

Federal Court



Cour fédérale

Date: 20250328

Docket: IMM-23541-24

Citation: 2025 FC 574

Ottawa, Ontario, March 28, 2025

PRESENT: The Honourable Mr. Justice Régimbald

BETWEEN:

YASNA BISTA

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Simplified Procedure-Study Permit Pilot Project)

[1] Ms. Yasna Bista [Applicant] seeks judicial review of a Visa Officer's [Officer] refusal to grant her a student visa. She is a citizen of Nepal who wanted to enroll in Centennial College in Toronto, Ontario, in order to pursue studies in a two-year nursing program.

[2] The key reasons for the Officer's refusal are that:

- Her studies were supported by family members, but there was insufficient third-party, credible, and verifiable documentary evidence of employment/business income and/or any other source(s) of funds on file;
- The Officer was not satisfied that the Applicant had sufficient and readily available financial resources to support herself during the proposed period of study, without working in Canada;
- The Applicant had not sufficiently substantiated how the intended program was beneficial and would lead to a career progression;
- The Officer was not satisfied that the Applicant would depart Canada at the end of the period authorized for her stay.

[3] The only issue in this case is whether the Officer's decision is reasonable. 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" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [*Vavilov*]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 8 [*Mason*]). To avoid judicial intervention, the decision must bear the hallmarks of reasonableness—justification, transparency and intelligibility (*Vavilov* at para 99; *Mason* at para 59). A decision may be unreasonable if the decision maker misapprehended the evidence before it (*Vavilov* at paras 125–126; *Mason* at para 73).

[4] In this case, the Applicant submits that the Officer failed to consider evidence that she had provided tax clearances certificates, property evaluation reports, an approved educational bank loan and bank statements from multiple financial institutions.

[5] I agree with the Applicant.

[6] While visa officers are not required to provide exhaustive reasons on each factor, this does not relieve them from the need to address evidence that contradicts important aspects of their decision (*Mahdavi v Canada (Citizenship and Immigration)*, 2024 FC 629 at para 19; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC), [1998] FCJ No 1425; *Rezaei v Canada (Citizenship and Immigration)*, 2025 FC 462 at para 9 [*Rezaei*]). In this case, the Applicant provided evidence of an existing bank loan equivalent to more than \$62,000 CAD to cover the Applicant's studies and that was already fully disbursed for her benefit. The Officer provided no adequate reasons as to why that evidence was not sufficient for the Applicant to discharge her burden to demonstrate that she had sufficient funds, along with the other financial evidence provided, for her studies in Canada.

[7] I also note that the Officer opined that the Applicant did not sufficiently substantiate "how the intended program is beneficial and will lead to a career progression." With respect, the Applicant is 19 years of age. She is entitled to choose her future career and to take any measures she deems appropriate to achieve her goals. Any decision in relation to studies at that age can only lead to "career progression," as opposed to when more mature students wish to pursue studies in Canada in a subject-matter for which they already have equivalent qualification, or when a promise of employment or promotion in the home country does not require the diploma for which an Applicant wishes to come to Canada (*Rezaei* at para 11; see also *Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 at para 30; *Borji v Canada (Citizenship and Immigration)*, 2023 FC 339 at para 17; *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 at para 12; *Mohseni v Canada (Citizenship and Immigration)*, 2025 FC 357 at paras 6, 11, 26, 28, 46, 48, 51, 53). In this case, the Applicant explained that the competition to become a nurse in Nepal is

important, and that the completion of a nursing program abroad would distinguish herself from others. The Officer's reasons on the "career progression" of the Applicant are therefore unreasonable.

[8] For these reasons, Ms. Bista's application for judicial review is granted.

[9] There is no question of general importance for certification.

JUDGMENT in IMM-23541-24

THIS COURT'S JUDGMENT is that:

1. Leave to bring the application for judicial review is granted;
2. The application for judicial review is granted;
3. The decision is quashed and set aside, and the matter is remitted back for reconsideration by a different Officer;
4. There is no question of general importance for certification.

“Guy Régimbald”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-23541-24

STYLE OF CAUSE: YASNA BISTA v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

**SUBMISSIONS ON STUDY PERMIT PERFECTED LEAVE APPLICATION
CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO SECTION 72 OF THE
*IMMIGRATION AND REFUGEE PROTECTION ACT***

JUDGMENT AND REASONS: RÉGIMBALD J.

DATED: MARCH 28, 2025

WRITTEN REPRESENTATIONS BY:

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