

Federal Court



Cour fédérale

Date: 20240827

Docket: IMM-2965-23

Citation: 2024 FC 1321

Ottawa, Ontario, August 27, 2024

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

**ZOHREH BAYEH
FARSHAD TAVAKOLI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicants are a married couple. Zohreh Bayeh applied for a permit to study a Masters of Business Administration at University Canada West. Her husband applied for an accompanying work permit. An officer at Immigration, Refugees and Citizenship Canada refused their applications. The Officer was not satisfied that the Applicants would depart at the end of their authorized stay, finding: i) Ms. Bayeh's proposed course of study was not a logical progression of her career; ii) her family ties in Iran were diminished with her husband

accompanying her to Canada; and iii) insufficient evidence of the source of her funds had been provided.

[2] In my view, the Applicants have not established that the Officer's reasoning on the sufficiency of their financial evidence was unreasonable. The Officer's determination on financial resources is dispositive of the judicial review because of the requirement 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; *Mohebban v Canada (Citizenship and Immigration)*, 2024 FC 819 at para 34). As I have found the Officer's determination on financial resources to be reasonable, the application for judicial review is dismissed.

[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 and in paragraph 216(1)(b) of the IRPR.

[4] 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". 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” (Immigration Canada, *Study Permit Ankara Visa Office Instructions*, IMM 5816 E (Ottawa: Immigration Canada, May 2016)).

[5] The Officer noted that the Applicants had provided proof of payment towards tuition fees, but that there was “limited documentation concerning the source of supporting funds”. In particular, the Officer explained that two specific bank statements did not include “transaction records to track the provenance of available funds”.

[6] An officer can look at the source and stability of an applicant’s funds to determine whether they have “sufficient and available financial resources” to cover the cost of studying in Canada (*Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 at para 29).

[7] The Applicants argued that it was unreasonable for the Officer to not consider the documents that they had submitted that establish their financial stability. The problem with this argument is that the bank statements mentioned by the Officer which did not have any transaction activity, nor explanation for lack of activity, are the principal source of the liquid funds available to cover the costs of study in Canada. The Officer raised a reasonable concern and the Applicants’ arguments are really asking the Court to reweigh the evidence and find that there was in fact sufficient evidence of financial stability. This is not my role on judicial review.

[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 (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 100). The application for judicial review is therefore dismissed.

JUDGMENT in IMM-2965-23

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"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2965-23

STYLE OF CAUSE: ZOHREH BAYEH AND FARSHAD TAVAKOLI v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: MAY 9, 2024

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: AUGUST 27, 2024

APPEARANCES:

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