

Federal Court



Cour fédérale

Date: 20240719

Docket: IMM-5523-23

Citation: 2024 FC 1130

Toronto, Ontario, July 19, 2024

PRESENT: The Honourable Mr. Justice Pentney

BETWEEN:

RENUKA RAVICHANDRAN KANDATH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Renuka Ravichandran Kandath, is seeking judicial review of a negative study permit decision.

[2] The key reasons for the Officer's refusal are that:

- The Applicant’s purpose of visit was not consistent with a temporary stay because the Applicant’s previous education (Master of Education) overlaps with her proposed program at the University of Toronto (Master of Education, specialized in Pedagogy).

[3] Based on these considerations, the Officer was not satisfied that the Applicant would depart Canada at the end of her authorized stay.

[4] The only issue in this case is whether the Officer’s decision is reasonable, applying the framework set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, [2019] 4 SCR 653 [*Vavilov*].

[5] This Court has discussed the legal framework that governs the judicial review of student visa denials in a large number of recent decisions (see for example, *Safarian v Canada (Citizenship and Immigration)*, 2023 FC 775 at para 2; *Amini v Canada (Citizenship and Immigration)*, 2024 FC 653 at para 4):

- A reasonable decision must explain the result, in view of the law and the key facts;
- *Vavilov* seeks to reinforce a “culture of justification” requiring the decision-maker to provide a logical explanation for the result and to be responsive to the parties’ submissions, but it also requires the context for decision-making to be taken into account;
- Visa Officers face a deluge of applications, and their reasons do not need to be lengthy or detailed. However, their reasons do need to set out the key elements of the

Officer's line of analysis and be responsive to the core of the claimant's submissions on the most relevant points;

- The onus is on the Applicant to satisfy the Officer that they meet the requirements of the law that applies to consideration of student visas, including that they will leave at the end of their authorized stay;
- Visa Officers must consider the "push" and "pull" factors that could lead an Applicant to overstay their visa and stay in Canada, or that would encourage them to return to their home country.
- The decision must be assessed in light of the context for decision-making, including the high volume of applications to be processed, the nature of the interests involved, and the fact that in most instances an applicant can simply re-apply; and
- It is not open to Minister's counsel or the court to fashion their own reasons to buttress or supplement the Visa Officer's decision: see *Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754.

[6] Applying the principles set out above, I find the decision to be unreasonable.

[7] In this case, the Officer's decision rests on the key finding that the Applicant's proposed course content and level appears to overlap with the studies she already completed; therefore, the proposed program does not adequately demonstrate "a logical progression of studies."

[8] However, I find the decision does not meet the minimum requirements of "responsive justification" because the Officer overlooks or misconstrues the Applicant's evidence. Nowhere in the decision does the Officer consider that the Applicant's proposed Master in Education is

specialized in Pedagogy. The Applicant makes it clear in her study plan that no such specialization exists in India (based on her extensive research) and she provided a copy of a job offer that is conditional on her obtaining a Master of Education in Pedagogy. It is noteworthy that at the time of the job offer, the Applicant already had a more general Masters in Education, and so the addition of this specific term in the job offer is an indication that her employer wanted her to get a further degree focused on Pedagogy and curriculum design, because the position she was being offered involved curriculum development. She indicated that this was her only chance for promotion, after many years as a mathematics teacher. The Applicant provided ample evidence of the need for a specialization in Curriculum and Pedagogy, but the Officer failed to address it.

[9] The Officer did not need to accept everything put forward by the Applicant, but was required to offer some explanation about how this essential information factored into their analysis. While Visa Officers need not give exhaustive reasons to uphold the reasonableness of their decisions, this does not relieve them from the need to address evidence on key points that contradicts key aspects of their decision, even if briefly (*Mahdavi v Canada (Citizenship and Immigration)*, 2024 FC 629 at para 19). That was not done here.

[10] The Respondent offered a number of arguments in support of the decision, including that the Applicant provided no details as to what the proposed program entailed, what courses it included, how it differed from previous studies, and how it related to her goal of creating a mathematics textbook. However, I find that the majority of these submissions seek to supplement

the Officer's reasons. None of the Respondent's arguments persuade me that the Officer's decision is justified in light of the evidence in the record.

[11] For the reasons set out above, I find the decision is unreasonable. The application for judicial review is granted.

[12] The decision is quashed and set aside. The matter is remitted back for reconsideration by a different Officer.

[13] There is no question of general importance for certification.

JUDGMENT in IMM-5523-23

THIS COURT’S JUDGMENT is that:

- A.** The application for judicial review is granted.
- B.** The decision is quashed and set aside, and the matter is remitted back for reconsideration by a different Officer.
- C.** There is no question of general importance for certification.

“William F. Pentney”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5523-23

STYLE OF CAUSE: RENUKA RAVICHANDRAN KANDATH v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 16, 2024

JUDGMENT AND REASONS: PENTNEY J.

DATED: JULY 19, 2024

APPEARANCES:

Jeremiah Eastman FOR THE APPLICANT

Jake Boughs FOR THE RESPONDENT

SOLICITORS OF RECORD:

Eastman Law Office P.C. FOR THE APPLICANT
Oakville, Ontario

Attorney General of Canada FOR THE RESPONDENT
Toronto, Ontario