

Federal Court



Cour fédérale

**Date: 20250124**

**Docket: IMM-7984-23**

**Citation: 2025 FC 147**

**Ottawa, Ontario, January 24, 2025**

**PRESENT: Mr. Justice Norris**

**BETWEEN:**

**MEHRNOOSH SHAFEI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The applicant is a 34-year-old citizen of Iran. After she was offered admission to the Master of Business Administration program at the University of Canada West in Vancouver, the applicant applied for a study permit. A visa officer with Immigration, Refugees, and Citizenship Canada (IRCC) refused the application on June 21, 2023.

[2] The applicant now applies for judicial review of this decision under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (*IRPA*). She submits that the process leading to the decision breached the requirements of procedural fairness. She also submits that the decision is unreasonable.

[3] For the reasons that follow, this application will be dismissed.

[4] The decision letter states that the study permit application had been refused because the officer was not satisfied that the applicant would leave Canada at the end of her authorized stay, as required by paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (*IRPR*). Two factors supporting this conclusion were identified: (1) the applicant's assets and financial situation were insufficient to support the stated purpose of travel for the applicant and any family members who would be accompanying her; and (2) the purpose of the applicant's visit to Canada was not consistent with a temporary stay given the information the applicant had provided in her application.

[5] The officer's Global Case Management System (GCMS) notes provide additional details and analysis supporting the decision to refuse the application. In addition to the concern about the insufficiency of the applicant's financial circumstances identified in the decision letter, which is elaborated upon in the notes, the officer also found that the applicant had failed to show how the proposed course of study would be of benefit to her. The notes also explain why the officer reached this conclusion.

[6] As stated above, the applicant challenges both the reasonableness of the officer's decision and the fairness of the process that led to it. The applicable standards of review are not in dispute.

[7] To determine whether the requirements of procedural fairness were met, a reviewing court must conduct its own analysis of the process followed by the decision maker and determine for itself whether the process leading to the decision was fair in all the circumstances (*Canadian Pacific Railway Co v Canada (Attorney General)*, 2018 FCA 69 at paras 54-56). The court must determine whether the applicant knew the case she had to meet and whether she had a full and fair chance to meet that case (*Canadian Pacific Railway Co*, at para 56).

[8] The substance of the officer's decision, on the other hand, is reviewed on a reasonableness standard. A reasonable decision "is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (*Vavilov*, at para 85). A decision that displays these qualities is entitled to deference from the reviewing court (*ibid.*). To establish that the decision should be set aside because it is unreasonable, the applicant must demonstrate that "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov*, at para 100).

[9] The applicant takes issue with the decision in several respects but, in my view, it is only necessary to consider the officer's finding that the applicant had not established that she had sufficient and available financial resources.

[10] Section 220 of the *IRPR* states that an officer shall not issue a study permit to a foreign national unless the person seeking the permit has “sufficient and available financial resources, without working in Canada,” to pay the costs of the proposed program of study, to maintain themselves and any accompanying family members in Canada, and to pay the costs of transportation for themselves and any accompanying family members to and from Canada.

[11] In the present case, the officer found that the applicant had not demonstrated that she had sufficient and available financial resources, as required.

[12] In my view, this finding is reasonable and it was reached fairly. On its own, this finding was a legally sufficient reason to refuse the study permit application (*Moradian v Canada (Citizenship and Immigration)*, 2024 FC 1343 at para 10). As a result, there is no need to consider the other respects in which the applicant challenges the decision (*Mohammadhosseini v Canada (Citizenship and Immigration)*, 2024 FC 848 at paras 31-32).

[13] In attempting to show that she had sufficient and available financial resources, the applicant relied on an RBC bank draft payable to herself in the amount of \$20,000 (all amounts CAD), an Iranian bank account in her name showing a balance equivalent to \$27,574, and an Iranian bank account in her husband’s name showing a balance equivalent to \$70,186. Additionally, the applicant provided several deeds and valuations for real property in Iran (some in her name, others in her husband’s) that, according to the applicant, “can be used as secondary options for any financial needs.” The applicant did not explain what she meant by this.

