

Federal Court



Cour fédérale

Date: 20240703

Docket: IMM-3305-23

Citation: 2024 FC 1044

Toronto, Ontario, July 3, 2024

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

**AREZOO KOULAJI
SHAHABALDIN KHOSRAVI KABIR
ARSHAM KHOSRAVI KABIR,
BY HIS LITIGATION GUARDIAN AREZOO KOULAJI**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered Orally from the Bench on July 3, 2024, and subject to stylistic, editorial, and syntax edits, as well as reference to jurisprudence and legal citations)

[1] The Applicants seek judicial review of a decision refusing the Principal Applicant a study permit.

[2] The Applicants are an Iranian family. The Principal Applicant sought to come to Canada to study at Trinity Western University. Her application was refused pursuant to paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (“IRPR”). The Officer was not satisfied she had sufficient funds for her studies, nor that she had sufficiently strong or documented family ties to warrant a return to Iran. The Officer also noted that her lack of travel history could be a “gauge” for past compliance with immigration laws.

[3] The issues in this application are whether the officer’s decision is reasonable and was rendered in a procedurally fair manner.

[4] I find that the decision is reasonable. The Principal Applicant did not provide copies of her bank transactions. The Officer was therefore entitled to find that there was a lack of objective evidence to establish the source of the Principal Applicant’s funds (see *Roodsari v Canada (Citizenship and Immigration)*, 2023 FC 970 at para 33). The Applicants’ arguments about other evidence establishing the source and availability of funds is simply an impermissible request for the Court to reweigh the evidence (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 125).

[5] The Officer was also entitled to find, in the context of the decision, that having the Principal Applicant’s immediate family accompany her to Canada would weaken her ties to her home country in Iran (*Zaeri v Canada (Citizenship and Immigration)*, 2024 FC 638 at para 4, citing *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 at para 15). There is nothing in the decision to show, as the Applicants suggest, that the Officer did not consider the

Applicants' other ties in Iran. They have not displaced the presumption that the Officer considered all of the evidence (*Roodafshani v Canada (Immigration, Refugees and Citizenship)*, 2024 FC 595 at para 8 [citations omitted]). They have also not established that the decision is unreasonable (*Vavilov* at para 100).

[6] I also find that the decision was rendered in a procedurally fair manner. The Officer's concerns with the Applicants leaving Canada at the end of the authorized stay and the availability and sufficiency of funds are concerns that arise directly from sections 179(b), 200(1)(b), 216(1)(b), and 220 of the *IRPR*, and there was therefore no procedural obligation to request further evidence (*Sani v Canada (Citizenship and Immigration)*, 2024 FC 396 at para 38 [citations omitted]).

[7] This application for judicial review is dismissed. No question is certified.

JUDGMENT in IMM-3305-23

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.
2. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3305-23

STYLE OF CAUSE: AREZOO KOULAJI, SHAHABALDIN KHOSRAVI
KABIR, AND ARSHAM KHOSRAVI KABIR, BY HIS
LITIGATION GUARDIAN AREZOO KOULAJI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 3, 2024

JUDGMENT AND REASONS: AHMED J.

DATED: JULY 3, 2024

APPEARANCES:

Meghan Cavanaugh FOR THE APPLICANTS

Julie Waldman FOR THE RESPONDENT

SOLICITORS OF RECORD:

Esna Law Professional Corporation FOR THE APPLICANTS
Barrister and Solicitor
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT
Toronto, Ontario