Federal Court



## Cour fédérale

Date: 20180328

**Docket: IMM-4077-17** 

**Citation: 2018 FC 348** 

Toronto, Ontario, March 28, 2018

**PRESENT:** The Honourable Madam Justice Heneghan

**BETWEEN:** 

**YUZHU YANG** 

**Applicant** 

and

# THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

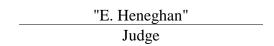
#### **JUDGMENT AND REASONS**

- [1] Ms. Yuzhu Yang (the "Applicant") seeks judicial review of the decision of an Officer (the "Officer") refusing her application for a study permit, as authorized by the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the "Regulations").
- [2] The decision of the Officer is reviewable on the standard of reasonableness; see the decision in *Akomolafe v Canada (Citizenship and Immigration)*, 2016 FC 472.

- [3] According to the decision in *Dunsmuir v. New Brunswick*, [2008] 1 S.C. R. 190, the standard or reasonableness requires that a decision be transparent, justifiable and intelligible, falling within a range of possible outcomes that is defensible on the law and the facts.
- [4] I agree with the submissions of the Applicant that the decision in this case does not meet the applicable standard and appears to be based on speculation about the business activities of the Applicant's father in Canada.
- [5] In the result, the application for judicial review is allowed, the decision is set aside and the matter remitted to another Officer for re-determination, no question for certification arising.

## **JUDGMENT**

THIS COURT'S JUDGMENT is that the application for judicial review is allowed, the decision is set aside and the matter remitted to another Officer for re-determination, no question for certification arising.



## **FEDERAL COURT**

## **SOLICITORS OF RECORD**

**DOCKET:** IMM-4077-17

STYLE OF CAUSE: YUZHU YANG v THE MINISTER OF CITIZENSHIP

AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 28, 2018

**JUDGMENT AND REASONS:** HENEGHAN J.

**DATED:** MARCH 28, 2018

**APPEARANCES**:

Robert Gertler FOR THE APPLICANT

Hillary Adams FOR THE RESPONDENT

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