Federal Court  Cour fédérale

Date: 20240312

Docket: IMM-10688-22

Citation: 2024 FC 396

Ottawa, Ontario, March 12, 2024

PRESENT: The Honourable Madam Justice Strickland

BETWEEN:

SAHAR SHOURABI SANI
MOJTABA AZIZI

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] This is the judicial review of the decision of a visa officer [Visa Officer] refusing the study visa application of Sahar Shourabi Sani [Applicant], under section 216(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRP Regulations], and the related application of her spouse, Mojtaba Azizi [Spouse], for a work permit under paragraph 200(1)(b) of the IRP Regulations.

[2] The Applicant and her Spouse are citizens of Iran. The Applicant was conditionally admitted to a two-year Master of Business Administration [MBA] in International Business at Trinity Western University [TWU] in Langley, British Columbia by way of the MBA International Bridge Program [Bridge Program]. Her letter of acceptance from TWU states that the Bridge Program would take at least one semester to complete and that its successful completion is a condition of acceptance into the MBA program.

[3] By letter dated October 22, 2022, the Visa Officer refused the Applicant's study permit application on the basis that the Officer was not satisfied the Applicant would leave Canada at the end of her stay, as required by paragraph 216(1)(b) of the IRP Regulations, based on her insufficient assets and financial situation, and her lack of significant family ties outside of Canada. Her Spouse's application was correspondingly refused.

[4] The Global Case Management System [GCMS] notes for the decision regarding the Applicant, which form a part of the reasons for the decision that is the subject of this application for judicial review, state as follows:

> I have reviewed the application. I have considered the following factors in my decision. Evidence of available funds associated with assets such as a vehicle, rental properties, or potential income, have not been included in the calculation of available funds. Due to the unstable economic climate in Iran and fluctuations within international exchange rates, I place less value to the purported funds available. The applicant's assets and financial situation are insufficient to support the stated purpose of travel for the applicant and accompanying family member. PA will be accompanied by spouse. The ties to their home country are weaken with the intended travel to Canada involving their immediate family, as the motivation to return will diminish with the applicant's immediate family members residing with them in Canada. Weighing the factors in this application. I am not satisfied that the applicant will

> depart Canada at the end of the period authorized for their stay. For the reasons above, I have refused this application.

[5] As framed by the Applicant, this application for judicial review gives rise to two issues. The first is whether the Visa Officer's decision is reasonable. The standard of review for that issue, which is concerned with the merits of the Visa Officer's decision, is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 23, 25). The second is whether the Visa Officer breached the duty of procedural fairness. Questions of procedural fairness are reviewed on a correctness standard (*Mission Institution v Khela*, 2014 SCC 24 at para 79; *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 43). If the court is satisfied that the procedure was not fair, the application should be allowed (*Lipskaia v Canada (Attorney General)*, 2019 FCA 267 at para 14; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 56).

Reasonableness of the Decision

[6] The Applicant submits that the Visa Officer makes several unreasonable findings. She maintains that her application complied with the statutory requirements for granting an application and, therefore, the Visa Officer erred in rejecting the applications. Further, she submits that the Visa Officer erred in evaluating her family ties in Iran and also unreasonably found that the Applicant is not a genuine student. The Applicant also submits that the Visa Officer erred in evaluating her proof of funds, as these funds met the requirements of guidelines provided by Immigration, Refugees and Citizenship Canada [IRCC], and that the Visa Officer also erroneously gave her travel history negative weight.

[7] As a preliminary point, I note that the Applicant makes lengthy submissions of over 100 paragraphs. Many of the arguments contained in the submissions do not arise from the reasons for the decision under review. For example, the Applicant asserts that the Visa Officer unreasonably refused her application on the ground of the purpose of her visit. Similarly, the Applicant submits that the Visa Officer unreasonably found that she is not a genuine student and that the Visa Officer insinuated that the Applicant "does not have genuine intentions" for studying in Canada. However, the basis for the Visa Officer's determination that they were not satisfied the Applicant would depart Canada at the end of her authorized period of stay is the Visa Officer's finding that the Applicant's finances were insufficient to support the stated purpose of her visit and her lack of significant family ties outside of Canada. Nothing in the Visa Officer's reasons or the record suggests that the Applicant's purpose, or motive, in seeking a study permit or her stated intention of studying in Canada were at issue.

