

Federal Court



Cour fédérale

Date: 20241105

Docket: IMM-414-24

Citation: 2024 FC 1761

Toronto, Ontario, November 5, 2024

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

VANIA SAFAIE

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered from the Bench at Toronto, Ontario, on November 4, 2024)

I. **OVERVIEW**

[1] The Applicant, a young woman from Iran, wishes to pursue Canadian post-secondary studies in music. To facilitate this goal, she applied for a study permit to complete her high school studies in Canada. An Officer with Immigration, Refugees and Citizenship Canada

[IRCC] denied Ms. Safaie's application, finding that she had not sufficiently explained how the proposed studies in Canada would benefit her.

[2] I have concluded that the Officer's reasons for dismissing Ms. Safaie's application were not responsive to the application she submitted. As such, I will grant this application for judicial review.

II. BACKGROUND

[3] Ms. Safaie is presently 17 years old. She was accepted into a secondary school program at the Alborz Educational Centre in Toronto. In her study permit application, Ms. Safaie explained that she wishes to study in Canada because she aspires to be a professional musician, and because opportunities to pursue such a career in Iran are extremely limited for women. More specifically, she explained that she wants to complete high school in Canada to facilitate her acceptance into the music program at Wilfred Laurier University.

[4] Ms. Safaie's original application for a study permit was refused in 2022. She sought judicial review of this decision, which she discontinued after the Respondent agreed to reassess her application.

III. DECISION UNDER REVIEW

[5] On reconsideration, an Officer again refused the application, stating as follows in a decision letter dated February 12, 2024:

I am refusing your application.

- The purpose of your visit to Canada is not consistent with a temporary stay given the details you have provided in your application.

[6] In addition to the decision letter, the Officer's notes, as contained in the Global Case Management System [GCMS], which form part of the reasons for decision, state:

I have reviewed the application for re-determination. Applicant is a minor, 16 years old, applying to come to Canada to study grade 11 at Alboz Educational Centre. Insufficient explanation or details have been given on how the proposed studies in Canada will be of benefit at this stage in PA's life. 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. I am not satisfied the motivation to pursue this particular program, at this point in time in Canada, is reasonable considering the reasons mentioned above. Application refused.

IV. ISSUES and STANDARD OF REVIEW

[7] The sole issue for determination is whether this refusal of the Applicant's study permit application was reasonable.

[8] The parties agree, and I concur, that the decision is reviewable on the standard of reasonableness, as articulated by the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]. As the Applicant acknowledges, the reasonableness standard has regularly been applied in the study permit context: *Akomolafe v Canada (Citizenship and Immigration)*, 2016 FC 472 at paras 9, 12; *Yuzer v Canada (Citizenship and Immigration)*, 2019 FC 781 at para 8.

[9] Reasonableness is a deferential, but robust, standard: *Vavilov* at paras 12–13. The Court must give considerable deference to the decision-maker, as the entity delegated power from Parliament and equipped with specialized knowledge and understanding of the “purposes and practical realities of the relevant administrative regime”: *Vavilov* at para 93.

[10] While exhaustive reasons for decisions on applications for student visas are not necessary, they must still meet the requirements of justification, transparency, and intelligibility as set out in *Vavilov: Chantale v Canada (Citizenship and Immigration)*, 2021 FC 544 at para 5.

V. ANALYSIS

[11] I find that the Officer’s decision was unreasonable because it was not adequately responsive to the Applicant’s submissions with respect to why she wishes to study in Canada.

[12] As noted above, Ms. Safaie wishes to pursue a career in music. In explaining why she wants to attend high school in Canada, she stated:

I, Vania Safaie desire to complete my grade 10 studies at the Alborz Educational Centre in Toronto, Ontario. Upon completion of my studies, I wish to attend the Music Program at Wilfried [*sic*] Laurier University in Waterloo, Ontario.

My dream is to become a musician and tour around the world; I want to share my talent with the world without being judged about my background. As a woman musician, in my home country, there are limits on how far I can take my musician career. Therefore, I will not have a fair opportunity to grow and follow my passion. Being granted a study permit to study in Canada, not only greatly provides me the opportunity to reach my goal, but it will also give me a chance to share my talent with others.

[13] In rejecting Ms. Safaie's application, the Officer did not refer to the specific objectives she articulated for wanting to study in Canada. Indeed, there is no indication in their reasons that the Officer took any consideration of the rationale underlying Ms. Safaie's study permit application. Contrary to the Officer's findings, this rationale was specifically set out in the Applicant's Study Plan statement, namely that her studies in Canada would facilitate a career in music that was simply unavailable to her in Iran. Nowhere in the Officer's reasons is there any indication that they engaged with this stated purpose.

[14] Rather, the Officer merely provided the rather generic finding that the "Study plan refers to general advantageous comments regarding the value of international education in Canada." I do not find this to be an accurate summary of the Applicant's plan. She provided a specific rationale for wanting to study in Canada, a clear explanation as to why she cannot pursue this same aspiration in Iran, and a specific program that she wishes to pursue in the future.

[9] To be reasonable, the Officer had to specifically, even if briefly, engage with the stated purpose of Ms. Safaie's application rather than summarily dismiss it on the basis that it was too general. While this Court has regularly indicated that exhaustive reasons need not be provided in the study permit context, such decisions must nevertheless be "responsive to the factual matrix put before visa officers": *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at paragraph 17.

[15] Put another way, an Officer's reasons need not be lengthy but they must be based on an internally coherent and rational chain of analysis, and be justified in relation to the facts and the

law that constrain the decision maker: *Lingepo v Canada (Citizenship and Immigration)*, 2021 FC 552 at para 13, cited with approval in *Ocran v. Canada (Citizenship and Immigration)* 2022 FC 175 at para 15; *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at paras 9–10; *Motlagh v Canada (Citizenship and Immigration)*, 2022 FC 1098 at para 22.

[16] I find that the Officer’s reasons in this matter failed to display these characteristics.

VI. CONCLUSION

[17] For the brief reasons outlined above, I will grant this application for judicial review. This will be the third determination of the Applicant’s study permit application. As such, I order that the reconsideration of the Applicant’s study permit application be processed on an expedited basis, as my colleague Justice McHaffie recently ordered in *Singh v Canada (Citizenship and Immigration)*, 2024 FC 1631.

[18] No question of general purpose for certification was proposed and I agree none arises.

JUDGMENT in IMM-414-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted.
2. The matter is remitted for reconsideration by a different decision-maker on an expedited basis.
3. No question is certified for appeal.

“Angus G. Grant”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-414-24

STYLE OF CAUSE: VANIA SAFAIE v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

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