide judicial review of study permit decisions. Drawing on this summary and related jurisprudence, I would state these principles as follows:

- 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.
- The reviewing court must take the administrative context in which the decision was made into account. Visa officers face a deluge of applications, and their reasons do not need to be lengthy or detailed. However, the reasons do need to set out the key elements of the officer’s line of analysis and be responsive to the central aspects of the application.
- The onus is on an applicant to satisfy the officer that they meet the legal requirements for obtaining a study permit, including that they will leave Canada at the end of their authorized stay.
- Visa officers must consider the “push” and “pull” factors that, on the one hand, could lead an applicant to overstay their visa and remain in Canada, or that would, on the other hand, encourage them to return to their home country when required to.

[6] I have no doubt that the applicant was disappointed with the officer’s decision but he has not established any basis for me to interfere with that decision. The officer noted that, while the applicant had submitted a study plan, there was “no clear career path for which the sought educational program would be of benefit.” This is a reasonable assessment of the study plan. At best, the plan offered generalities about the high quality of education in Canada, the cutting-edge research done here, and its multicultural environment. The applicant stated that his “educational journey has been marked by a deep passion for OSSD [the Ontario Secondary School Diploma]

at USCA Academy and [his] future in healthcare education” but he says little to explain why this is so apart from extolling the high quality of the education offered by the school.

[7] On this application for judicial review, the applicant has attempted to provide more information explaining why he wants to study at USCA but this additional information was not before the officer and cannot be considered here (see *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at paras 17-20; *Bernard v Canada (Revenue Agency)*, 2015 FCA 263 at paras 13-28; *Sharma v Canada (Attorney General)*, 2018 FCA 48 at paras 7-9; and *Andrews v Public Service Alliance of Canada*, 2022 FCA 159 at para 18).

[8] Given the limited information provided by the applicant in support of his study permit application, it was altogether reasonable for the officer to conclude that the purpose of the applicant’s visit is not consistent with a temporary stay and that the applicant had therefore not established that he would leave Canada at the end of the period authorized for his stay.

[9] The applicant is keen to study in Canada. Neither the officer’s decision refusing the study permit application nor this decision upholding that refusal prevents the applicant from applying again and trying to make a better case for why he should be granted a study permit.

[10] For these reasons, the application for judicial review will be dismissed.

[11] The parties did not suggest any serious questions of general importance for certification under paragraph 74(d) of the *IRPA*. I agree that no question arises.

JUDGMENT IN IMM-9127-24

THIS COURT’S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

“John Norris”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9127-24

STYLE OF CAUSE: HUSNAIN v MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: MAY 8, 2025

JUDGMENT AND REASONS: NORRIS J.

DATED: MAY 9, 2025

APPEARANCES:

Husnain	ON HIS OWN BEHALF
Amy King	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT
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