Federal Court Cour fédérale

Date: 20250224

Docket: IMM-12428-23

Citation: 2025 FC 357

Ottawa, Ontario, February 24, 2025

PRESENT: The Honourable Mr. Justice Roy

BETWEEN:

AKRAM MOHSENI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Akram Mohseni, seeks this judicial review pursuant to s 72 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA* or *Act*], of a decision made by a visa officer to deny her the study permit she sought.

[2] For the reasons that follow, the application must be dismissed.

I. The Facts

[3] The Applicant was a 41-year-old woman at the time of her application. She is a citizen from Iran. She has worked as a Library and Information Science Specialist since 2015. Prior to that she worked as Director of Library and Document Control Center from 2006 to 2015. She holds a Bachelor of Librarianship from the University of Isfahan which she completed in 2006. She applied for a study permit on June 20, 2023, to attend Dalhousie University for a Master of Information.

[4] The Applicant was accepted at Dalhousie University's Master of Information program on April 20, 2023, with a start date of September 1, 2023, some 18 months ago. Further, she paid her deposit of $200.00 to Dalhousie University on April 17, 2023.

[5] The Applicant explains her reasons for applying to the program in a letter submitted with her application. In this letter, she states that the Master of Information program at Dalhousie University aligns with her career goals, as she has been working as a library and information science specialist since 2015. Moreover, she states that the topics covered, coupled with the practical approach, are not offered by Iranian universities. As became clear during the hearing of this case, her rationale for the study permit is rather short on details.

[6] Her employer also submitted a letter dated March 13, 2023, in support of her decision to attend school in Canada. But the support is limited. In this letter, her employer offered her "a

position" upon her return to Iran following her studies. There is no indication of a promotion in the offing.

[7] The Applicant disclosed a previous application which was denied due to family ties. In that application she included her husband to come to Canada. Thus, in her new application that was before the decision maker in this case, she was the only applicant.

[8] In a letter addressed to Immigration Refugee and Citizenship Canada, undated, the Applicant notes that she cannot defer her admission to a later semester such as the Winter 2024 semester and requests that her claim be heard on a priority basis for the start of term in Fall 2023.

[9] In sum, this Applicant was accepted in late April 2023 into a study program in Canada for the semester starting in September 2023. She applied for a study permit noting that she cannot defer until later. On September 12, 2023, the Officer refused the Applicant's study permit application. The refusal is the decision under review.

II. Decision Under Review

[10] The officer refused the Applicant's study permit for the following reasons:

- I am not satisfied that you will leave Canada at the end of your stay as required by paragraph R216(1)(b) of the IRPR (https://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/ section-216.html). I am refusing your application because you have not established that you will leave Canada, based on the following factors:
- The purpose of your visit to Canada is not consistent with a temporary stay given the details you have provided in your application.

[11] The Global Case Management System [GCMS] provides the articulation of the reasons. The notes are part of the decision (*Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at para 44); they are as follows:

> I have reviewed the application. I have considered the following factors in my decision. The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application. Applicant is applying for a study permit to attend Dalhousie University in Master of Information. The client's previous studies were in an unrelated field. The client's previous employment and educational history demonstrate an inconsistent career progression. Previous university studies in Bachelor of Librarianship. Currently employed as a Library and Information Science Specialist. Client's explanation letter reviewed. PA does not demonstrate to my satisfaction reasons for which the international educational program would be of benefit. Given the PA's previous education and work history, their motivation to pursue studies in Canada at this point does not seem reasonable. ased [*sic*] on the documentation on file to support the applicant's level of economic establishment and considering the purpose of the visit, I do not consider that the proposed studies in Canada is a reasonable or affordable expense. In view of these facts, I am not satisfied that the proposed studies make sense in the context of the applicant's age, language abilities, economic background, prior studies and future plans. Applicant has a letter of support from their employer and guarantee of continued employment upon return. Although the letter states continued employer support it does not articulate in detail the necessity of the international education. The letter from the employer is generic in its details and lists a series of tasks that were/will be performed by the applicant along with positive character attributes. Weighing the factors in this application. I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay. For the reasons above, I have refused this application.

