

Federal Court



Cour fédérale

Date: 20180309

Docket: IMM-2438-17

Citation: 2018 FC 276

Ottawa, Ontario, March 9, 2018

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

LAYLA HAROON

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Ms Layla Haroon is a citizen of Pakistan and a resident of Abu Dhabi in the United Arab Emirates (UAE). In 2016, she applied for a study permit to pursue a business diploma at Centennial College in Toronto. A visa officer denied Ms Haroon's request because he was not satisfied that she was a *bona fide* temporary resident who would leave Canada on the expiry of her visa.

[2] Ms Haroon submits that the officer's decision was unreasonable considering her travel and work history. She also maintains that the officer treated her unfairly by failing to provide her an opportunity to address the officer's concerns. She asks me to quash the officer's decision and order another officer to reconsider her application.

[3] I can find no basis for overturning the officer's decision. While the officer's reasons are brief, as is often the case with visa post decisions, the officer's conclusion was not unreasonable on the evidence. In addition, the officer did not treat Ms Haroon unfairly – the burden lay on her to provide sufficient evidence to support her application. I must therefore dismiss this application for judicial review.

[4] There are two issues:

1. Was the officer's decision unreasonable on the evidence?
2. Did the officer treat Ms Haroon unfairly?

II. Was the officer's decision unreasonable on the evidence?

[5] The officer's notes indicate that the following factors weighed against granting Ms Haroon's application:

- Her residency status in the UAE was temporary and would terminate if she spent an extended period of time outside the country;
- Socio-economic factors in the region;
- The progression of Ms Haroon's studies was not logical; and

- Ms Haroon was not sufficiently established in the UAE to motivate her return there.

[6] Ms Haroon submits that the officer's reasoning is unintelligible and contrary to the evidence. She points out that she held a valid temporary resident visa to Canada at the time of her application, and she had also complied with the conditions of an earlier visa. Further, she has travelled extensively to other countries.

[7] Ms Haroon also contends that the officer's reference to "socio-economic conditions" is vague and of little relevance to her application. Similarly, she points out that it is unclear what caused the officer to conclude that her study plan was illogical.

[8] Finally, Ms Haroon submits that the officer's finding that she would lose her permanent resident status in the UAE and would be unmotivated to return there was unsupported by the evidence.

[9] I agree with Ms Haroon that some of the officer's observations are less than transparent. However, one factor is clear, and it is dispositive of her application. The record shows that Ms Haroon's residency status in the UAE would expire if she were out of the country more than six months. While it would be possible, perhaps, for her to keep her status current by making trips back and forth from her studies in Canada to her home in Abu Dhabi, she presented no such plan to the officer. It was not unreasonable, therefore, for the officer to find that Ms Haroon had failed to provide sufficient evidence that she would leave Canada on the expiry of her visa.

III. Did the officer treat Ms Haroon unfairly?

[10] Ms Haroon contends that the officer unfairly made adverse credibility findings against her without affording her an interview at which she could address the officer's concerns.

[11] I disagree. The officer's decision did not reflect concerns about Ms Haroon's personal credibility. Rather, Ms Haroon simply failed to provide sufficient evidence to support her application, in particular, to satisfy the essential requirement that she would leave Canada at the end of her stay.

IV. Conclusion and Disposition

[12] The officer's finding that granting Ms Haroon a study visa would likely result in a loss of her residency status in the UAE and, therefore, that she would not be able to return there after her visa expired, was not unreasonable on the evidence. Further, in not convening an interview with Ms Haroon, the officer did not treat her unfairly in the circumstances. Therefore, I must dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT IN IMM-2438-17

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed,
and no question of general importance is stated.

"James W. O'Reilly"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2438-17

STYLE OF CAUSE: LAYLA HAROON v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 8, 2018

JUDGMENT AND REASONS: O'REILLY J.

DATED: MARCH 9, 2018

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