

Federal Court



Cour fédérale

Date: 20250909

Docket: IMM-8144-25

Citation: 2025 FC 1485

Toronto, Ontario, September 9, 2025

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

KULVIR KAUR

Applicant

and

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS
(Simplified Procedure-Study Permit Pilot Project)

UPON APPLICATION BY THE Applicant for leave and for judicial review if leave is granted, of a study permit decision the details of which are in the record, and upon first of all determining that leave should be granted as an arguable case has been made out, and upon then considering the short submissions of the parties (limited to 400 words) as set out below in full, and concluding that judicial review should be granted for the following reasons:

[1] The Applicant submits that Mrs. Kulvir Kaur demonstrated a clear, genuine, and well-reasoned intent to pursue higher education in Canada by enrolling in the Master of Education - Education in Leadership program at City University. Her academic and professional aspirations align with this program, which offers a unique emphasis on leadership in educational settings which is a position field with limited availability and practical orientation in India. While similar programs exist locally, they predominantly follow theoretical curriculum and lack the experiential learning, diversity exposure, and global perspective offered by Canadian institutions.

[2] The Applicant's rationale to invest in an international education is not merely aspirational but strategic approach to acquire globally valued leadership training to contribute meaningfully upon return to India, particularly in administrative roles in educational institutions.

[3] The visa officer's concern regarding finances, the Applicant has paid CAD 19,330 toward her first-year tuition and GIC of CAD 20,635.64 as her husband is completely supporting her. *Eshun v Canada*, 2025 FC 1211. Additionally, her husband, who is the owner of M/S Punjab Glass House, has shown proof of substantial financial stability INR 6,07,194.66 (CAD 9,697.60) in personal liquid savings, INR 90,884.74 (CAD 1,451.53) in business savings, and fixed deposits totaling INR 5,93,268 (CAD 9,475.17). These funds amount to more than CAD 19,000 for support, excluding his annual income of INR 5,81,320 (CAD 9,284.35) all of which were submitted in the joint application. This collectively demonstrates their capacity to fully support her education and living costs without relying on public funds.

[4] The refusal reason about “not sufficiently established financially” fails to consider the totality of financial documentation and misjudges the applicant’s genuine educational intent. Her husband’s financial contribution, documented earnings, and assets are more than adequate to support both applicants during their temporary stay: *Etwaroo v Canada* 2021 FC 1160.

[5] Finally, the Applicant has strong ties to India, including in-law family, parents and well-prepared career plan, ensuring her motivation to return post-study. Her study goal is short-term and clearly temporary. The refusal violated procedural fairness since the officer failed to offer the applicant a chance to address financial or credibility concerns despite sufficient evidence provided. *Sahi v Canada (Citizenship and Immigration)* 2022 FC 1735.

[6] The Respondent submits in response that the Officer refused the Applicant’s study permit application on the basis of insufficient funds and study plan. The Officer was not satisfied that the Applicant will leave Canada by the end of their authorized stay (GCMS Notes, Certified Tribunal Record [CTR], pp 4-5).

[7] It is open for the Officer to consider whether there are adequate funds for the entirety of the Applicant’s proposed studies: *Ibekwe v Canada (MCI)*, 2022 FC 728 at paragraph 29 [*Ibekwe*]. The letter of acceptance states the Applicant requires tuition fees of \$20,410 to \$28,260 for each year of the two-year program (CTR, p 23). In addition, the required amount of funds per year for one person for the purpose of applying for a study permit is \$20,635: Study permit: Get the right documents - Proof of financial support - Canada.ca. The Applicant’s limited

financial documents, being her GIC and tuition receipts (CTR, pp 23-24, 39), demonstrate that she has paid \$19,330 in tuitions and has a GCI of \$20, 635.64.

[8] The Officer reasonably concluded that the evidence failed to demonstrate sufficient funds to fully cover the Applicant's education and living expenses for the proposed studies. Per Section 220 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227, the Officer "shall not" issue a study permit when there was insufficient funds. A finding that the Officer's conclusion on insufficient funds is reasonable would conclude the present case: *Ibekwe, supra* at paragraphs 31-32. The Applicant referenced to additional financial documents including funds in her husband's name in her arguments, but she failed to identify their existence in the CTR. It is not proper to rely on evidence that was not before the Officer.

