Federal Court  Cour fédérale

Date: 20230623

Docket: IMM-7878-22

Citation: 2023 FC 886

Ottawa, Ontario, June 23, 2023

PRESENT: The Honourable Madam Justice Rochester

BETWEEN:

YASHAR MEHRJOO

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Yashar Mehrjoo, is a citizen of Iran. He applied for a study permit to attend Fairleigh Dickson University in Vancouver, British Columbia. He was accepted into a Master of Administrative Science program, with a specialization in Global Technology Administration. The Applicant had previously obtained a Master's Degree in Information Technology Engineering in 2017.

[2] The Applicant's study permit application was denied on the basis that the purpose of his visit was not consistent with a temporary stay. In other words, the Officer was not satisfied that the Applicant would leave Canada at the end of his stay, as required by paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. The Officer found that in light of the Applicant's previous studies and his current career, the intended program is a redundant course of action and does not appear to be a logical progression of his career path. Given the documentation submitted and the combination of education, training, and experience the Applicant possessed, the Officer had concerns that the Applicant's motivation for pursuing education in Canada is to seek entry for reasons inconsistent with a temporary stay.

[3] The Applicant submits that the Officer's decision is unreasonable because his application meets all the statutory requirements and is consistent with an intention to leave Canada at the end of his stay. The Applicant further submits that the Officer breached procedural fairness by failing to provide adequate reasons, by erroneously concluding that the study plan was redundant, and by failing to provide the Applicant with an opportunity to respond to concerns. The Applicant argues that the Officer found that the numerous pull factors in the application influenced it negatively. Finally, the Applicant pleads that the Officer exceeded their authority by finding the course of study is redundant and improperly acted as a career counsellor.

[4] The Respondent emphasizes that it was the Applicant's burden to establish the purpose of his visit by providing sufficient information about the program he wishes to study, the benefits of it, and how it differs from or complements his existing degrees. The Respondent highlights that the study plan failed to explain with any specificity the program's utility to the Applicant in light

of his previous degrees and his work experience. It was not, in the Respondent's view, for the Officer to have to fill in the gaps. The Respondent therefore submits that the Officer's decision is reasonable.

[5] Having considered the record and the parties' submissions, I have not been persuaded that there is a basis upon which for this Court to intervene. For the reasons that follow, this application for judicial review is dismissed.

II. Analysis

[6] The standard of review of the Officer's substantive decision is reasonableness as set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]. The burden is on the Applicant to satisfy the Court "that any shortcomings or flaws relied on … are sufficiently central or significant to render the decision unreasonable" (*Vavilov* at para 100). In *Lingepo v Canada (Citizenship and Immigration)*, 2021 FC 552, Justice Roussel concisely describes the standard of review in the context of applications for study permits:

> [13] The standard of review applicable to a review of a visa officer's decision to refuse a study permit application is that of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 16–17 [*Vavilov*]; *Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at para 5 [*Nimely*]; *Hajiyeva v Canada (Citizenship and Immigration)*, 2020 FC 71 at para 6). While it is not necessary to have exhaustive reasons for the decision to be reasonable given the enormous pressure on visa officers to produce a large volume of decisions each day, the decision must still be based on an internally coherent and rational chain of analysis and be justified in relation to the facts and law that constrain the decision maker (*Vavilov* at para 85). It must also bear "the hallmarks of reasonableness — justification, transparency and intelligibility" (*Vavilov* at para 99).

[7] A study permit applicant bears the burden of satisfying a visa officer that they will leave Canada at the end of their authorized stay (*Penez v Canada (Minister of Citizenship and Immigration)*, 2017 FC 1001 at para 10 [*Penez*]). Visa officers have wide discretion in assessing the evidence to decide whether this requirement is met, and their decisions are entitled to deference (*Penez* at para 10; *Nimely v Canada (Minister of Citizenship and Immigration)*, 2020 FC 282 at para 7).

[8] In the present case, the Applicant submitted a letter of acceptance, evidence of the deposit having been paid, evidence of financial resources, evidence of close family in Iran, evidence of current employment and a study plan. The Applicant submits that he met all the requirements for a study permit and as such the Officer's decision to refuse to grant the study permit means that the Officer disregarded the statutory requirements. The Applicant pleads that if what he submitted was not enough to satisfy the requirements, then what is? The Applicant states that the decision is therefore arbitrary and capricious.

[9] The Respondent submits that the Officer considered the reasons for the visit, namely to study, but found that the study plan was lacking in that the intended program was redundant and there did not appear to be a logical progression in the career path. The Respondent highlights that the study plan failed to explain with any specificity the program's utility to the Applicant in light of his previous degrees and his work experience. The Respondent notes that only the title of the proposed course was provided, with no information on the course in the record, and no explanation as to the distinction or differences between his past studies and the proposed

program. The Respondent submits that the Officer is entitled to refuse the application purely on the basis of the deficiencies in the study plan – as that is the purpose for the Applicant's visit.

