

Federal Court



Cour fédérale

Date: 20170117

Docket: IMM-2893-16

Citation: 2017 FC 59

Toronto, Ontario, January 17, 2017

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

GERASIMOS TSARAOSI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] During his studies in Canada, the Applicant was an honour student at George Brown College. The same academic institution has now accepted his application for a resumption of post-secondary study.

[2] It cannot be stated that his study plans do not encompass a logical trajectory for a study permit from the evidence before the Visa Officer, nor that it is insufficient. (Reference is made to *Egheoma v. Minister of Citizenship and Immigration*, IMM-1005-16, October 20, 2016.)

II. Decision

[3] The Applicant applied for a study permit pursuant to subsection 11(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27. The study permit was denied by the Visa Officer due to (1) overall unreasonableness of the Applicant's plan of studies; (2) strong personal ties to Canada; and, (3) previous immigration history (2010-2014) when he was a student living in Canada with his parents, during which time the family had been refused refugee status.

[4] During his studies in Canada, the Applicant was an honour student at George Brown College. The same academic institution has now accepted his application for a resumption of post-secondary study.

[5] The Applicant has provided evidence of the establishment of his parents in Greece; corroboration was submitted as to significant savings for the Applicant's student stay in Canada.

[6] The Applicant's family resides in Greece and his ties therein remain strong. Only former friends are living in Canada with no family ties to his person.

[7] It cannot be stated that his study plans do not encompass a logical trajectory for a study permit from the evidence before the Visa Officer, nor that it is insufficient.

[8] It is not understandably clear as to why the Visa Officer denied the study permit. Without more specific clarification, even be it significantly brief, the officer's decision is not reasonable.

[9] Therefore, the Application for judicial review is granted. The matter is to be returned to a different Visa Officer for determination anew.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review be granted; the matter is returned to a different Visa Officer for determination anew. There is no serious question of general importance to be certified.

"Michel M.J. Shore"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2893-16

STYLE OF CAUSE: GERASIMOS TSARAOSI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 17, 2017

JUDGMENT AND REASONS: SHORE J.

DATED: JANUARY 17, 2017

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