[8] The Applicant also asserts that the Visa Officer was biased in their analysis or based their decision on preconceived notions or stereotypes about the Applicant, and that the Visa Officer's reasons imply that the Visa Officer "refused the application because the visa officer thought [the Applicant] will develop ties to Canada such that she will not depart Canada." Again, none of these allegations find support in the record or in the Visa Officer's reasons. Instead, the Applicant attempts to read these errors into the Visa Officer's decision. Reasonableness review, however, is concerned with the decision "actually made" (*Vavilov* at paras 15, 83).

[9] The Applicant also asserts that her travel history was erroneously given negative weight. It is true that this Court has previously held that "previous immigration encounters are good

indicators of an applicant's likelihood of future compliance," which "in turn, suggests compliance with applicable laws" (*Momi v Canada (Citizenship and Immigration)*, 2013 FC 162 at para 20, citing *Calaunan v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1494 at para 28 and *Murai v Canada (Minister of Citizenship and Immigration)*, 2006 FC 186). Again, however, nothing in the Visa Officer's reasons or the record suggests that the Applicant's travel history was a positive or negative factor in the decision. The Visa Officer's conclusion regarding the Applicant leaving Canada at the end of her stay was based on the Applicant's funds and family ties.

[10] Further, and in any event, I note that the record demonstrates that the Applicant's travel history was contained in her study plan, it was entered as part of the background information within the GCMS system, and the Visa's Officer's GCMS notes state that they reviewed the study permit application. The mere fact that the travel history was not mentioned in the reasons does not render the decision unreasonable. The requirement to give reasons in visa cases is typically minimal in light of the administrative setting given the high volume of visa applications that must be processed (*Iriekpen v Canada (Citizenship and Immigration)*, 2021 FC 1276 [*Iriekpen*] at para 7, citing *Khan v Canada (Minister of Citizenship and Immigration) (CA*), 2001 FCA 345 at paras 31-32, *Yuzer v Canada (Citizenship and Immigration*), 2019 FC 781 at paras 16, 20 and *Touré v Canada (Citizenship and Immigration)*, 2020 FC 932 at para 11; *Khan v Canada (Citizenship and Immigration)*, 2023 FC 52 at paras 13-14, citing *Iriekpen* at para 7).

[11] But brief reasons must, of course, still be transparent, intelligible and justified – that is, reasonable. In this matter, the Visa Officer did not make a finding about the travel history that is

contradicted by the Applicant's evidence, or at all. Nor did the Visa Officer afford the Applicant's travel history negative weight or rely on it as a determinative factor in their reasons. In these circumstances, the Visa Officer did not err by failing to specifically refer to the Applicant's travel history in their reasons. Rather, by raising a factor not relied upon by the Visa Officer, the Applicant seeks to have this Court reweigh evidence, which is not the role of the Court on judicial review (*Vavilov* at para 125).

[12] That said, I will now address those matters that do form the basis of the Visa Officer's decision, being the sufficiency of the Applicant's finances and her family ties outside of Canada.

Financial Resources

[13] Section 220 of the IRPR speaks to student financial resources:

> 220 An officer shall not issue a study permit to a foreign national, other than one described in paragraph 215(1)(d) or (e), unless they have sufficient and available financial resources, without working in Canada, to
>
> > (a) pay the tuition fees for the course or program of studies that they intend to pursue;
> >
> > (b) maintain themself and any family members who are accompanying them during their proposed period of study; and
> >
> > (c) pay the costs of transporting themself and the family members referred to in paragraph (b) to and from Canada.

[14] Applicants must meet the requirements of section 220 of the IRP Regulations before they are granted a study permit (*Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 1186 at para 9, citing *Ohuaregbe v Canada (Citizenship and Immigration)*, 2023 FC 480 at para 23 and

Adekoya v Canada (Citizenship and Immigration), 2016 FC 1234 [*Adekoya*] at para 9). These funds must be "sufficient and available" to an applicant pursuant to section 220 of the IPR Regulations to "pay their tuition fees, maintain themselves during the proposed period of study, and pay their transportation costs to and from Canada" (*Singh v Canada (Citizenship and Immigration)*, 2023 FC 1315 at para 21, citing *Animasaun v Canada (Citizenship and Immigration)*, 2023 FC 923 at para 25 and *Adekoya* at para 9).

