

Federal Court



Cour fédérale

**Date: 20231026**

**Docket: IMM-9286-22**

**Citation: 2023 FC 1404**

**Ottawa, Ontario, October 26, 2023**

**PRESENT: The Honourable Madam Justice Rochester**

**BETWEEN:**

**ARIEL MULAMBA KABUYA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Applicant, Ariel Mulamba Kabuya, is a citizen of the Democratic Republic of Congo. He seeks judicial review of a decision rendered by a visa officer of Immigration, Refugees, and Citizenship Canada [Officer] dated September 12, 2022, refusing his application for a study permit [Decision]. The Officer was not satisfied that the Applicant had access to sufficient funds for the purpose of his visit, based on the documents submitted.

[2] For the reasons that follow, this application for judicial review is allowed.

## II. Analysis

[3] While the Applicant has raised a number of arguments, I find the determinative issue to be the intelligibility of the Decision. The refusal letter states: [TRANSLATION] « You have not provided sufficient documentation to support your income and assets along with those of your host. » The Applicant, however, has no host.

[4] A reasonable decision is one that is justified in relation to the facts and the law that constrain the decision maker (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [*Vavilov*]). For the reviewing court to intervene, the challenging party must satisfy the court 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”, and that such alleged shortcomings or flaws “must be more than merely superficial or peripheral to the merits of the decision” (*Vavilov* at para 100).

[5] The issue of sufficiency of, and access to, funds is the only stated basis upon which the Officer denied the application for the study permit. The Officer’s Global Case Management System notes, which form part of the Decision, are brief. They address the supporting documentation for the funds provided by the Applicant and the Officer’s concerns relating thereto.

[6] While the written reasons given by an administrative body must not be assessed against a standard of perfection (*Vavilov* at para 91), they must nevertheless be intelligible and justified (*Vavilov* at para 96). It is clear from the application that there is no host and that the Applicant will not be funding his studies. The Respondent submits that the reference to the host was simply an error that did not impact the Officer's analysis of the application.

[7] In certain cases, one error is insufficient to render an entire decision unreasonable where there are other reasons why an officer is not satisfied that an applicant will leave Canada at the end of their stay (*Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175). Considering the record in the present matter and the fact that the only reason the study permit application was denied was on the basis of the insufficiency of documentation evidencing funds for the Applicant and a host, I am not prepared to find that this issue was not sufficiently central so as to avoid rendering the entire decision unreasonable.

[8] Having found the Decision unreasonable, it is unnecessary to address the remaining issues raised by the Applicant.

### III. Conclusion

[9] For these reasons, this application for judicial review is allowed. The Decision is set aside, and the case is remitted back to a different officer for reconsideration. No question of general importance was submitted for certification, and I agree that none arise.

**JUDGMENT in IMM-9286-22**

**THIS COURT'S JUDGMENT is that:**

1. The Applicant's application for judicial review is allowed;
2. The Decision is set aside and the case is remitted back to a different officer for redetermination; and
3. No question of general importance is certified.

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"Vanessa Rochester"

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-9286-22

**STYLE OF CAUSE:** KABUYA v MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** OCTOBER 17, 2023

**JUDGMENT AND REASONS:** ROCHESTER J.

**DATED:** OCTOBER 26, 2023

**APPEARANCES:**

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FOR THE APPLICANT  
(SELF-REPRESENTED)

Dylan Smith

FOR THE RESPONDENT

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