

Federal Court



Cour fédérale

Date: 20251029

Docket: IMM-18002-24

Citation: 2025 FC 1744

Montréal, Quebec, October 29, 2025

PRESENT: Mr. Justice Diner

BETWEEN:

JUAN DU

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION CANADA**

Respondent

JUDGMENT AND REASONS

[1] Ms. Juan Du seeks Judicial Review of a decision made by an Immigration Officer [Officer] dated 26 September 2024 [Decision] refusing her application for a study permit [Application]. The Officer was not satisfied that Ms. Du had sufficient financial resources to sustain herself and pay tuition if granted a study permit, pursuant to paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR, with provisions

indicated by “R”]. I dismissed the application from the bench, promising these Reasons to follow.

[2] Ms. Du raises two issues: (i) was the Decision unreasonable in light of the evidence before the Officer, and (ii) was there a breach of procedural fairness in failing to provide reasons in the refusal Decision.

[3] Reasonableness is the presumptive standard of review, and in my view, the circumstances of this case do not warrant a departure from the standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]). I must thus determine whether the Decision is transparent, intelligible and justified, in light of both its rationale and outcome (Vavilov, para 15). Ms. Du argues before this Court that the Officer’s Decision is unreasonable because the Officer ignored the submitted HSBC bank statements, and (ii) failed to provide reasons for the Decision. The standard of review for procedural fairness, on the other hand, has been equated to correctness, by considering whether the process was fair and just (Vavilov, at paras 37-38; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 34-56).

[4] I begin by noting that all applicants must establish that they meet the requirements of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and the IRPR to obtain a study permit. R216(1) of the IRPR states that an applicant must establish that they will leave at the end of their authorized stay. R220(b) holds that an officer shall not issue a study permit to a foreign national unless the officer assesses that they have sufficient and available resources to "maintain

themselves [...] during their proposed period of study [...]." Applicants therefore bear the onus of providing all relevant documentation to support their case, including sufficient evidence of financial resources to cover the study period (*Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 at para 10 [*Aghvamiamoli*]).

[5] In terms of financial records, Ms. Du provided (i) an account balance certificate from Bank of Montreal (BMO), dated 31 July 2024, and totaling \$25,857.36 CAN; and (ii) an account balance certificate from HSBC, dated 02 August 2024, detailing 3 separate accounts for (1) \$421.13 CAN, (2) \$185,395.01 CNY (approximately \$36,000 CAN at today's exchange rate), and (3) \$237,214.04 CNY (approximately, \$47,000 CAN at today's exchange rate). The approximate total represented in the HSBC balance certificate is \$84,000 CAN.

[6] Ms. Du's counsel argued that the Officer did not consider the totality of the evidence, including the HSBC statement. I am satisfied that the Officer satisfactorily considered the evidence that was provided in the Application. Ms. Du claims that she meets the financial resource requirement, as her submitted documents, had they been accepted, total approximately \$109,000 CAN, which covers the total tuition and living expenses needed during her study period.

[7] With respect to proof required to establish that an applicant meets the requirements for documents relating to personal finances, Immigration, Refugee and Citizenship Canada [IRCC] provides a guide which instructs applicants on what to provide, which include at least one of the following relevant documents: proof of paid tuition and housing fees, bank statements from the

past 4 months, or a bank draft that can be converted to Canadian dollars. A failure by an Applicant to provide all documentation reasonably required to satisfy the Application can be a sufficient reason to refuse an Application (*Aghvamiyamoli* at paras 28-31; see also *Moradian v. Canada (Citizenship and Immigration)*, 2024 FC 1343 at para 6).

[8] Here, Ms. Du failed to provide the requisite proof to IRCC, with the assistance of her then-consultant. This Court has emphasized that in reviewing a study permit application, an officer's assessment must go beyond mere examination of the applicant's bank balance. The officer must undertake a thorough and comprehensive review of the funds' origin, source, nature, and reliability to determine whether the applicant can cover the expenses associated with studying and residing in Canada for the duration of their program (see *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 at para 12; and *Kita v Canada (Citizenship and Immigration)*, 2020 FC 1084 at paras 10, 20).

