

Federal Court



Cour fédérale

**Date: 20250212**

**Docket: IMM-5083-24**

**Citation: 2025 FC 276**

**Toronto, Ontario, February 12, 2025**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**SAAD UMAR AHMED KHAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(delivered orally from the Bench on February 12, 2025)**

[1] Mr. Khan’s study permit application was refused for three reasons: his “modest academic achievement”, his study progression in light of his professional experience, and the availability of a similar education in his country, Pakistan. All three bases for the decision are unjustified and the decision is therefore unreasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99).

[2] With respect to Mr. Khan's academic performance, the evidence revealed that it was sufficient to earn him a Bachelor of Science in Computer Science, as well as a one-year post-graduate diploma in Pakistan. If the Officer's comments on Mr. Khan's academic performance were intended to cast doubt on his ability to successfully complete his Canadian studies, they disregarded the evidentiary record. As stated by Justice John Norris, "[t]here is no reason to presume that immigration officers have expertise in assessing individuals' prospects for success in a given academic program" (*Patel v Canada (Citizenship and Immigration)*, 2020 FC 517 at para 24).

[3] Furthermore, the Officer's concerns regarding Mr. Khan's current employment were not explained and were not reasonable given Mr. Khan's employment for years in a field consistent with his proposed studies.

[4] Finally, it was not reasonable for the Officer to refuse the application on the basis of similar educational opportunities in Sialkot, Mr. Khan's city, in the absence of any evidence in the record describing these opportunities. Moreover, Mr. Khan provided very detailed information regarding the absence of mobile application development education in Pakistan.

[5] For these reasons, the decision is unreasonable and the application for judicial review is granted.

**JUDGMENT in IMM-5083-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is granted, the decision made on Mr. Khan's study permit application is quashed, and the matter is remitted to a different Officer for redetermination.
2. There is no order regarding costs and no question for certification.

"Michael Battista"

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Judge

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

**DOCKET:** IMM-5083-24

**STYLE OF CAUSE:** SAAD UMAR AHMED KHAN v THE  
MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** FEBRUARY 12, 2025

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** FEBRUARY 12, 2025

**APPEARANCES:**

|                      |                                         |
|----------------------|-----------------------------------------|
| Saad Umar Ahmed Khan | FOR THE APPLICANT<br>(SELF-REPRESENTED) |
| Siobhan Doody        | FOR THE RESPONDENT                      |

**SOLICITORS OF RECORD:**

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|-----------------------------------------------|--------------------|
| Attorney General of Canada<br>Ottawa, Ontario | FOR THE RESPONDENT |
|-----------------------------------------------|--------------------|