

Federal Court



Cour fédérale

Date: 20250829

Docket: IMM-2913-24

Citation: 2025 FC 1444

Ottawa, Ontario, August 29, 2025

PRESENT: The Honourable Mr. Justice Régimbald

BETWEEN:

ZHINASADAT SIMAROUK

Applicant

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Zhinasadat Simarouk [Applicant] seeks judicial review of a visa officer's [Officer] refusal to grant them a student visa [Decision]. The Applicant is a 21-year-old citizen of Iran who applied for a student permit to study for a Bachelor of Arts in Individualized Studies: Hospitality and Tourism Management at Fairleigh Dickinson University in British Columbia.

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

- The Applicant does not have significant family ties outside of Canada;
- The purpose of the visit is not consistent with a temporary stay;
- The Applicant's plan of study and documentation provided in support of their financial situation does not demonstrate that the funds would be sufficient or available for the program of study. The evidence of funds that are stated as completely available, transferable and unencumbered by debt or other obligations are associated with assets such as vehicles, rental properties, or potential income;
- The employment letter in support makes no mention of a promotion or need for international studies.

[3] The main 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] On the issue of procedural fairness, the role of a reviewing court is to determine whether "the applicant knew the case to meet and had a full and fair chance to respond" (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 55-56 [*Canadian Pacific Railway*]). The Court thus conducts a "reviewing exercise... 'best reflected in the

correctness standard’ even though, strictly speaking, no standard of review is being applied” (*Canadian Pacific Railway* at para 54).

[5] In this case, the Applicant submits that the Officer breached their right to procedural fairness in failing to allow them to respond to the Officer’s concerns regarding their application. The Applicant also submits that the Officer’s decision is unreasonable because the reasons offered for the Decision are contradicted by the evidence provided in the Applicant’s application materials.

[6] On the issue of procedural fairness, an applicant bears the onus of providing an officer with all relevant documentation to support their case and to satisfy the officer that they will not remain in Canada once their visa has expired (*Aghvamihamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 at para 11 [*Aghvamihamoli*]; *Kolawole v Canada (Citizenship and Immigration)*, 2024 FC 2032 at para 6 [*Kolawole*]). An applicant always has the onus to “put their best foot forward” and provide all necessary information in support of their application. There is no obligation on an officer to notify an applicant of the weaknesses in their application, by way of a fairness letter, if an applicant has not met their burden to obtain a student visa and leave Canada at the end of their authorized stay (*Aghvamihamoli* at paras 19–20). The issue in this case is not one of credibility, but of sufficiency of evidence. In such circumstances, there is no duty to provide an applicant with an additional opportunity to substantiate their application.

[7] On the Applicant’s argument that the Officer failed to provide adequate reasons relating to contradictory evidence, I disagree.

[8] In the context of a decision relating to a student visa, reasons will normally be brief because of the important volume of requests being made (*Hajiyeva v Canada (Citizenship and Immigration)*, 2020 FC 71 at para 6; *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175 at para 15 [*Ocran*]; *Lingepo v Canada (Citizenship and Immigration)*, 2021 FC 552 at para 13). The decision in such context must be read in light of the record that was before the decision maker, including the evidence and the arguments of the parties.

[9] In my view, the Officer's reasons to refuse the Applicant's study permit are sufficiently intelligible, transparent and justified. Having read their considerations as a whole, the Officer's reasoning justify the conclusion that the Applicant failed to demonstrate that they would leave Canada at the end of the period authorized for their stay.

[10] On the issue of family ties specifically, even if the Officer's decision is unreasonable in relation to the Applicant's lack of significant family ties outside of Canada (which is not the case), the error does not vitiate the overall decision, as this potential error is not determinative nor responsive to the Applicant's failure to provide sufficient evidence of financial resources. That sole consideration is sufficient to justify the Officer's decision to refuse the Applicant's application for a study permit (*Aghvamiyamoli* at para 36; *Ocran* at para 48; *Kolawole* at para 10; *Mohammadhosseini v Canada (Citizenship and Immigration)*, 2024 FC 848 at paras 31–32; *Mohammadi v Canada (Citizenship and Immigration)*, 2024 FC 598 at 21). This shortcoming is not sufficient for the Court to lose confidence in the outcome reached (*Vavilov* at paras 122, 194).