[10] The Applicant disagrees with the Respondent that the study plan is deficient. He highlights that the study plan states that the goal of the proposed program is "to help students acquire critical thinking and problem-solving principles and techniques needed to confront different situations in the business environment." The Applicant underscores that his study plan states, "I believe Global Technology Administration is complementary to my current education and experience." The Applicant submits that his statement that he "will be able to integrate [his] professional engineering experience with updated administrative skills", along with the foregoing, is a sufficient explanation to distinguish the proposed course from his past master's degree.

[11] The Applicant submits that it was absurd, irrational and subjective for the Officer to find that the proposed program is redundant since an assessment of the value of an intended study for a particular applicant is not for the Officer to make. While I agree that a visa officer must be careful not to "foray into career counselling" (*Adom v Canada (Citizenship and Immigration)*, 2019 FC 26 at para 17), I do not find that this is the case in the present matter.

[12] The onus was on the Applicant to convince the Officer of the merits of his study plan (*Charara v Canada (Citizenship and Immigration)*, 2016 FC 1176 at para 36). When considering the merits of a study plan, a visa officer is entitled to consider whether an applicant has already achieved the benefits of the intended program (*Borji v Canada (Citizenship and Immigration)*,

2023 FC 339 at para 17). Indeed, the fact that the proposed studies appear redundant given past studies or employment may well be relevant as one is unlikely to undertake a course of study that brings no benefits (*Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 805 at para 9).

[13] Having reviewed the study plan, and having canvassed the language therein in detail with counsel for the parties during the hearing, I am not persuaded that the Officer's finding that the program is redundant and is not a logical progression in light of the Applicant's current career and previous studies is unreasonable. Other than a few general assertions, the Applicant does not provide specific reasons why or how the proposed program would benefit him and how it differs from the knowledge he acquired in his previous master's degree or in his years of experience. There is no information in the record about the program, other than its title.

[14] Furthermore, the record contains a letter from his employer which states that the Applicant would be offered a position of "data base administrator" if he "complet[ed] a degree in Techonology Management from a developed country" but provides no description of the position, how it differs from his present position, or why a degree from a "developed country" is required. In the Applicant's study plan, he states he has a job offer for "the position of Senior Director of Network Management" with the same company but with no description of what this position is, how it is relevant to his proposed studies or why the job title differs from that in the letter from his employer.

[15] In my view, the Officer's decision is not unreasonable in light of the record before them. The burden is on a visa applicant to provide sufficient information about the benefits of the

program they wish to pursue, and a failure to do so risks undermining one's ability to establish the purpose of their visit (*Rezaali v Canada (Citizenship and Immigration)*, 2023 FC 269 at para 32). This is what happened in the present case and I am not persuaded that the Officer committed an error that warrants this Court's intervention.

[16] The Applicant pleads that the Officer failed to provide adequate or sufficient reasons. As noted above, the jurisprudence establishes that the sufficiency of reasons is dependent on the context, and that in the visa context, the obligation for reasons is fairly minimal. Extensive reasons are not expected, and a simple, concise justification will suffice (*Vahora v Canada (Citizenship and Immigration)*, 2022 FC 778 at para 32). I find that the Officer was transparent and intelligible in their reason for denying the study permit, and this decision is justified in relation to the record before them and the law that constrains them. The Applicant has not met his burden of demonstrating that the Officer's decision is unreasonable or procedurally unfair in this regard.

[17] Finally, the Applicant has raised a procedural fairness argument, an implicit credibility argument and a legitimate expectation argument. Having considered them, I find them to be without merit in the context of the present case. Adhering to the guidelines of Immigration Refugees Citizenship Canada found on its website does not guarantee a positive outcome. Nor am I persuaded that the Officer ignored evidence or made a veiled credibility finding because they were not persuaded by the Applicant's study plan.

III. Conclusion

[18] Having considered the arguments raised by the Applicant, I am not persuaded the Officer committed a reviewable error. For the foregoing reasons, I conclude that the Officer's decision meets the standard of reasonableness set out in *Vavilov* and was procedurally fair.

[19] This application for judicial review is therefore dismissed. No serious question of general importance for certification was proposed by the parties, and I agree that no such question arises.

JUDGMENT in IMM-7878-22

THIS COURT'S JUDGMENT is that:

1. The Applicant's application for judicial review is dismissed; and

2. There is no question for certification.

"Vanessa Rochester"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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