

Federal Court



Cour fédérale

Date: 20230922

Docket: IMM-8706-22

Citation: 2023 FC 1277

Ottawa, Ontario, September 22, 2023

PRESENT: The Honourable Mr. Justice Fothergill

BETWEEN:

HAJRA RASHID

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Hajra Rashid is a citizen of Pakistan. She seeks judicial review of a decision by a visa officer [Officer] to refuse her request for a student visa to pursue a course in cybersecurity in Toronto. The Officer was not satisfied that Ms. Rashid would leave Canada at the end of her authorized stay.

[2] Ms. Rashid received a Bachelor of Laws from the University of London in 2016. From 2017 until 2020 she performed administrative and research roles with the Centre for Human Rights and Justice in Pakistan. From 2020 onwards she conducted legal research for Awan Law Associates, also in Pakistan.

[3] Ms. Rashid was exposed to cybersecurity at both of the jobs she held. She decided to pursue a diploma in that field. Unable to find a suitable program in Pakistan, she applied to a cybersecurity program at the Toronto School of Management. She was accepted into the program in December 2020 and paid roughly one third of the applicable fee. She also received a scholarship worth approximately one third of the tuition cost.

[4] Ms. Rashid applied for a study permit in March 2021. The application was refused two months later. The visa officer concluded that Ms. Rashid's proposed studies were inconsistent with her past employment. Ms. Rashid sought judicial review of the visa officer's decision. The application was discontinued on consent, and the matter was remitted for redetermination by the Officer.

[5] Ms. Rashid submitted documentation in support of the redetermination in June 2022, but due to a technical error it was never received. Her application was refused a second time in August 2022. She was permitted to re-submit the documentation, and her application was again rejected in September 2022.

[6] According to the Officer's rejection letter:

- The purpose of your visit to Canada is not consistent with a temporary stay given the details you have provided in your application.
- You have significant family ties in Canada.
- Your current employment situation does not show that you are financially established in your country of residence.
- Your assets and financial situation are insufficient to support the stated purpose of travel for yourself (and any accompanying family member(s), if applicable).

[7] According to the Officer's notes in the Global Case Management System [GCMS]:

Application and submissions reviewed. Applicant completed a university degree in law in the UK and has been working in the legal profession in Pakistan. Applicant now wishes to study cybersecurity at college level in Canada. Applicant explained in her submission that her work encompasses the field of cybersecurity and that this is her motivation for taking up studies in Canada. Her brother who apparently is a student in Australia intends to pay for applicant's studies in Canada. There is also an affidavit from Ms. Rashid's sister who is now in Canada offering accommodation. I assessed the information on file, however, I am not satisfied with Ms. Rashid's stated purpose for studying in Canada; there is insufficient information in order to indicate that these studies, which would come as a significant expense to Ms. Rashid and her relatives, would indeed lead to Ms. Rashid attaining significant academic or professional progression. I am also not satisfied, on the basis of information on file, that Ms. Rashid's personal and financial ties to her home country are indeed sufficient to compel her to leave Canada upon expiry of any status granted to her: employment references on file indicate that applicant was making a rather modest income while her family ties in Pakistan are also not strong on the basis of the family information form on file. Refused.

II. Issue

[8] The sole issue raised by this application for judicial review is whether the Officer's decision was reasonable.

III. Analysis

[9] The Officer's decision is subject to review by this Court against the standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 10). The Court will intervene only where "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).

[10] The criteria of "justification, intelligibility and transparency" are met if the reasons allow the Court to understand why the decision was made, and determine whether the decision falls within the range of acceptable outcomes defensible in respect of the facts and law (*Vavilov* at paras 85-86, citing *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47).

[11] The Officer's GCMS notes form a part of the decision under review (*Ebrahimshani v Canada (Citizenship and Immigration)*, 2020 FC 89 at para 5).

[12] Ms. Rashid says that the Officer (a) unreasonably assessed the relevance of her proposed course of studies to her career aspirations; (b) unreasonably found the cost of the proposed

studies to be excessive; and (c) unreasonably assessed the strength of her ties to Pakistan and Canada.

A. *Relevance of the Studies*

[13] Ms. Rashid relies on jurisprudence of this Court that warns visa officers against a “foray into career counselling” (*Adom v Canada (Citizenship and Immigration)*, 2019 FC 26 at para 17). This Court has previously found fault with visa officers who compare an applicant’s existing qualifications with those to be obtained in Canada, and find that that one is ‘higher’ or ‘lower’ than the other (see, for example, *Seyedsalehi v Canada (Citizenship and Immigration)*, 2022 FC 1250 at para 16). Care must also be taken when comparing two qualifications at the same ‘level’ (e.g., two Master’s degrees) without considering the subject matter of each (*Fallahi v Canada (Citizenship and Immigration)*, 2022 FC 506 at paras 14-15).

