

Federal Court



Cour fédérale

**Date: 20240408**

**Docket: IMM-4443-23**

**Citation: 2024 FC 541**

**Vancouver, British Columbia, April 8, 2024**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**DAVOUD NAJARAN  
NASIM SHAYAN**

**Applicants**

**And**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicants are Davoud Najaran and his spouse. Mr. Najaran applied for a study permit to study for a Master of Analytics at Northeastern University in Canada. His wife applied for an accompanying spousal work permit based on Mr. Najaran obtaining a Canadian study permit. A visa officer at Immigration, Refugees and Citizenship Canada [IRCC] refused both applications, finding that the Applicants had not satisfied them that they would leave Canada at the end of their authorized stay because of insufficient evidence of adequate finances to support

their stay and the vagueness of Mr. Najaran's study plan. This is the decision being challenged on judicial review.

[2] I am dismissing the Applicants' judicial review because I find the Officer's evaluation of the Applicants' finances to be reasonable. I find the officer's finding on this factor to be determinative given the requirements set out in section 220 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] that a study permit shall not be issued unless there are sufficient and available financial resources (*Davoodabadi v Canada (Citizenship and Immigration)*, 2024 FC 85 at paras 15-16); it is therefore unnecessary for me to consider the Applicants' arguments with respect to the study plan.

[3] The requirement that an officer be satisfied that a person applying to study in Canada will not overstay the period authorized for their stay is set out in subsections 11(1) and 20(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and in paragraph 216(1)(b) of the IRPR. Section 220 of the *IRPR* provides that an Officer "shall not issue a study permit to a foreign national[...] unless they have sufficient and available financial resources, without working in Canada, to (a) pay the tuition fees for the course or program of study that they intend to pursue; (b) maintain themselves and any family members who are accompanying them during their proposed period of study; and (c) pay the costs of transporting themselves and the family members[...] to and from Canada."

[4] The Officer noted that Mr. Najaran provided a bank statement indicating a final balance of the equivalent of approximately \$62,000 Canadian dollars. The Officer explained that Mr.

Najaran had not provided a history of banking transactions, nor any documentation showing the source and availability of funds. The publicly available instructions for those applying for study permits from Iran ask that applicants provide “[c]opies of bank statements or bank book covering the past 6 months” and “[i]f person or organization outside Canada is funding your studies: detailed explanation letter and proof of financial capacity of that person or organization (employment letter, bank statements, proof of real estate property, etc” (Immigration Canada, *Study Permit Ankara Visa Office Instructions*, IMM 5816 E (Ottawa: Immigration Canada, May 2016).) Applicants’ counsel at the hearing suggested that providing a history of banking transactions was an impractical requirement in the Iranian context. However, the Applicants did not offer any explanation for not providing these bank records to the Officer. Further, though Mr. Najaran’s father provided a short affidavit committing to financially support the Applicants, no further documentation about his ability to provide this support was provided.

[5] As recently noted by Justice Regimbald, “when assessing a study permit application, an officer must not only look at the applicant’s bank account, but also conduct a more detailed and fulsome analysis about the source, origin, nature and stability of these funds to determine if the applicant is able to defray the cost of their stay in Canada for the duration of their studies”

(*Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 at para 29).

[6] The Applicants argue they provided evidence establishing the source of the funds in the bank account, and the Officer failed to consider it. The Applicants specifically point to a recent sale of land receipt and a pay slip for a month period from Mr. Najaran’s work. As noted by the Respondent at the judicial review hearing, it is not surprising that the Officer did not comment

on these materials given that these records indicate that the monies from employment and the sale of the land were deposited in two different bank accounts, neither of which were the account showing the bank balance of approximately \$62,000 Canadian dollars. No information about these other bank accounts was provided, nor was a history of the transfer of monies between accounts provided.

[7] In evaluating the reasonableness of a decision, a reviewing court must consider the decision's institutional context (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 91 and 103.) Visa officers are responsible for considering a high volume of study permit applications. While extensive reasons are not required, an officer's decision must be transparent, justified, and intelligible (*Vavilov* at para 15.) There needs to be a "rational chain of analysis" so that a person impacted by the decision can understand the basis for the determination (*Vavilov* at para 103; see also *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 17; *Samra v Canada (Citizenship and Immigration)*, 2020 FC 157 at para 23; and *Rodriguez Martinez v Canada (Citizenship and Immigration)*, 2020 FC 293 at paras 13-14.)

[8] In these circumstances, given the limited nature of the evidence and explanation provided, and the Officer's reasons setting out their concerns with the evidence, I am not satisfied that the Applicants have demonstrated that there was a significant shortcoming in the Officer's analysis of their financial resources (*Vavilov* at para 100). The application for judicial review is therefore dismissed. Neither party raised a question for certification and I agree none arises.

**JUDGMENT in IMM-4443-23**

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

1. The application for judicial review is dismissed; and
2. No serious question of general importance is certified.

"Lobat Sadrehashemi"

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Judge

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

**DOCKET:** IMM-4443-23

**STYLE OF CAUSE:** DAVOUD NAJARAN, NASIM SHAYAN v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** VANCOUVER, BRITISH COLUMBIA

**DATE OF HEARING:** APRIL 2, 2024

**REASONS FOR JUDGMENT  
AND JUDGMENT:** SADREHASHEMI J.

**DATED:** APRIL 8, 2024

**APPEARANCES:**

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