

Federal Court



Cour fédérale

Date: 20210618

Docket: IMM-5142-19

Citation: 2021 FC 622

[ENGLISH TRANSLATION]

Ottawa, Ontario, June 18, 2021

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

MARIAM KOUYATÉ

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of a decision denying a study permit rendered on June 19, 2019, by an officer with the Immigration Service of the Canadian Embassy in Senegal.

[2] The applicant is a citizen of Guinea and has applied for a study permit to continue her education in psychology at a Canadian university.

[3] The visa officer denied this application on the grounds that the applicant did not convince him that she would leave Canada at the end of her period of stay and did not show that she had sufficient and available financial resources in accordance with the *Immigration and Refugee Protection Regulations*, SOR/2002-227, subsection 216(1) and paragraph 220(a).

[4] This judicial review involves the reasonableness of the officer's findings. 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 (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [*Vavilov*]).

[5] The applicant submits that the officer ignored the evidence regarding her financial capacity and the evidence indicating she intended to return to her native country at the end of the planned stay. The officer also allegedly erred by drawing a negative inference from the fact that the applicant did not have a travel history.

[6] In this case, the Court notes that the officer's decision did not refer to the evidence, which contradicts some of the officer's findings.

[7] According to the officer's notes, he stated that he considered the entire request. However, the assessment of the evidence was limited to the source of the funds. The officer felt this source

was not established, thereby preventing him from determining the sustainability and credibility of the funds. The officer therefore concluded that the applicant did not have sufficient financial resources to cover the cost of her stay and her studies in Canada, and that she was not a bona fide student.

[8] However, the officer ignored the evidence showing that the applicant had met her financial obligations to the university institution for her first year of her studies. Additionally, the evidence on record seems to link the funds from the applicant's guarantor, her father, to the operation of a business.

[9] The officer is not required to provide comprehensive reasons and list all of the evidence; it is sufficient to address the issues and key concerns raised by the evidence (*Kavugho-Mission v Canada (Citizenship and Immigration)*, 2018 FC 597 at para 23 [*Kavugho-Mission*]; *Vavilov*, *supra*, at paras 127–28).

[10] In particular, the Court notes that there is no reasonable foundation for the determination regarding the applicant's proposed studies. Moreover, the fact the applicant had no previous travel would be a neutral factor according to the case law of this Court (see *Dhanoa v Canada (Citizenship and Immigration)*, 2009 FC 729 at para 12).

[11] As for the reason for the stay, the record unequivocally shows the applicant's desire to pursue her education in psychology, considering her continued interest; according to the uncontested evidence, the lack of psychologists in Guinea has resulted in a need to train

psychologists to overcome this shortage. The record also attests to the applicant's wish to contribute to the socio-economic development of her homeland.

[12] As in *Kavugho-Mission, supra*, at para 20, there is simply no indication that the applicant will not leave Canada at the end of her planned stay; actually, the opposite is true.

[13] For all these reasons, the Court allows the application for judicial review.

JUDGMENT in Docket IMM-5142-19

THIS COURT'S JUDGMENT is that the application for judicial review is allowed and the matter is referred back to another officer for reconsideration. There is no question of general importance to be certified.

“Michel M.J. Shore”

Judge

Certified true translation
Johanna Kratz, Reviser

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5142-19

STYLE OF CAUSE: MARIAM KOUYATÉ v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MATTER HEARD BY VIDEOCONFERENCE

DATE OF HEARING: JUNE 16, 2021

**JUDGMENT AND REASONS
BY:** SHORE J.

DATED: JUNE 18, 2021

APPEARANCES:

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