[14] In the GCMS notes, the officer observed that, while the applicant had provided bank statements showing large balances, she had not provided a transaction history for any of the accounts. The officer also wrote: “I have concerns that the property documents are for demonstration purposes only and are not reflective of the applicants [*sic*] legitimate financial resources.” Taking these things into account, the officer found that “the applicant’s financial situation does not demonstrate that funds would be sufficient or available for tuition, living expenses and travel.”

[15] I begin by observing that the officer’s use of the phrase “legitimate financial resources” is unfortunate. Read in context, however, I am satisfied that what the officer meant was that the applicant had not established that the real properties she relied on could be considered “available financial resources.” This determination was not unreasonable given the information before the officer.

[16] Furthermore, the absence of bank transaction histories reasonably left the officer unsatisfied that the funds relied on by the applicant would, in fact, be available to meet the applicant’s expenses in Canada. In addition to the express requirements of section 220 of the *IRPR*, IRCC provides an application guide that instructs Iranian applicants on what to provide in support of a study permit application, including bank statements showing a transaction history for the last six months (Study Permit – Ankara Visa Office Instructions, IMM 5816E). Despite these instructions, the applicant did not provide this information. She did not offer any explanation for why she did not follow IRCC’s instructions. Nor did she provide any other information to demonstrate the sources of the funds in the bank accounts (or the bank draft, for

that matter). Although the applicant did provide some pay slips for herself and her husband, there was no evidence as to where those funds were deposited.

[17] Bank transaction histories can help to demonstrate the source and stability of an applicant's funds (*Salamat v Canada (Citizenship and Immigration)*, 2024 FC 545 at para 7). This Court has repeatedly held that the absence of this information can be a reasonable basis to find that an applicant has not established that they have sufficient and available funds, as required: see, for example, *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 at para 12; *Najaran v Canada (Citizenship and Immigration)*, 2024 FC 541 at paras 4-8; *Salamat*, at paras 8-11; *Mohammadhosseini*, at paras 26-27; *Hendabadi v Canada (Citizenship and Immigration)*, 2024 FC 987 at paras 22-29; and *Moradian v Canada (Citizenship and Immigration)*, 2024 FC 1343 at paras 5-7. The applicant has not persuaded me that I should reach a different conclusion here.

[18] With respect to the fairness of the decision, the requirements of procedural fairness in applications for study permits are relaxed and fall on the low end of the spectrum (*Yuzer v Canada (Citizenship and Immigration)*, 2019 FC 781 at paras 15-16). The burden was on the applicant to provide sufficient information concerning her financial situation to satisfy the officer that she met the requirements of section 220 of the *IRPR*. There was no obligation on the part of the officer to alert the applicant that the information she had provided could fall short of demonstrating what was required by the legislation (*Yuzer*, at para 16; *Mohammadhosseini*, at para 20). As well, for the reasons already stated, I do not consider that the officer's reference to "legitimate financial resources" amounts to an expression of doubt about the authenticity of the

property documents or an adverse credibility finding. As a result, the officer was not required to inform the applicant of any concerns arising from the application before rejecting it (*Mohammadhosseini*, at para 21).

[19] In short, on the issue of sufficient and available financial resources, the applicant knew the case she had to meet and she had a full and fair opportunity to meet it. The decision was made fairly.

[20] For these reasons, the application for judicial review will be dismissed.

[21] The parties did not propose any serious questions of general importance for certification under paragraph 74(d) of the *IRPA*. I agree that no question arises.

**JUDGMENT IN IMM-7984-23**

**THIS COURT'S JUDGMENT is that**

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

\_\_\_\_\_  
"John Norris"

Judge



**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-7984-23

**STYLE OF CAUSE:** MEHRNOOSH SHAFEI v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** VANCOUVER, BRITISH COLUMBIA

**DATE OF HEARING:** JULY 31, 2024

**JUDGMENT AND REASONS:** NORRIS J.

**DATED:** JANUARY 24, 2025

**APPEARANCES:**

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