[15] The Applicant submits that she submitted all required documentation and her proof of funds which included the payment of her tuition deposit of $9,990, her two financial sponsor's financial assets which are alleged to be the equivalent of $360,000 and their respective affidavits. She states that she was only required to demonstrate that she can pay the first year of tuition with an additional $10,000 for living expenses and that her proof of funds exceeds this, thereby rendering the Visa Officer's decision unreasonable.

[16] The record demonstrates that in her study plan submitted in support of her application, the Applicant states that she provided three bank statements with her application. Her account has a balance of CAD $4448, her Spouse's has a balance of CAD $47,623 and her father's has a balance of CAD $10,379. As to assets, she indicates that she owns a piece of agricultural land, as does her Spouse. He also owns a car, an apartment unit, another piece of land, and a villa. Her father has an apartment unit and a commercial property. The Applicant also indicated her current monthly salary (CAD$323-404), her Spouse's current monthly salary (CAD $607-809) and that her father receives a monthly rental income of CAD $97 and pension of CAD $404.

[17] On her study permit application the Applicant indicates that MBA tuition would cost $47,880 over the period September 2022 to September 2024 and that she had CAD $62,349 in available funds for her stay. Her letter of acceptance from TWU indicates the start date to be May 2, 2022 (presumably for the prerequisite Bridging Program) and also states the program length is a minimum of two years of full-time study with a September 2022 start date (possibly for the MBA only, although this is not clear). The estimated tuition fee is stated to be $47,880, with $9990 prepaid.

[18] Thus, the Applicant would require at least CAD$ 37,888 in funds for tuition for the two-year MBA program, and possibly more for the Bridging Program although this cannot be ascertained from the record. As to living expenses, her application did not address this. In her written submissions in support of her application for judicial review, she refers to the IRCC online information guidelines (https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/get-documents.html#doc3) and asserts that these establish that proof of funds is only required to demonstrate that the applicant can pay the first year of tuition and an additional $10,000 living expenses. Thus, her available funds would appear to exceed this requirement.

[19] The Respondent disagrees and refers to *Onyeka v Canada (Citizenship and Immigration)*, 2017 FC 1067 [*Onyeka*] at para 12 as support for the proposition that an officer has the discretion to require proof of tuition for each year of study, in addition to the cost of travel to and from Canada for an applicant and accompanying family members. According to the Respondent, this would add up to $37,890 (tuition), $14,000 per year for the living expenses for the Applicant

and her Spouse for a 2.5-year period totalling $35,000. This, together with tuition (amounting to $72,890), would exceed the available funds even without considering that the Applicant is also required to have funds available for herself and her Spouse to travel to and from Canada (*Onyeka* at para 12, IRP Regulations, s 220(c)).

[20] As a preliminary point, I note that the Visa Officer's reasons state that funds associated with assets, rental properties or potential income were not included in the calculation of available funds. The Applicant does not assert that the Officer erred in making this exclusion. Nor does the Applicant address whether or how the vehicle and real property assets constitute "available funds" for the purpose of section 220 of the IRP Regulations. Further, the sponsorship affidavits of the Spouse and the Applicant's father state that they undertake to pay for the Applicant's living costs and education expenses in Canada if so required, and in her study plan the Applicant states that her Spouse will "respond to any necessary financial requirements." However, this does not establish that the listed assets would be "available" if needed. As stated in in *Onyeka*, it is "not clear that the sponsor could sell or would be willing to sell these properties if necessary" (at para 14) nor did the Applicant address this in her application.

[21] Accordingly, to the extent that the Applicant does challenge the exclusion of the assets when calculating the Applicant's "available funds", the Applicant has not established that the Visa Officer erred in doing so or that the assets are or would be available to fund her time in Canada.

[22] As to the sufficiency of the available funds, the Applicant refers the Court to what she describes as information guidelines found on the IRCC website (https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/get-documents.html#doc3) and asserts that these establish she need only provide proof of funds for the first year of tuition and an additional $10,000 for living expenses. However, this does not address tuition fees. Rather, it provides information to the public as to what documents are needed to apply for a study permit. In that regard, it sets out what type of proof of funds is acceptable. As to the minimum funds needed to support themselves as a student and all family members coming with them, before January 1, 2024 and in all provinces except Quebec, this is set out as follows:

Persons coming to Canada	**Amount of funds required per year (not including tuition)**
You (the student)	CAN$10,000
First family member	CAN$4,000
Every additional accompanying family member	CAN$3,000

(As of January 1, 2024, this increased to $20,635 for one family member, and $25,690 for two family members with further incremental increases as set out).

