

Federal Court



Cour fédérale

Date: 20240626

Docket: IMM-3168-23

Citation: 2024 FC 992

Ottawa, Ontario, June 26, 2024

PRESENT: Mr. Justice O'Reilly

BETWEEN:

**JAMILA SHUKUROVA
PASHA ABBASOV**

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Ms Jamila Shukurova, a citizen of Azerbaijan, applied for a permit to study human resources management in Canada, specifically, to pursue a one-year program at Mohawk College. Her spouse, a police officer, applied for a visitor's visa to accompany her.

[2] A visa officer denied both requests, finding that Ms Shukurova had not established that she was able to financially support her study plan, and that the purpose of her visit, a desire to

advance her academic credentials, seemed inconsistent with a temporary stay. In short, the officer was not satisfied that Ms Shukurova would leave Canada at the end of her program of study.

[3] Ms Shukurova argues that the officer's decision was unreasonable because the officer overlooked evidence of her ability to finance her studies in Canada. In addition, she says that the officer unreasonably concluded that she could have achieved her academic goals in Azerbaijan and did not need to attend a Canadian academic institution. She asks me to quash the officer's decision and order another officer to reconsider her application.

[4] I agree with Ms Shukurova that the officer's decision was unreasonable because it overlooked important financial information and discounted the merits of her academic goals. I will, therefore, allow this application for judicial review.

[5] The sole issue is whether the officer's decision was unreasonable.

II. Was the Officer's Decision Unreasonable?

A. *The financial information*

[6] The Minister contends that the officer reasonably found that Ms Shukurova had failed to establish that she had sufficient financial resources to support her study plans. Ms Shukurova provided evidence that the family had a balance of nearly \$50,000 USD in one account, but there was no evidence of ongoing transactions in that account, and it was unclear where those funds had come from.

[7] I disagree with the Minister's position. The officer did not consider the financial evidence as a whole.

[8] Ms Shukurova stated that she was relying, in part, on her husband's income as a police officer in Azerbaijan to support her studies. But the officer found, wrongly, that her husband was not actually employed as a police officer, and then failed to consider his promise that he would cover Ms Shukurova's expenses. The officer also overlooked the fact that Ms Shukurova and her husband expected to be financially supported by their parents.

B. *The Purpose of the Visit*

[9] The Minister contends that the officer reasonably found that Ms Shukurova would probably not leave at the end of her studies, given that her study plan was not convincing. The Minister says that she could have pursued a similar program in Azerbaijan.

[10] But the officer seemed not to consider Ms Shukurova's rationale for studying human resources management in Canada. She explained that the programs in Azerbaijan were not comparable with those offered in Canada, especially in the area of protection of human rights, and that she hoped to use her new skills to build a career in government or the private sector at home.

C. *Conclusion*

[11] The officer's decision was unreasonable because it failed to take account of Ms Shukurova's full financial picture and the basis of her study plan.

III. Conclusion and Disposition

[12] The officer's rejection Ms Shukurova's application, and that of her husband's, was unreasonable. I must, therefore, allow this application for judicial review and order another officer to reconsider the applicant's application. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT IN IMM-3168-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed, and another officer is ordered to reconsider the applicant's application.
2. No question of general importance is stated.

"James W. O'Reilly"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-3168-23
STYLE OF CAUSE: JAMILA SHUKUROVA ET AL. v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING: TORONTO, ONTARIO
DATE OF HEARING: MAY 27, 2024
JUDGMENT AND REASONS: O'REILLY J.
DATED: JUNE 26, 2024

APPEARANCES:

Gökhan Toy

FOR THE APPLICANTS

John Loncar

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Lewis & Associates
Toronto, Ontario
Attorney General of Canada
Toronto, Ontario

FOR THE APPLICANTS

FOR THE RESPONDENT