Federal Court Cour fédérale

Date: 20240820

Docket: IMM-1936-23

Citation: 2024 FC 1289

Ottawa, Ontario, August 20, 2024

PRESENT: The Honourable Justice Fuhrer

BETWEEN:

PARSA JANAGHAEI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Parsa Janaghaei is a teenaged citizen of Iran who applied for a study permit to attend high school in Canada.

[2] Immigration, Refugees and Citizenship Canada [IRCC] refused the application [Decision]. The officer was not satisfied that the Applicant would leave Canada at the end of his

studies, having regard to paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*IRPR*]. See Annex "A" for relevant legislative provisions.

[3] The Applicant seeks to have the decision set aside, arguing that it is unreasonable. The Respondent counters that the Court can discern why the decision was made when read in light of the record; in other words, lengthier, more detailed reasons are not required.

[4] Having considered the parties' records and their oral submissions, I am not persuaded that the Decision is unreasonable. For the reasons below, the judicial review application will be dismissed.

II. Analysis

[5] The parties agree, as do I, that the presumptive reasonableness standard of review applies here: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 10, 25, 99. Stated another way, the Court must determine, with due attention to the reasons provided, whether the Decision is intelligible, transparent, and justified. A decision may be unreasonable if the decision maker misapprehended the evidence before it: *Vavilov*, at paras 125-126. The party challenging an administrative decision ultimately bears the burden of showing that the decision is unreasonable: *Vavilov*, at para 100.

[6] Recognizing that administrative decision makers are not held to a standard of perfection (*Vavilov*, above at para 91), I am not persuaded that the Decision on the whole is unreasonable. There are several reasons why, in my view, this is the case.

[7] First, the Applicant submitted only one part of the required Custodianship Declaration [Declaration], namely the part directed to the custodian for a minor studying in Canada. The Declaration, however, has a second part directed to the parents/guardians of the minor. The parties do not dispute that the Global Case Management System [GCMS] notes, which comprise the officer's reasons, indicate the latter part of the Declaration is missing from this Applicant's study permit application.

[8] The Applicant has not shown, to the Court's satisfaction, why it is unreasonable for IRCC to require that both the custodian and the minor's parents/guardians sign off on the Declaration, particularly where the custodian is someone other than a parent or guardian of the minor and a parent or guardian will not accompany the minor in Canada.

[9] Second, the GCMS notes state that the Applicant's study plan "refers to general advantageous comments regarding the value of international education in Canada and makes sweeping statements on how the education will improve the applicant's situation in Iran." In the context of the Applicant's short, one-page study plan, I am not persuaded that this finding is unintelligible or not justified: *Farnia v Canada (Citizenship and Immigration)*, 2022 FC 511 at para 16.

[10] While the affidavit of the Applicant's mother contained in the Applicant's Record provides additional information about the Applicant's plans, I have doubts about its admissibility because it was not before IRCC as part of the Applicant's study permit application. Further, the Applicant has not demonstrated how the affidavit meets any of the criteria for its admission

described in *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at para 20. I thus decline to consider the affidavit further.

[11] Third, the GCMS notes refer to the lack of transcripts in support of the study permit application. Based on this omission, the officer finds that the Applicant has not demonstrated "the academic proficiency necessary to complete studies in Canada." In light of this particular circumstance, I also am not convinced that this finding of the officer is unintelligible or unjustified.

[12] I note the caution of this Court in relying on grades as a measure of whether a student could complete an educational program successfully and, thus, will leave Canada by the end of their authorized stay: *Patel v Canada (Citizenship and Immigration)*, 2020 FC 517 at para 24. That said, this Court also has found that it is not unreasonable for an officer to consider grades, along with other factors, in determining whether a study permit applicant is a *bona fide* student: *Bougrine v Canada (Citizenship and Immigration)*, 2022 FC 528 at para 15.

[13] Here, however, no grades or transcripts were submitted with the study permit application. The Applicant has not shown how the officer's conclusion was unreasonable in the circumstances, especially absent other factors that could be taken into account in assessing the Applicant's *bona fides* as a student and whether he could complete the intended program of study.

[14] Fourth, regarding the Applicant's financial situation, the officer found that the Iranian bank statements of the Applicant's parents did not sufficiently demonstrate the history of funds accumulation to explain large lump-sum deposits, nor the availability of the funds. The Applicant concedes the submitted bank statements are not detailed.

[15] Further, as this Court previously has held, "the *IRPA* and *IRPR* [do not] preclude an officer from considering the amount and origin of funds when deciding whether an applicant will leave Canada at the end of their stay": *Kita v Canada (Citizenship and Immigration)*, 2020 FC 1084 at para 20.

[16] The Applicant takes exception with the officer's discounting of assets without explanation, such as a vehicle, rental properties, and potential income, in the calculation of available funds. The Applicant argues that the Respondent's submissions to the effect that these are not liquid funds but potential income are not reasons that were provided by the officer. I disagree. The officer mentioned potential income specifically, and a vehicle inherently is not a liquid asset. While the officer could have been clearer about the rental properties, this in itself is not a sufficient shortcoming in the Decision, in my view, to warrant the Court's intervention.

[17] In the end, I find that the Applicant's submissions essentially request that the Court reweigh the evidence that was before the officer, which is not the role of a reviewing court on judicial review: *Vavilov*, above at para 125.

III. Conclusion

[18] For the above reasons, I conclude that the Applicant has not shown the Decision is unreasonable. This judicial review application thus will be dismissed.

[19] Neither party proposed a question for certification, and I agree that none arises in the circumstances.

JUDGMENT in IMM-1936-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. There is no question for certification.

"Janet M. Fuhrer"
Judge

Annex "A": Relevant Provisions

***Immigration and Refugee Protection Regulations*, SOR/2002-227.**
***Règlement sur l'immigration et la protection des réfugiés*, DORS/2002-227.**

Issuance of Study Permits	**Délivrance du permis d'études**
Study permits	**Permis d'études**
216 (1) Subject to subsections (2) and (3), an officer shall issue a study permit to a foreign national if, following an examination, it is established that the foreign national	**216 (1)** Sous réserve des paragraphes (2) et (3), l'agent délivre un permis d'études à l'étranger si, à l'issue d'un contrôle, les éléments suivants sont établis :
(a) applied for it in accordance with this Part; **(b)** will leave Canada by the end of the period authorized for their stay under Division 2 of Part 9; **(c)** meets the requirements of this Part; **(d)** meets the requirements of subsections 30(2) and (3), if they must submit to a medical examination under paragraph 16(2)(b) of the Act; and **(e)** has been accepted to undertake a program of study at a designated learning institution.	**a)** l'étranger a demandé un permis d'études conformément à la présente partie; **b)** il quittera le Canada à la fin de la période de séjour qui lui est applicable au titre de la section 2 de la partie 9; **c)** il remplit les exigences prévues à la présente partie; **d)** s'il est tenu de se soumettre à une visite médicale en application du paragraphe 16(2) de la Loi, il satisfait aux exigences prévues aux paragraphes 30(2) et (3); **e)** il a été admis à un programme d'études par un établissement d'enseignement désigné.

FEDERAL COURT

SOLICITORS OF RECORD

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