[23] However, when appearing before me counsel indicated that the link they intended to provide was to the Minister's Operational Instructions and Guidelines – Study Permits:

Assessing the Applications (https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/temporary-residents/study-permits/assessing-application.html) [Guidelines]. These state that the relevant "section contains policy, procedures and guidance used by IRCC staff. It is posted on the department's website as a courtesy to stakeholders". As to financial sufficiency, these Guidelines include that:

> **Financial sufficiency**
>
> **Note:** For 2024, a single applicant studying outside Quebec will need to show they have CAN$20,635, in addition to their first year of tuition and travel costs. **This change applies to new study permit applications received, on or after January 1, 2024.** This amount reflects updated cost-of-living requirements. Going forward, this threshold will be adjusted each year, similar to other immigration programs, as Statistics Canada updates the low-income cut-off (LICO). [emphasis in original]
>
> Students are required to demonstrate financial sufficiency **for only the first year of studies, regardless of the duration of the course or program of studies in which they are enrolled**. For example, a single student entering a 4-year degree program with an annual tuition fee of CAN$15,000 must demonstrate funds of CAN$15,000 to satisfy the requirements, and not the full CAN$60,000 for 4 years of tuition. Officers should be satisfied however that the probability of funding for future years does exist (for example, parents are employed, scholarship is for more than 1 year). Applications for extensions made to CPC-E must also meet this requirement. [emphasis added]

[24] Thus, the Applicant's available funds of $62,349 would cover the first year of tuition and living expenses, amounting to $32,949 CAD (this assumes tuition based on one half of the two year tuition of $47,880 less the deposit of $9,990 already paid (equalling $18,949), and minimum living expenses for her and her spouse of $14,000 plus travel costs). However, the available funds would not cover both years of living expenses and tuition, which would be a sum total of

$65,880, plus travel costs. The reasonableness of the Visa Officer's decision thus turns on whether the Applicants were required to demonstrate sufficient available funds for one or both years of study.

[25] In my view, the statutory requirement is clear. An officer shall not issue a study permit unless the applicant has sufficient and available financial resources, without working in Canada, to pay the tuition fees of the intended course, to maintain themselves and any accompanying family members during the proposed course of study, as well as their and their family members' transportation costs to and from Canada (IRP Regulations, s 220). If this requirement is not met, an officer has no discretion; a study visa cannot be issued. Thus, it is open to visa officers to require proof of sufficient funds for the whole of the tuition for the subject program as well as living expenses for duration of the program (see, for example, *Onyeka* at paras 11-12; *Ibekwe v Canada (Citizenship and Immigration)*, 2022 FC 728 [*Ibekwe*] at para 29-30; *Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 [*Aghvamiamoli*] at para 29, citing *Ibekwe* at para 29 and *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 [*Sayyar*] at para 12).

[26] However, the Guidelines suggest that an officer may exercise discretion with respect to the providing proof of sufficient funds to the extent that officers may be satisfied with appropriate proof only of the first year of payable tuition and the first year of living expenses based on the minimums set out, plus travel expenses. I note that officers are not bound by guidelines and fetter their discretion by treating them as binding (see, for example, *Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 at para 32).

[27] And, even when bank accounts demonstrate sufficient funds, officers must also be satisfied as to the source, nature, and stability of these funds, as well as determine the likelihood of future income and ability to pay for subsequent years of education and living expenses while in Canada (*Sayyar* at para 12; *Bidassa v. Canada (Citizenship and Immigration)*, 2022 FC 242 at paras 21-22). Further, the Guidelines state that officers should also be satisfied that the probability of funding for future years does exist. Accordingly, it is open to an officer to conclude that the probability of funding for future years is not established (*Roudehchianahmadi v Canada (Citizenship and Immigration)*, 2023 FC 626 [*Roudehchianahmadi*] at para 17).

[28] Here the Visa Officer does not indicate what they consider to be the demonstrated amount of the available and sufficient funds or place this in the context of the duration of the program. The Officer states only that "[d]ue to the unstable economic climate in Iran and fluctuation within international exchange rates", they placed less value on the purported funds available.