III. Issues and Standard of Review

[12] The only issue raised in this judicial review was whether the decision of the visa Officer to refuse the Applicant’s study permit was reasonable.

[13] Both parties agree that the standard of review applicable to this issue is reasonableness. The Court agrees. The burden is on the applicant to show that a decision is unreasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, [2019] 4 SCR 653 [*Vavilov*] at para 101). 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). The Court must avoid reassessing and reweighing the evidence before the decision maker; a decision may be unreasonable, however, if the decision maker "fundamentally misapprehended or failed to account for the evidence before it": *Vavilov*, above at paras 125-126. The party challenging the decision has the onus of demonstrating that the decision is unreasonable: *Vavilov*, above at para 100.

IV. Parties' Submissions

A. *The Applicant's Submissions*

[14] The Applicant advances four main arguments to demonstrate that the decision by the Officer is unreasonable. These arguments are as follows:

A. The Officer's determination that the benefits of the program are inconsistent with the Applicant's career progression is unreasonable.

B. The Officer's determination that international studies are not necessary is unreasonable.

C. The Officer's concerns with regards to the Applicant's language abilities and age ignores the evidence on the record.

D. The Officer unreasonably rejected the application on the grounds that the Applicant's master's degree is not a reasonable or affordable expense.

[15] First, the decision is unreasonable because the Officer erred in determining that the Applicant failed to demonstrate that the program benefits the Applicant in light of her previous academic and professional experience. Her study permit was refused based on the Officer's opinion that pursuing a Master of Information at Dalhousie University is inconsistent considering the Applicant's previous Bachelor's in Librarianship – Humanities and Social Sciences, her current position as Library and Information Science Specialist, as well as her previous experience as a Director of Library and Document Control Center. Her previous bachelor's degree and her current position directly align with Dalhousie University's Master of Information program. The Officer's finding is incoherent, unjustified, and unfounded considering the Applicant's history, as the Officer does not explain the rationale in support of his conclusion. The Applicant submitted her CV, a study plan, and an employment letter to support her argument.

[16] Furthermore, the Officer failed to engage with her transcripts because it is clear that her previous education is directly related to the master's program she wishes to pursue. Looking at her transcript, the Applicant claims that her undergraduate courses in languages, writing and literature, and information processing demonstrate a link to the master's program. Here, there is reference to *Vavilov* (at paras 100, 127, 128): the more central an argument and the more important the evidence put forward on an issue, the greater the requirement for an officer to address that argument and evidence in their reasons. The evidence submitted contradicts the Officer's conclusion which constitutes a reviewable error.

[17] Second, the Applicant argues that the Officer's determination that her international studies are not necessary is unreasonable; as well the Officer's determination that the employment letter was generic and provided insufficient details concerning the advantages to be gained was unreasonable.

[18] The focus on the necessity of international education puts an undue burden on the Applicant to prove the necessity of her academic endeavours, which the Court has deemed unreasonable, citing *Kajbaf v. Canada (Citizenship and Immigration)*, 2023 FC 1552, at para 11, where the Court states that "Many academic choices, whether made for personal or professional reasons, are not strictly necessary."

[19] The Applicant relied upon *Sefidgar v. Canada (Citizenship and Immigration)*, 2023 FC 1563 at paras 11, 12, stating that the Officer unreasonably considered what the employment letter failed to include, instead of considering the benefit explicitly stated by her employer and in her study plan. Moreover, while the employer did not expressly articulate that she would receive a promotion upon returning to Iran, or a salary increase, it stands to reason that such promotions and raises are likelier given the significant benefits that will come to the company because of her education. Even more, a promotion or salary increase is not a requirement to receive a study permit. The decision goes against the Court's rationale cautioning against officers taking on the role of career counsellors, which contributes to the overall unreasonableness of the decision (*Nia v. Canada (Citizenship and Immigration)*, 2022 FC 1648, at para 27).