[9] In review of the Applicant's financial statements, Ms. Du's balance certificate from HSBC fails to meet the evidentiary requirement of either a bank draft statement or a record of the past four months at the time of the Application. Ms. Du's balance certificate is a snapshot of a single day and, by itself, does not guarantee that those funds can be used to cover the expenses incurred during the proposed study period.

[10] The requirement to provide sufficient financial evidence, and the Officer's decision to refuse an application for failing to do so, cannot be considered unreasonable when the basic IRCC filing requirements have not been satisfied. The Officer's task extends beyond merely

verifying that an applicant's bank account has funds. Instead, the Officer must conduct a more comprehensive assessment of the funds as R220 prohibits issuing a study permit unless there are sufficient and available financial resources. It was reasonable for the Officer to remain unsatisfied about the Applicant's financial capacity when no information was provided about the regular inflow and outflow of money in the HSBC accounts submitted (*Mohammadhosseini v Canada (Citizenship and Immigration)*, 2024 FC 848 at paras 26–27).

[11] As a result, neither the requirement for financial documentation, nor the refusal based in part on a failure to comply with it is unreasonable. The Officer did not have discretion to issue the study permit when the Applicant failed to satisfy them of sufficient financial resources (*Ibekwe v Canada (Citizenship and Immigration)*, 2022 FC 728 at para 31; *Pourmehdi Kasmaei v Canada (Citizenship and Immigration)*, 2024 FC 963 at para 3). Therefore, Ms. Du's failure to satisfy the Officer of sufficient financial means is determinative of this matter. Her financial documentation was ultimately deficient in that (i) the account balance certificate showed no transactional history, and (ii) there was no evidence provided to demonstrate that the tuition had already been paid.

[12] On the second issue, Ms. Du submits that the Officer breached her right to procedural fairness because they did not provide adequate reasons for the refusal Decision. The Applicant states that the burden on the Applicant to provide all relevant information showing they meet the statutory requirements should not apply, as Ms. Du was not provided with inadequate reasons for the refusal in the Decision. I disagree.

[13] The degree of procedural fairness to which an applicant for a study permit is entitled is at the lower end of the spectrum (*Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 10; *Al Aridi v Canada (Citizenship and Immigration)*, 2019 FC 381 at para 20; *Hakimi v Canada (Citizenship and Immigration)*, 2015 FC 657, at paras 21 and 22; *Tran v Canada (Citizenship and Immigration)*, 2006 FC 1377, at para 30). The Officer is not obliged to refer explicitly to all the evidence. It is presumed that the Officer considered all the evidence in deciding unless the contrary can be established (*Hassan v Canada (Minister of Employment & Immigration)*, [1992] FCJ No 946 at para 3; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1998] 157 FCJ No 1425 at para 16). This Court owes great deference to the Officer's assessment of the evidence (*Siddiqua v. Canada (Citizenship and Immigration)*, 2022 FC 1263, at para 21). Here, there is no evidence to suggest that the HSBC statements were not considered and ultimately, the certificate of balance may not be considered as financial proof given its failure to meet the threshold of an acceptable form of proof of funds, as outlined by IRCC.

[14] Ultimately, the Officer's refusal of the study permit was reasonable in light of the insufficient financial evidence provided. This application for judicial review is dismissed.

JUDGMENT in IMM-18002-24

THIS COURT ORDERS that:

1. The judicial review is dismissed.
2. The parties had no questions to certify, and I agree that there are none.
3. No costs will issue.

"Alan S. Diner"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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JUDGMENT AND REASONS: DINER J.

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APPEARANCES:

Jie Han

FOR THE APPLICANT

Lisa Maziade

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Emile Jean Barakat
Counsel
Montréal, Quebec

FOR THE APPLICANT

Jie Han
Counsel
Saint-Lazare, Quebec

Attorney General of Canada
Montréal, Quebec

FOR THE RESPONDENT