[29] In that regard, the Applicant refers to Justice Norris's finding in *Mehdikhani v Canada (Citizenship and Immigration)*, 2023 FC 1473:

> [9] First, the officer failed to provide a transparent and intelligible basis for the conclusion that the applicant lacked sufficient means to finance his studies in Canada. The applicant provided documentation to establish that, based on current exchange rates, he had sufficient funds. The officer placed "less value on the purported funds available" because of "the unstable economic climate in Iran and fluctuations within international exchange rates." The exact same phrase is found in the decision under review in *Roudehchianahmadi v Canada (Citizenship and Immigration)*, 2023 FC 626. In that case, Justice Mosley concluded (at paras 17 and 23) that the officer's findings regarding the applicant's available funds were not reasonable based on the reasons provided

> because, among other things, the singular emphasis on this factor failed to take into account other factors that may have made it feasible for the applicant to fund her studies notwithstanding the economic uncertainties. The same conclusion applies here.

[30] The Applicant submits that in this matter the Visa Officer used this same phrase and does not explain its basis, she asserts that it amounts to mere speculation (citing *Ghasemi v Canada (Citizenship and Immigration)*, 2021 FC 1296 at para 29). Further, that she provided bank statements that were based on the exchange rates in effect when those statements were issued and it cannot be assumed that rates will always fluctuate downward. Conversely, the Respondent asserts that the Visa Officer was entitled to rely on their expertise and common sense.

[31] While I have concerns about the Visa Officer's use of this blanket statement, an officer is presumed to have considered and weighed all of the evidence (*Rahman v Canada (Citizenship and Immigration)*, 2016 FC 793 at para 17, citing *Florea v Canada (Employment and Immigration)*, [1993] FCJ No 598 (FCA) at para 1 and *Ahmed v Canada (Citizenship and Immigration)*, 2013 FC 1083 at para 34), which, in this case, encompasses the financial information provided with the study permit application. Further, the Guidelines state that officers should also be satisfied that the probability of funding for future years does exist. Here the Applicant did not establish that she had sufficient available funding for both years of her program, even without the possibility of the value of her available funds being reduced by economic circumstances or taking into consideration transportation costs. The tuition and living expenses for the two-year program would exhaust the savings accounts of the Applicant, her Spouse and her father. The only ongoing source of income identified by the Applicant, should she and her Spouse come to Canada, is that of the Applicant's father, who has a monthly rental

income of CAD $97 and a monthly pension income of CAD $404. There is no evidence in the record that he would not rely on this income to sustain himself (see *Onyeka* at paras 12-17).

[32] Thus, the Applicant in this case did not meet the financial requirements of section 220 of the IRP Regulations and did not identify other possible sources of income or other factors that may have made it feasible for her to fully fund her studies beyond her first year notwithstanding this, or the economic uncertainties, as appears to have been the case in *Roudehchianahmadi.* In these circumstances, the Officer did not commit a reviewable error in finding the Applicant had insufficient available funds.

[33] As the Applicant did not establish that she had sufficient and available financial resources, as required by section 220 of the IRP Regulations, the Visa Officer could not issue a study visa. Accordingly, this issue is determinative and I need not address the Applicant's submissions as to family ties.

No Breach of Procedural Fairness

[34] Like the Applicant's written submission on reasonableness, much of the lengthy submissions made concerning alleged breaches of procedural fairness are unconnected to the Visa Officer's reasons. As to those submissions that do engage with the reasons, there is no merit to the Applicant's position.

[35] First, the Applicant's arguments that the Visa Officer failed to explain how they reached the finding with respect to the Applicant's lack of available and sufficient funds and, therefore,

that the decision lacked justification, transparency and intelligibility, is a question of the reasonableness of the decision (*Vavilov* at para 15) – not a failure to perform a duty as the Applicant asserts. Similarly, whether the Visa Officer failed to consider evidence is a question regarding the merits, or reasonableness, of the decision (*Vavilov* at paras 125-126), rather than a question of procedural fairness.