[20] Third, the Officer's concerns with regards to the Applicant's language abilities ignore the evidence on the record as her TOEFL score is 111/120. While the visa officer is presumed to consider all the evidence, that presumption can be rebutted when the Officer is silent on contradictory evidence such as her strong TOEFL scores, stating that if noteworthy evidence contradicts their conclusion, the Officer is obligated to explain why they preferred their conclusion over the evidence. Not doing so is a significant reviewable error that is likely to affect the reasonableness of the impugned decision.

[21] Similarly, the Applicant submits that the Officer raises the Applicant's age arbitrarily as a ground for refusal. The Applicant cites *Ohaleta v. Canada (Citizenship and Immigration)*, 2023 FC 963, at para 13, where the Court concluded that it was unreasonable for the Officer to find that the Applicant's proposed course of study was unreasonable given the Applicant's "age" and "career path". In that case, the Applicant was a 47-year-old pastor who wanted to pursue a degree in theology.

[22] Fourth, the Officer unreasonably rejected her application on the grounds that her master's degree is not a reasonable or affordable expense. The Officer ignored the evidence demonstrating that she has ample funds to cover her studies. The Officer did not provide any insight into their analysis, despite the extensive financial documentation on record concerning the availability of financial resources amounting to the sum of $80,198 CAD, attesting to her financial capacity to afford the costs of her proposed academic endeavours. It was incumbent on the Officer to weigh the cost of the academic program against the benefit it would bring the Applicant upon completion of the program and return to her country of residence; and it remains unclear as to

why the Officer concluded that the Applicant's proposed academic journey is not a reasonable expense.

[23] In sum, the Applicant submitted that the requisite level of justification, intelligibility and transparency was not met, which rendered the decision unreasonable as it lacked minimal, personalised, and substantive justification, and is contrary to the Supreme Court's decision in *Vavilov*.

B. *The Respondent's Submissions*

[24] Overall, the Respondent is of the view that the Visa Officer's decision is reasonable.

[25] There is a presumption that the Officer considered all the evidence and does not need to address each piece of evidence in their reasons; the Officer's assessment and findings are reasonable considering the evidence on file. The reasons given by the Visa Officer in the GCMS notes are adequate and sufficient to show that the Officer considered all the evidence and submissions put forward by the Applicant in her application.

[26] It is explained that the refusal of the study permit application is based on the purpose of visit. It is within visa officers' purview and expertise to assess whether an applicant will leave Canada at the end of his/her authorized stay, based on the evidence submitted. In this view, the Visa Officer considered the Applicant's previous studies. Further the Visa Officer noted that the content of the Applicant's employment letter was generic as it mentions a series of tasks and her positive character attributes, but it did not articulate the necessity of the international education.

[27] The Respondent reminds the Court of Justice Gleeson's decision in *Davoodabadi v. Canada (Citizenship and Immigration)*, 2024 FC 85 [*Davoodabadi*], where the Court explained that immigration officers have a certain expertise when assessing applications for study permits and deference is owed to the officers' assessment of the evidence.

[28] In this case the Officer fully weighed and considered the evidence submitted by the Applicant regarding her previous studies, previous and current jobs and foreseeable advantages of international studies. More specifically, while it is conceded that the Officer did not expressly mention having considered the Applicant's transcripts, considering all the evidence on file, the Officer's determinations were reasonable. The evidence does not demonstrate that the Applicant would be promoted at her job; her career progression in comparison to the high costs of international studies make the whole endeavour dubious.

[29] The Respondent submits that it is not that the Visa Officer disregarded the Applicant's knowledge of different languages, or that the Officer negatively factored her age and ignored her proof of financial capacity, but rather that all these factors are considered within the Officer's assessment.

[30] The Respondent asserts that each ground of refusal set out by the Officer is reasonable in light of the facts, and that the findings were open to the Visa Officer to draw from the evidence on file. Thus, the Officer reasonably denied the Applicant's study permit and determined that he is not satisfied that the Applicant will depart Canada at the end of her authorized stay.

