

Federal Court



Cour fédérale

Date: 20180328

Docket: IMM-4077-17

Citation: 2018 FC 348

Toronto, Ontario, March 28, 2018

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

YUZHU YANG

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Ms. Yuzhu Yang (the “Applicant”) seeks judicial review of the decision of an Officer (the “Officer”) refusing her application for a study permit, as authorized by the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the “Regulations”).

[2] The decision of the Officer is reviewable on the standard of reasonableness; see the decision in *Akomolafe v Canada (Citizenship and Immigration)*, 2016 FC 472.

[3] According to the decision in *Dunsmuir v. New Brunswick*, [2008] 1 S.C. R. 190, the standard of reasonableness requires that a decision be transparent, justifiable and intelligible, falling within a range of possible outcomes that is defensible on the law and the facts.

[4] I agree with the submissions of the Applicant that the decision in this case does not meet the applicable standard and appears to be based on speculation about the business activities of the Applicant's father in Canada.

[5] In the result, the application for judicial review is allowed, the decision is set aside and the matter remitted to another Officer for re-determination, no question for certification arising.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is allowed, the decision is set aside and the matter remitted to another Officer for re-determination, no question for certification arising.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4077-17

STYLE OF CAUSE: YUZHU YANG v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 28, 2018

JUDGMENT AND REASONS: HENEGHAN J.

DATED: MARCH 28, 2018

APPEARANCES:

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Hillary Adams FOR THE RESPONDENT

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