[36] Second, the Applicant submits that it is trite law that when a visa officer has concerns arising from an application, they are under a duty to bring this to the attention of the applicant and permit them to address the issue before making a determination. But this is not the current state of the jurisprudence concerning study permits application. Current case law is clear that study permit decisions attract a low level of procedural fairness and officers do not have to seek out additional information to assuage concerns arising on the face of an application (see, for example, *Patel v Canada (Citizenship and Immigration)*, 2020 FC 517 at para 12, citing *Li v Canada (Minister of Citizenship and Immigration)*, 2001 FCT 791 at paras 45 to 50; *Singh v Canada (Citizenship and Immigration)*, 2012 FC 526 at para 34, *Hakimi v Canada (Citizenship and Immigration)*, 2015 FC 657 at para 14, and *Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001 at paras 36- 37; *Ibekwe* at para 16).

[37] As stated in *Aghvamiamoli*:

> [20] An officer is not normally obliged to notify an applicant of the weaknesses in their application, by way of a fairness letter or an interview, when the concerns relate to the applicant's own evidence in an attempt to meet statutory requirements. The officer is entitled to draw an adverse conclusion on the evidence filed without bringing the potential adverse conclusion to the applicant's attention for a rebuttal (*Gomes v Canada (Citizenship and*

> *Immigration)*, 2020 FC 451 at paras 20-21; *Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at para 33).

[38] Put otherwise, "where a concern arises directly from the requirements of the legislation or related regulations, a visa officer will not be under a duty to provide an opportunity for the applicant to address his or her concerns" (*Hassani v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1283 at para 24, cited in *Talpur v Canada (Citizenship and Immigration)*, 2012 FC 25 at para 21). Here the Visa Officer's concerns arose directly from s 216(1) and s 220 of the IRP Regulations, being whether the Applicant would leave Canada at the end of an authorized stay and whether she had sufficient and available financial resources to support herself during such a stay. The Visa Officer did not breach procedural fairness by not seeking out further information from the Applicant nor by not raising concerns with her about her application.

[39] Third, nothing in the Visa Officer's reasons or the record supports the Applicant's allegation that the Visa Officer made an implicit credibility finding. The Visa Officer did not question the authenticity or credibility of the documents submitted by the Applicant in support of her application, rather, the Visa Officer's determination was based on the sufficiency of the evidence (see *Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 [*Amiri*] at para 25). Similarly, there is no basis for the assertion that the Visa Officer "probably" relied on unspecified extrinsic evidence, that they formed a negative opinion about the Applicant's intention, or that the decision was personal to the Visa Officer.

[40] Finally, the Applicant's reliance on the doctrine of legitimate expectations is similarly misconceived and unfounded. The Applicant's written submission was that by ignoring evidence, the Visa Officer breached their "duty of legitimate expectation". However, whether the Visa Officer ignored evidence or rendered a decision that is unjustified in relation to factual constraints are concerns about the reasonableness of the decision (*Vavilov* at paras 101, 125-126; *Amiri* at para 26), not procedural fairness.

[41] When appearing before me the Applicant made a new argument, being that the Guidelines were a representation upon which she relied giving rise to a reasonable expectation that she needed only to provide proof of available funds for her first year in Canada. I decline to address this new argument (*Kabir v Canada (Citizenship and Immigration)*, 2023 FC 1123 at para 19). In any event, I point out that the Applicant provided no evidence that she was aware of or relied on the Guidelines. Nor does the decision or the record suggest that the Visa Officer did not follow the Guidelines in finding the Applicant's funds to be insufficient, or that the Visa Officer represented that they understood and would apply the Guidelines to limit the proof of funds to the first year of studies.

Conclusion

[42] For all of these reasons I find that the decision was reasonable and that there was no breach of the duty of fairness.

JUDGMENT IN IMM-10688-22

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed;

2. There shall be no order as to costs; and

3. No question of general importance for certification was proposed or arises.

"Cecily Y. Strickland"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-10688-22
STYLE OF CAUSE:	SAHAR SHOURABI SANI, MOJTABA AZIZI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	BY VIDEOCONFERENCE USING ZOOM
DATE OF HEARING:	FEBRUARY 28, 2024
JUDGMENT AND REASONS:	STRICKLAND J.
DATED:	MARCH 12, 2024

APPEARANCES:

Oluwadamilola Asuni	FOR THE APPLICANTS
Justin Zelowsky	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Barrister & Solicitor Saskatoon, Saskatchewan	FOR THE APPLICANTS
Attorney General of Canada Saskatoon, Saskatchewan	FOR THE RESPONDENT