

Federal Court



Cour fédérale

**Date: 20250822**

**Docket: IMM-10882-25**

**Citation: 2025 FC 1408**

**Ottawa, Ontario, August 22, 2025**

**PRESENT: The Honourable Mr. Justice Gleeson**

**BETWEEN:**

**AHMAD SHUHAIB ABDUL SAMAD**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Simplified Procedure-Study Permit Pilot Project)**

[1] This is an application under the Study Permit Pilot Project on behalf of the Applicant pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, for leave to commence an application for judicial review of a decision of an Officer with Immigration, Refugees and Citizenship Canada [Officer] dated May 6, 2025, refusing the Applicant's study permit application.

[2] Leave to commence the application for judicial review is granted. For the reasons that follow, I also grant the judicial review application.

[3] On judicial review, the Court's role is to determine whether the officer's decision is reasonable in light of facts and law that constrain the decision maker, and to assess – within the decision making context – whether the process was fair (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 77, 85 [*Vavilov*]).

[4] The Applicant, a citizen of Afghanistan, resides in Kuwait. He was denied a study permit, the Officer concluding that the purpose of the visit to Canada was not consistent with a temporary stay. The relevant portion of the Officer's Global Case Management System [GCMS] notes state:

Given country conditions prevalent in Afghanistan including widely documented human rights abuses, not satisfied that purpose of client is temporary and that client would return to Afghanistan or current country of residence should a Study Permit be issued. Refused per R216.

[5] The Applicant submits that the Officer's decision is unreasonable. The refusal is based on generalized concerns regarding country conditions in Afghanistan without engaging with the evidence demonstrating that the Applicant resides in Kuwait and intends to return to Kuwait. I agree.

[6] The Officer states he is not satisfied the Applicant will return to either Afghanistan or his "current country of residence." The brief reasons set out in the GCMS notes disclose a logical and transparent rationale – country conditions prevalent in Afghanistan – that justify the

Officer's conclusion as it relates to Afghanistan. However, the notes are silent as to the Officer's rationale for concluding the Applicant would not return to the current country of residence, Kuwait.

[7] The Officer's decision is to be considered holistically and in light of the record. Doing so in this case highlights the Officer's failure to satisfy the *Vavilov* reasonableness standard. The evidence, which the Officer takes no issue with, indicates the Applicant has resided in Kuwait since at least 2014, that his immediate family all reside in Kuwait, and discloses that the Applicant expresses a clear intent to return to Kuwait where he is established.

[8] It was open to the Officer to engage with the evidence relating to the Applicant's establishment in Kuwait and provide some justification for rejecting it or preferring contrary evidence. The Officer has not done so.

[9] The Respondent argues that a decision maker benefits from the presumption that all evidence has been considered. While this is so, the presumption cannot save a decision lacking in the core attributes of a reasonable decision – justification, transparency, and intelligibility (*Vavilov* at para 86).

[10] I am satisfied that the Applicant has demonstrated the decision is unreasonable. The application for judicial review is granted. No question for certification arises.

**JUDGMENT IN IMM-10882-25**

**THIS COURT’S JUDGMENT is that:**

1. Leave is granted to commence the application for judicial review.
2. The judicial review application is granted.
3. The matter is returned for redetermination by a different decision maker.
4. No question is certified.

“Patrick Gleeson”

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Judge

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

**DOCKET:** IMM-10882-25

**STYLE OF CAUSE:** AHMAD SHUHAIB ABDUL SAMAD 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:** GLEESON J.

**DATED:** AUGUST 22, 2025

**WRITTEN REPRESENTATIONS BY:**

Karunvir Samra FOR THE APPLICANT

Heather Kennedy FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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