[11] On the issue of adequate funding for the studies, when the funds required to pursue studies in Canada originate partly from a sponsor, evidence of financial capacity from the sponsor and a letter of support of that person (including employment letter, bank statements, proof of real estate property, etc.) is necessary to demonstrate an applicant's financial support (*Aghvamihamoli* at paras 28–29; see also *Noulengbe v Canada (Citizenship and Immigration)*, 2021 FC 1116 at paras 17–18; *Rezaei v Canada (Citizenship and Immigration)*, 2025 FC 462 at paras 13–14 [*Rezaei*]). Moreover, it is always preferable that financial information, including banking statements, be provided on a long-term period, to allow the officer to properly assess an applicant's true financial situation. Nevertheless, an officer must not only look at an applicant's bank account, but also conduct a more detailed and fulsome analysis about the source, origin, nature, and stability of these funds to determine if the applicant is able to defray the cost of their stay in Canada for the duration of their studies (*Aghvamihamoli* at para 29; *Rezaei* at para 14).

[12] In this case, the Officer's conclusion that the Applicant did not provide sufficient evidence of financial capacity to complete her studies is reasonable. There is no letter of support from the Applicant's father, and the bank statements are not sufficiently detailed nor of a sufficient period (for example 6 months as requested in the publicly available Temporary Resident Visa Instructions for the region) to establish the Applicant's (or their father's) financial capacity and proof of assets. Moreover, there is no evidence that the disclosed assets allow the father to derive income, and there is therefore no evidence of the stability and availability of his income for the Applicant (*Aghvamihamoli* at para 28; *Bawa v Canada (Citizenship and Immigration)*, 2024 FC 1605 at para 9).

[13] Finally, pursuant to section 220 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227, an officer shall not issue a study permit unless the applicant has sufficient and available financial resources, without working in Canada, to pay the tuition fees and to maintain themselves for the duration of the study program. While the Minister's Operational Instructions and Guidelines – Study Permits: Assessing the Applications (<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/study-permits/assessing-application.html>) [Guidelines] suggest that an officer has discretion to accept and may be satisfied with the appropriate proof for only the first year of studies, officers are not bound by that Guidelines (*Sani v Canada (Citizenship and Immigration)*, 2024 FC 396 at paras 25-26). In this particular case, the study program was for a duration of three years at a cost of over \$28,000 CAN per year. The Applicant also explained in her letter detailing her financial capability that an average of 20,000\$ CAN per year was necessary for her living expenses. However, the bank accounts and assets included in the record demonstrate that the Applicant and her father do not possess finances of that amount.

[14] In the circumstances, having considered the evidence as a whole, the Officer reasonably concluded that the Applicant failed to demonstrate sufficient financial capacity to pursue the program of study.

[15] For these reasons, the Applicant's application for judicial review is dismissed.

II. Conclusion

[16] The application for judicial review is dismissed; and there is no question of general importance for certification.

JUDGMENT in IMM-2913-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question of general importance for certification.

"Guy Régimbald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2913-24

STYLE OF CAUSE: ZHINASADAT SIMAROUK v MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VANCOUVER (BRITISH COLUMBIA)

DATE OF HEARING: AUGUST 28, 2025

JUDGMENT AND REASONS: RÉGIMBALD J.

DATED: AUGUST 29, 2025

APPEARANCES:

Ramanjit Sohi	FOR THE APPLICANT
Maddie Thomas (Articling Student) Jocelyne Mui	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Raman Sohi Law Corporation Barristers and Solicitors Vancouver (British Columbia)	FOR THE APPLICANT
Attorney General of Canada Vancouver (British Columbia)	FOR THE RESPONDENT