

Federal Court



Cour fédérale

Date: 20170503

Docket: IMM-2874-16

Citation: 2017 FC 442

Toronto, Ontario, May 3, 2017

PRESENT: The Honourable Madam Justice Mactavish

BETWEEN:

KHALIDULLAH NOOR

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Khalidullah Noor seeks judicial review of the decision of a visa officer refusing his application for a student visa which would have allowed him to study acting at the Toronto Film School.

[2] The visa officer considering Mr. Noor's application was not satisfied that he had access to sufficient funds to allow him to pursue his studies. The officer also appears to have been

concerned about Mr. Noor's proposed course of study in acting, in light of his previous university-level studies in computer science and technology.

[3] Mr. Noor is not pursuing the argument advanced in his written submissions that he was treated unfairly as the visa officer did not alert him to his or her concerns, or give Mr. Noor the opportunity to address those concerns. However, Mr. Noor maintains that the officer's decision was unfair because the officer failed to consider the information that he had provided in relation to his application, and because the reasons provided for refusing his application were vague and insufficient.

[4] Mr. Noor's arguments do not involve a question of fairness. An alleged inadequacy in the reasons of an administrative decision-maker is no longer a "stand-alone" basis for quashing a decision: *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, at para. 14, [2011] 3 S.C.R. 708. Where reasons have been provided, the question is whether a decision is reasonable in light of the outcome and the evidence that was before the decision-maker: *Newfoundland Nurses*, above at para. 15.

[5] While the reasons provided by the visa officer in this case are admittedly brief, the jurisprudence of this Court has further established that there is a limited obligation on visa officers to provide reasons for rejecting visa applications: *Singh v. Canada (Minister of Citizenship and Immigration)*, 2009 FC 620 at para. 8, [2009] F.C.J. No. 797.

[6] The reasons do, moreover, identify the officer's concerns, and Mr. Noor has failed to identify any evidence that was overlooked by the visa officer. Rather, he takes issue with the weight that was ascribed to the evidence by the visa officer and the inferences that were drawn from that evidence.

[7] For example, the officer's main concern appears to have related to the funds that were available to Mr. Noor to allow him to pursue his studies in Canada. Mr. Noor submits that this concern was unreasonable, as he had provided the officer with a bank statement for an account held by "Bright Connection Consultancy Services" showing a balance of \$47,000 USD. According to Mr. Noor's visa application, his brother (who is identified as being the President and CEO of a company called "Bright Connection Logistic Services") would be funding his studies in Canada. There was, however, no information before the officer from Mr. Noor's brother indicating his agreement to pay for Mr. Noor's studies.

[8] Mr. Noor submits that the bank statement should have been sufficient to allay the visa officer's concerns in this regard. In other words, he seeks to have me re-weigh the evidence that was before the visa officer, and come to a different decision. That is not the role of this Court sitting in review of an administrative decision. The officer's concern with respect to the financial resources available to Mr. Noor was, moreover, reasonable, given the limited evidence in the record on this point.

[9] Mr. Noor was seeking a study permit to allow him to study acting in Canada. The visa officer was concerned with Mr. Noor's proposed course of study. This was not an unreasonable

concern as studies in acting do not appear to reflect a logical career progression in light of Mr. Noor's previous university-level studies in computer science and technology.

[10] Mr. Noor notes that young people do change their career paths, submitting that the visa officer should have given him the benefit of the doubt on this point. The burden is, however, on visa applicants to demonstrate that they meet visa requirements. The visa officer concluded that Mr. Noor had failed to do so in this case, and he has not persuaded me that the officer's conclusion was unreasonable.

Conclusion

[11] For these reasons, the application for judicial review is dismissed. I agree with the parties that the case is fact-specific, and does not raise a question for certification.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

“Anne L. Mactavish”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2874-16

STYLE OF CAUSE: KHALIDULLAH NOOR v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 1, 2017

JUDGMENT AND REASONS: MACTAVISH J.

DATED: MAY 3, 2017

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