

Federal Court



Cour fédérale

Date: 20250915

Docket: IMM-8834-24

Citation: 2025 FC 1521

Ottawa, Ontario, September 15, 2025

PRESENT: Madam Justice McDonald

BETWEEN:

VIRAJ PATHAK

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Viraj Pathak, seeks judicial review of the decision of Immigration, Refugees and Citizenship Canada (IRCC) refusing an extension of his study permit. The refusal was made under ss 16(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] because Mr. Pathak failed to submit an official transcript as requested by the Officer.

[2] Mr. Pathak is a citizen of India who came to Canada on a study permit to study at Pacific Link College. That permit expired on September 30, 2023. In the meantime, Mr. Pathak switched to study at Coquitlam College. On September 26, 2023, he applied to extend his study permit until May 31, 2025.

[3] On November 1, 2023, IRCC requested that Mr. Pathak provide several documents, including official transcripts for all studies in Canada, by November 8, 2023. Mr. Pathak submitted an official transcript for Pacific Link College and an unofficial transcript for Coquitlam College.

[4] On November 23, 2023, IRCC refused his request for a study permit extension.

I. Preliminary issue

[5] As a preliminary issue, I note that Mr. Pathak's Affidavit and Application Record include documents and evidence related to a reconsideration request. However, this information was not before the Officer who made the November 23, 2023 decision under review. Therefore, these documents have been disregarded for this judicial review.

II. Issues and standard of review

[6] The Applicant argues that the decision refusing an extension of his study permit was not reasonable, and was not procedurally fair.

[7] The standard of review of the merits of the decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16-17).

[8] On procedural fairness, the question is whether the procedure was fair, having regard to all the circumstances (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54).

III. Analysis

[9] The core issue on this judicial review is the Officer's request for official transcripts.

Specifically, by letter dated November 1, 2023, IRCC asked the Applicant to provide:

Education Transcripts: Please submit a copy of official transcripts for all study in Canada to date, including any incomplete or in-progress programs. Please also provide a copy of your attendance records for studies in Canada, as well as a copy of any diplomas or certificates completed in Canada. If you have more than one transcript to submit, you must upload them in a single file. Please be advised that online-generated or other unofficial transcripts will not be accepted.

[10] This request makes it clear that "official" transcripts are required and that unofficial transcripts would not be accepted.

[11] In response to this request, the Applicant provided a Self-Declaration (undated) stating, in part:

- THAT I have been a full time student since the start of my studies .i.e. 02nd September, 2021. That I started my studies at Pacific Link College for the Advanced Diploma Business Hospitality Management. I was not

- able to develop much interest and I was feeling homesick. But I did not want to give up and continued to enrol and study on full time basis at Pacific Link College.
- THAT I however after some time I decided to switch my college and program. So, I decided to pursue Associate of Arts Degree at Coquitlam College after I was accepted in the following semester.
- THAT I am currently enrolled full-time with Coquitlam College, BC.
- THAT I have stayed a full time student and in compliance with my study permit regulations and conditions.
- THAT I request you to extend my study permit so that I can finish my study in Canada and return back within my authorized stay.

[12] The Applicant provided an Interim Transcript of Academic Record from Pacific Link College dated August 29, 2022. He also provided a Letter of Enrollment from Coquitlam College dated September 15, 2023. This letter indicates at the bottom: “Note: This letter is not for the purposes of Study Permit Extension or Temporary Resident Visa.” Also included from Coquitlam College is a document titled UNOFFICIAL TRANSCRIPT – COQUITLAM COLLEGE which is water marked UNOFFICIAL COPY.

[13] The Refusal Letter dated November 23, 2023 states:

Under A16(1), a person who makes an application must answer truthfully to all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents that the officer reasonably requires. A letter was sent to you on 01NOV2023 requesting you to submit a copy of OFFICIAL transcripts for all study in Canada to date, including any incomplete or in-progress programs; as well as, a copy of attendance records for studies in Canada, and a copy of any diplomas or certificates completed in Canada. These documents were required to be submitted by 08NOV2023. As we have not

received ALL OFFICIAL documentation, your application is refused.

[14] The Officer refused the extension because the Applicant did not provide an official transcript. For his part, the Applicant does not dispute that he did not provide an “official” transcript from Coquitlam College, however he argues that IRCC nonetheless had all available information.

[15] Section 16(1) of *IRPA* requires documents to be provided when “reasonably requested”. In this case, the Applicant did not provide the documents requested. Here it was entirely reasonable for the Officer assessing an application for a study permit extension to request official transcripts. The Refusal Letter confirms that Mr. Pathak’s study permit application was refused because he did not submit the official documents requested contrary to ss 16(1) of *IRPA*. Therefore, the Officer’s decision to reject Mr. Pathak’s application under ss 16(1) of *IRPA* was a reasonable application of this provision of *IRPA*.

[16] On procedural fairness, the Applicant appears to argue that the decision was unfair because his application was rejected for lack of an official transcript, but the Officer referred to the unofficial transcript to find that Mr. Pathak has “multiple failures per documents provided”. According to the Applicant, the Officer’s comments are effectively an acceptance of the unofficial transcript.

[17] This is not a procedural fairness issue. The Applicant clearly knew he was required to provide official transcripts. Further, the fact that the Officer reviews the academic information

provided and notes “multiple failures” is a fair and objective assessment of the information provided. I note that the information from both Pacific Link College and Coquitlam College record the letter grade “F” for several courses. These are entirely reasonable considerations in assessing an extension to a study permit application.

[18] There is no merit to the Applicant’s procedural fairness arguments.

IV. Certified question

[19] During reply oral submissions, the Applicant’s legal counsel suggested that he might want to propose a certified question in relation to ss 16(1) of *IRPA*. He did not articulate the question and acknowledged that he only considered it in conjunction with making submissions. As he did not follow the Court’s *Amended Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Law Proceedings* dated June 20, 2025, in relation to certified questions, I declined to entertain any certified question.

V. Conclusion

[20] This application for judicial review is dismissed and there is no question for certification.

JUDGMENT IN IMM-8834-24

THIS COURT'S JUDGMENT is that:

1. This judicial review application is dismissed.
2. There is no question for certification.

"Ann Marie McDonald"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-8834-24

STYLE OF CAUSE: PATHAK V THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 10, 2025

JUDGMENT AND REASONS: MCDONALD J.

DATED: SEPTEMBER 15, 2025

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