[14] There are nevertheless circumstances where a visa officer may legitimately question an applicant’s study plan without wading into the waters of career counselling. As Justice Sebastian Grammond observed in *Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 805 at paragraph 9:

The fact that the proposed studies appear redundant given past studies or employment may be a relevant consideration in a study permit application—one is unlikely to undertake a course of study that brings no benefits. However, such a statement must be compatible with the evidence.

[15] Here, the Officer found that the proposed cybersecurity diploma from the Toronto School of Management would not “lead to Ms. Rashid attaining significant academic or professional progression”. The GCMS notes demonstrate that the Officer was aware of Ms. Rashid’s exposure to cybersecurity through her previous employment, and her expressed interest in deepening her knowledge of the subject to advance her career. The Officer noted that Ms. Rashid already had a law degree from the UK, but did not contrast the ‘level’ of that degree with the diploma she hoped to attain in Toronto.

[16] Ms. Rashid did not offer any evidence to contradict the Officer’s findings respecting the relevance of her proposed course of study to her career advancement. The letter from Ms. Rashid’s employer stated only that she would return to her existing job at the conclusion of her studies. There was no suggestion of any career advancement.

[17] This aspect of the Officer’s decision was therefore reasonable.

B. *Cost of the Program*

[18] The Officer found Ms. Rashid’s proposed course of study in Canada to be “a significant expense to [her] and her relatives”. The Officer noted Ms. Rashid’s “modest income” in Pakistan. The Officer also acknowledged that Ms. Rashid’s brother, who was himself a student in Australia, had agreed to pay for her studies, and her sister would provide her with accommodation in Canada.

[19] Ms. Rashid argues that the Officer neglected to mention that approximately one third of the tuition had already been paid, and another third would be covered by a scholarship. Nor did the Officer mention the brother's financial information, which demonstrated the availability of sufficient funds held in accounts in both Australia and Pakistan.

[20] Ms. Rashid estimated that the cost of her studies in Toronto would be just under \$15,000. She was earning an annual salary in Pakistan of approximately \$4,000. Her brother's accounts in Australia and Pakistan held roughly \$17,500 and \$3,000 CAD respectively, as of May-June 2022 and after paying the first third of the Applicant's tuition. Her sister earned approximately \$45,000 annually, and would have had to absorb the additional expenses of Ms. Rashid's cohabitation. Ms. Rashid's transportation costs would also have to be accounted for (*Immigration and Refugee Protection Regulations*, SOR/2002-227, s 220(c)).

[21] The Officer's conclusion that the cost of Ms. Rashid's proposed course of study represented a significant expense for herself and her siblings was reasonably supported by the evidence.

C. *Ties to Pakistan and Canada*

[22] Ms. Rashid says that the Officer unreasonably relied on the presence of her sister in Canada to conclude that she would not leave this country at the end of her authorized stay. While this Court has sometimes found such reasoning to be faulty (see, for example, *Rivaz v Canada (Citizenship and Immigration)*, 2023 FC 198 at para 12), the principle that emerges from the

jurisprudence is that the mere existence of family ties in Canada, without more, will not support a finding that an applicant will improperly remain. Here, it is apparent from the Officer's reasons that Ms. Rashid's family ties to Canada were not the only, or indeed the primary ground, for refusing the visa application.

[23] The Officer also alluded to Ms. Rashid's "personal and financial" ties to Pakistan, particularly the modest income she was earning there. Ms. Rashid provided little information regarding her relationship with her parents, beyond the fact that she intended to resume living with them at the end of her studies in Canada.

[24] Given the context and nature of visa applications and refusals, the requirements of fairness and the need to give reasons were minimal (*Iriekpen v Canada (Citizenship and Immigration)*, 2021 FC 1276 at para 7). The Officer's reasons, while brief, were "based on an internally coherent and rational chain of analysis and ... justified in relation to the facts and law" (*Vavilov* at para 85).

IV. Conclusion

[25] The application for judicial review is dismissed. Neither party proposed that a question be certified for appeal.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

“Simon Fothergill”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8706-22

STYLE OF CAUSE: HAJRA RASHID v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: BY VIDEOCONFERENCE

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APPEARANCES:

Harsimran Makkar

FOR THE APPLICANT

Eli Lo Re

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Harsimran Makkar Law
Professional Corporation
Brampton, Ontario

FOR THE APPLICANT

Attorney General of Canada
Toronto, Ontario

FOR THE RESPONDENT