V. Analysis

[31] The Court raised with the Applicant at the outset why it would hear this case in view of the apparent mootness of the matter. In *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342 [*Borowski*], the seminal case on the issue, the Court found that there is mootness "when the decision of the court will not have the effect of resolving some controversy which affects or may affect the rights of the parties. If the decision of the court will have no practical effect on such rights, the court will decline to decide the case. This essential ingredient must be present not only when the action or proceeding is commenced but at the time when the court is called upon to reach a decision" (p 353b). There must be a live controversy.

[32] There is no indication that the Applicant benefits from an open-ended acceptance into the program she applied for. The letter of acceptance is specific that she was admitted for the session beginning on September 1, 2023, for a program that typically is completed by full-time students in 20 months or longer. I add that the Applicant had stressed that she needed the study permit to start her studies in September 2023 and that it could not be postponed. It would therefore appear that the Applicant continues legal proceedings to attend a program that was to start 18 months ago.

[33] Hence, it is less than clear what is the practical effect this judicial review application may have: no study permit can be issued for September 1, 2023.

[34] Assuming that the case is moot because a decision will not have the effect of determining the controversy which gave rise to the proceedings, there remains a discretion in the Court to hear and decide the matter. Clearly, there is in this case an adversarial context which remains. We operate in an adversarial system. To the extent there continues to be the necessary adversarial context, a court may decide to hear the case. The *Borowski* Court was also concerned with judicial economy. It is one of the "raisons d'être" of the mootness doctrine. If circumstances are such that it is worthwhile to apply scarce judicial resources, the judicial discretion could be exercised. In the case at hand, the Court did not forewarn the parties and raised the issue *proprio motu*. The Applicant was clearly not in a position to address the issue, nor did the Respondent press the issue. The parties had completed their preparation and this Court had granted leave in spite of the controversy having been extinguished. This factor militates in favour of hearing the case. The third relevant criterion identified by the *Borowski* Court is that a court should be aware that "(p)ronouncing judgments in the absence of a dispute affecting the rights of the parties may be viewed as intruding into the role of the legislative branch" (p 362d). The Court must be sensitive not to depart from its traditional role as the adjudicative branch.

[35] Given the circumstances, the Court was satisfied that the first and second criteria were sufficiently met such that discretion should this time be exercised to deal with the case.

[36] I start the analysis with the "most fundamental principle of immigration law [which] is that non-citizens do not have an unqualified right to enter or remain in Canada" (*Medovarski v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 51, [2005] 2 SCR 539, at para 46). That dictum was merely a reaffirmation articulated in *Canada (Minister of Employment and*

Immigration) v Chiarelli, [1992] 1 SCR 71, at p 733, which itself stems from the common law as articulated in *R v Governor of Pentonville Prison*, [1973] 2 All ER 741, and *Prata v Minister of Manpower and Immigration*, [1976] 1 SCR 375. That fundamental principle translates into "(t)he Government [having] the right and duty to keep out and to expel aliens from this country if it considers advisable to do so" (*Kindler v Canada (Minister of Justice)*, [1991] 2 SCR 779, at p 834).

[37] That fundamental principle applies with significant importance in cases where aliens wish to come to this country to study. To paraphrase, the Government can and should deny study visas if it considers advisable to do so. That must of course be done in accordance with the rule of law.

[38] The legal framework which governs in the circumstances calls for a foreign national who wishes to enter Canada to obtain a visa before entering the country. Section 11 of the *IRPA* allows the issuing officer to conduct an examination after which the officer is to be satisfied that the alien is not inadmissible and meets the requirements of the *IRPA*. It is ss 20(1) which establishes the fundamental requirement according to which must be established by the alien that she will leave the country when the visa expires:

Obligation on entry	**Obligation à l'entrée au Canada**
20 (1) Every foreign national, other than a foreign national referred to in section 19, who seeks to enter or remain in Canada must establish,	**20 (1)** L'étranger non visé à l'article 19 qui cherche à entrer au Canada ou à y séjourner est tenu de prouver :
…	[…]

(b) to become a temporary resident, that they hold the visa or other document required under the regulations and will leave Canada by the end of the period authorized for their stay.	**b)** pour devenir un résident temporaire, qu'il détient les visa ou autres documents requis par règlement et aura quitté le Canada à la fin de la période de séjour autorisée.