[9] The Officer's finding with respect to the Applicant's study plan is also reasonable. As noted by the Officer, apart from aspiration to seek quality Canadian education, the Applicant provided insufficient explanation to justify pursuit of international studies at a significantly higher cost. In light of the Applicant's financial evidence, it is reasonable for the Officer to expect sufficient explanation from the Applicant as to how the intended program will benefit her and is justified in her circumstances: *Binu v Canada (MCI)*, 2021 FC 743 at paragraph 14. Indeed, the Applicant provided additional submissions to justify the proposed international studies in her arguments, but such submissions were not before the Officer.

[10] There is no breach of procedural fairness. When an officer's decision is based on the sufficiency of the evidence or an applicant's failure to meet the statutory requirements, the

officer does not own the applicant an opportunity to respond: *Zeinali v Canada (MCI)*, 2022 FC 1539 at paragraph 24. This is the case here.

[11] For the reasons set out above, the decision is reasonable and the application for leave and judicial review should be dismissed.

[12] The Applicant in reply submits that the Applicant had arranged her first-year tuition and living expenses in compliance with New Delhi Checklist and financial according to the Immigration, Refugees and Citizenship Canada [IRCC] Website. Her University Letter of Acceptance, based on a credit-based fee structure, confirms that the payment of \$19,330 met its admission requirements. The University would not have issued the letter without these conditions being satisfied. The Officer did not specify or quantify any alleged shortfall. IRCC requires proof of funds for one year's tuition and living costs worth CAD 20,635.64, which the Applicant provided. She is also permitted to work part-time in Canada, further ensuring self-sufficiency. *Ejevuvor v Canada (Citizenship and Immigration)*, 2024 FC 2054 The Applicant's husband's funds were part of the original joint application, not newly introduced evidence. Her choice to study in Canada reflects a desire for international exposure and career growth in India, not to overstay. *Khorasgani v Canada (Immigration, Refugees and Citizenship)*, 2023 FC 1581 If the visa officer had provided the Applicant with an opportunity to address concerns regarding her finances or purpose of study, these issues could have been clarified at the beginning. Failure to do so constitutes a breach of procedural fairness. *Tan v Canada (Citizenship and Immigration)*, 2012 FC 1079.

[13] In my respectful view, the application for judicial review should be granted because I am not persuaded it was justified, i.e., that it was reasonable, to ignore the husband's contribution given it is not disputed the Applicant and her husband filed a joint application in which the Applicant made specific references to and they obviously intended his situation to be considered along with her submissions.

[14] The record discloses her husband would cover all the Applicant's living and educational expenses while she is a student in Canada. The Applicant paid CAD 19,330 toward her first-year tuition and has a GIC of CAD 20,635.64. Additionally, her husband, who is the owner of M/S Punjab lass House and participated in this joint application, is said to have shown in his application proof of his financial stability INR 6,07,194.66 (CAD 9,697.60) in personal liquid savings, INR 90,884.74 (CAD 1,451.53) in business savings, and fixed deposits totaling INR 5,93,268 (CAD 9,475.17). These funds amount to more than CAD 19,000 for support, excluding his annual income of INR 5,81,320 (CAD 9,284.35) all of which were submitted in the joint application. This information should have been but was not considered even though it was very specifically referred to in the Applicant's portion of their joint submissions.

[15] There is no need to discuss procedural fairness.

[16] No question was posed for certification and none arises.

JUDGMENT in IMM-8144-25

THIS COURT'S JUDGMENT is that:

1. Leave to apply for judicial review is granted.
2. The Application for judicial review is granted, the decision is set aside, and the matter is remanded for reconsideration by a different decision-maker in respect of which the Applicant may file additional information.
3. No question of general importance is certified.
4. There is no Order as to costs.

"Henry S. Brown"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8144-25

STYLE OF CAUSE: KULVIR KAUR v 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: BROWN J.

DATED: SEPTEMBER 9, 2025

WRITTEN REPRESENTATIONS BY:

Kulvir Kaur

FOR THE APPLICANT
(ON HER OWN BEHALF)

Yan Wang

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Attorney General of Canada
Edmonton, Alberta

FOR THE RESPONDENT