[39] Thus, it is for the foreigner to bear the burden to "establish" (in French "tenu de prouver", a significant burden as evidence appears to be required) that she will leave the country. Statements and affirmations may not prove sufficient. An applicant must connect the dots, make a demonstration that will convince. Litigants often seek to flip the burden on its head by arguing that it is for the respondent to explain why they are of the view that an applicant will not leave the country. On the contrary, the onus is on the applicant to establish they will leave Canada; they must bring sufficient evidence, and not rely on generic statements and then challenge the decision because it will not satisfy their taste for precision. If there is to be precision, it starts with the applicant.

[40] The issuance of study permits is further governed by the *Immigration and Refugee Protection Regulations* (SOR/2002-227). It is Part 12, Division 3 which finds application. There is again the requirement that the person will leave the country. That shows how central the issue is. Subsection 216(1) states:

Study permits	**Permis d'études**
216 (1) Subject to subsections (2) and (3), an officer shall issue a study permit to a foreign national if, following an examination, it is	**216 (1)** Sous réserve des paragraphes (2) et (3), l'agent délivre un permis d'études à l'étranger si, à l'issue d'un

established that the foreign national	contrôle, les éléments suivants sont établis :
(a) applied for it in accordance with this Part;	**a)** l'étranger a demandé un permis d'études conformément à la présente partie;
(b) will leave Canada by the end of the period authorized for their stay under Division 2 of Part 9;	**b)** il quittera le Canada à la fin de la période de séjour qui lui est applicable au titre de la section 2 de la partie 9;
(c) meets the requirements of this Part;	**c)** il remplit les exigences prévues à la présente partie;
(d) meets the requirements of subsections 30(2) and (3), if they must submit to a medical examination under paragraph 16(2)(b) of the Act; and	**d)** s'il est tenu de se soumettre à une visite médicale en application du paragraphe 16(2) de la Loi, il satisfait aux exigences prévues aux paragraphes 30(2) et (3);
(e) has been accepted to undertake a course or program of study at a designated learning institution and, in the case of a designated learning institution that is a post-secondary institution, that designated learning institution has provided the confirmation referred to in paragraph 222.1(1)(a) to the Minister in accordance with that paragraph, subject to any extension granted under subsection 222.1(2).	**e)** il a été admis à un cours ou à un programme d'études offert par un établissement d'enseignement désigné et, dans le cas d'un établissement d'enseignement désigné postsecondaire, ce dernier a fourni au ministre la confirmation prévue à l'alinéa 222.1(1)a), conformément aux modalités qui y sont prévues, sous réserve de toute extension accordée en vertu du paragraphe 222.1(2).

[41] My colleague Mr. Justice Gleeson has recently encapsulated usefully principles governing the exercise of authority by officers tasked with conducting the examination referred

to and making decisions on whether or not an applicant has established that she will leave the country. I reproduce paragraphs 9 and 11 from *Davoodabadi*:

> [9] In considering applications to study in Canada, section 216 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] requires that the Officer be satisfied the evidence has established that the claimant will leave Canada at the end of their stay (*Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 at para 9 [*Chhetri*]; *Hashem v Canada (Citizenship and Immigration)*, 2020 FC 41 at para 31). The burden is on the person applying for the study permit to demonstrate that they will leave Canada once their visa expires (*Jalilvand v Canada (Citizenship and Immigration)*, 2022 FC 1587 at para 11 [*Jalilvand*]; *Zhang v Canada (Citizenship and Immigration)*, 2022 FC 1679 at para 6). More generally, the onus is on the claimant to provide sufficient evidence to demonstrate that the requirements of the IRPA and IRPR have been satisfied (*Omijie v Canada (Citizenship and Immigration)*, 2018 FC 878 at para 10; *Bestar v Canada (Citizenship and Immigration)*, 2022 FC 483 at para 12 [*Bestar*]). An Officer will be required to issue a study permit where it is established that the requirements of section 216 of the IRPR have been satisfied.
>
> […]
>
> [11] Officers are to be given a high degree of deference by reviewing courts (*Momi v Canada (Citizenship and Immigration)*, 2013 FC 162 at para 26; *Chhetri* at para 9; *Jalilvand* at para 11; *Bestar* at para 13). Decisions need not provide comprehensive reasons – they can be brief or limited (*Barril v Canada (Citizenship and Immigration)*, 2022 FC 400 at para 12, *Groohi v Canada (Citizenship and Immigration)*, 2009 FC 837 at para 16). An officer's reasons can be sparse, as long as they provide insight into the chain of analysis and outcome of the decision (*Iyiola v Canada (Citizenship and Immigration)*, 2020 FC 324 at para 18; *Shah v Canada (Citizenship and Immigration)*, 2020 FC 448 at para 21).
>
> [Our emphasis]

[42] I have reproduced at paragraph 11 herein the reasons given for denying the study permit. The Officer was not satisfied that the Applicant had discharged her burden of establishing that

she will leave the country by the end of the period authorized for the stay. Both the *Act* and its regulations made the point vividly. In the performance of their duties, reviewing courts will show significant deference as long as the reasons provide insight into the chain of analysis and its outcome. That is evidently in line with the guidance in *Vavilov*, when the Court identifies the two types of fundamental flaws which can make a decision unreasonable: the failure of rationality internal to the reasoning process and a decision that is untenable in view of the relevant factual and legal constraints (paras 99 to 101).

[43] The reviewing court is tasked with developing an understanding of the reasoning that led to the decision under review in order to assess whether it is as a whole reasonable (para 85). Given that the reviewing court is instructed to follow the principle of judicial restraint (para 13) and adopt an appropriate posture of respect (para 14), deference will follow if serious shortcomings have not been identified. The reasonableness standard does not call for the reviewing court to decide the case on its merits, making the decision that, in its view, should have been made (para 83).

[44] Having reviewed the reasons as a whole, there have not been fundamental flaws or serious shortcomings that have been identified.

[45] What is the decision about? As I have tried to explain during the hearing of this application, fundamentally the decision is about a cost/benefit analysis. The Applicant wants to come to Canada to study in an area that is not shown as being complementary to her past studies and the 18 years of experience she has gathered as a librarian. The costs associated with these

studies are not insignificant. The letter of admission to the program speaks of an international tuition fee of close to $17,000/year. Books and supplies are pegged at $2,700/year. Residence (with meal plan) would be $12,000-$15,000. On top of that, the opportunity cost, in the form of salary forgone would be around $30,000 per year.

[46] What is the expected return on these expenses? A laconic letter from the Applicant's employer offering her a position when she comes back to Iran, without any indication of a promotion or an increase in salary, is all that is available on this record. Indeed, the letter simply notes the "confidence that the experience and expertise she will gain in Canada will provide significant benefits to our company".

[47] The "study plan" is not of much assistance to the Applicant either. It provides generalities about the program. We read: "This program will allow me to deepen my knowledge in the underlying disciplines of information science and significantly shorten my learning curve" (AR, p 72). The Applicant also claims that the program will make her more competitive. There is only a vague reference to some courses without any indication of how these connect with the Applicant's experience and expertise, or how that makes her competitive in whatever labour market she would be involved.

[48] That will explain the skepticism of the decision maker: "The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application". In more prosaic terms, the case has not been made out that the Applicant will leave. The decision maker does not see the connection between the program and her past studies,

something that would assist in understanding why spending tens of thousands of dollars in tuition fees and living expenses in Canada, and forgoing more than $60,000 in salaries, is reasonable. The decision maker declares that the proposed studies in Canada are not a reasonable or affordable expense: it is not known how the international educational program would be of benefit to the Applicant. In other words, the cost/benefit analysis is deficient. That connects back to the purpose of the visit: why would someone spend upwards of $100,000 to come to study in Canada in a field not shown to be connected closely to her employment when the employer does not support the Applicant other than writing a letter indicating that she will get her employment back.

[49] The Applicant must establish that she will leave Canada. It is her burden: she must satisfy the decision maker that the motivation to come to Canada is reasonable. The decision maker summarizes the decision:

> In view of these facts, I am not satisfied that the proposed studies make sense in the context of the applicant's age, language abilities, economic background, prior studies and future plans.

[50] The Applicant had to satisfy the decision maker with a record showing that she will return to her country of nationality. It is her duty to make the demonstration; it is not sufficient that, after the fact, she claims that there may have been a nugget in the material, nugget that she has not herself identified. At this stage she must satisfy the reviewing court that the decision is itself unreasonable. With respect, the Applicant has failed to do so.

[51] The lack of precision found in the record renders the demonstration less than convincing. Stating something is different than demonstrating it. Similarly, it is claimed that it was

unreasonable for the decision maker to conclude that the study program is not a reasonable or affordable expense. The Applicant focuses on financial resources that are available. However, when read as a whole, the reasons are not about financial resources being available. It is rather the cost/benefit analysis which makes the decision maker conclude, on this record, that spending upwards of $50,000 to come to Canada, and forgo more than $60,000 in salaries, without any support from the employer other than to get her old job back, is not much of a benefit. The reviewing court does not need to conclude that the decision maker was correct, it suffices that the decision be reasonable.

[52] Finally, the Applicant contends that it was unreasonable for the Officer to determine that the international studies were not “necessary” and to consider language abilities and the age of the Applicant. With respect, I disagree.

[53] First, the use of “necessity”. The context in which the word is used counts. Speaking of the employer’s letter, the decision maker simply states that the letter “does not articulate in detail the necessity of the international education”. That is rigorously true. Indeed, the employer does not support the Applicant and it certainly does not make any promise of a future reward. Why would someone spend significant resources to study abroad when there is no identified benefit other than speculation?

[54] Second, I fail to see how the reference to the age of the Applicant at the time (41 years old) is not a relevant consideration. At that age, a person is usually at her peak earning years. Hence, we are not considering someone twenty years younger who has a clear benefit in earning

a master's degree. A decision maker must be satisfied of the most fundamental principle of immigration law: a foreigner does not have an unqualified right to enter the country. Canada has the right and duty to keep out foreigners if it finds advisable to do so. That task is given to visa officers, among others; they must assess cases to determine if foreigners will leave the country once the period for the visa expires. It is doubtful that the age of a person can be determinative. But it is relevant where the cost/benefit analysis is germane to the decision. There will be circumstances where the age factor will be negligible and it may even be possible that giving too much weight to that one factor would be unreasonable. That is not the case here. At the very least, the decision maker cannot be faulted for having factored in the age of an applicant in view of the totality of the circumstances. The decision maker did not dwell on the age. It was mentioned.

[55] As for the language abilities of the Applicant, counsel took issue with the reference in passing to it in the decision. As I understand the argument, the Applicant suggests that the decision maker ought to have studied transcripts from university days when the Applicant followed multiple language courses. There was also reference to TOEEL IBT English test results. It is unknown on this record what is the value of those tests. But at any rate, this is much ado about nothing. Not only this does not constitute a serious shortcoming, but this constitutes a "line-by-line treasure hunt" (*Vavilov*, para 100-102) which does not carry a finding of unreasonableness. Reasonableness is not "a line-by-line treasure hunt for error".

VI. Conclusion

[56] As a result, the judicial review application is dismissed. There is no question for certification pursuant to s 74 of the Act. The parties have been canvassed to that effect and the Court concurs that there is no such question.

JUDGMENT in IMM-12428-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and

2. There is no question to be certified pursuant to s 74 of the *Immigration and Refugee Protection Act*.

"Yvan Roy"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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