

CANADA / JUDGMENT

Akbar v. Canada (Citizenship and Immigration)

2025 FC 1476

COURT

Federal Court

DECIDED

8 September 2025

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Akbar v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2025-09-08 Neutral citation 2025 FC 1476 File numbers IMM-12975-24 Decision Content Date: 20250908 Docket: IMM-12975-24 Citation: 2025 FC 1476 Toronto, Ontario, September 8, 2025 PRESENT: The Honourable Justice Battista BETWEEN: UMAIR AKBAR Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS (Delivered orally from the bench on September 8, 2025)

- [1] In this judicial review application, Umair Akbar challenges the second refusal of his study permit application. His study permit application was first refused on January 17, 2024, and that decision was set aside for redetermination with the consent of the Respondent. On redetermination, Mr. Akbar's study permit application was again refused on July 22, 2024.
- [2] The Respondent agrees that the latest refusal decision rendered on Mr. Akbar's study permit application is unreasonable and has offered to set aside and redetermine the application. Mr. Akbar refused the settlement offer because he is concerned about the delay as a result of the two refusals, and he is concerned about changes in study permit regulations and policy that have prejudiced him since the time of his first application.
- [3] I agree with the parties that the decision refusing Mr. Akbar's study permit application is unreasonable and will be set aside because of its disregard of the relevant factual constraints, specifically, the evidence and submissions of Mr. Akbar (Canada (Citizenship and Immigration) v Vavilov, 2019 SCC 65, at paras 105-107, 125-128).
- [4] I also agree with Mr. Akbar that he has been prejudiced by two unreasonable decisions on his study permit application. To address this prejudice and in an attempt to avoid further prejudice, directions will be provided pursuant to subsection 18.1(3)(b) of the Federal Courts Act RSC, 1985, c F-7 for the redetermination of the application (ABCD v Canada (Citizenship and Immigration), 2025 FC 1296 at para 67). JUDGMENT in IMM-12975-24 THIS COURT'S JUDGMENT is that: 1.The application for judicial review is granted, and the refusal of the Applicant's study permit application is set aside. 2.The matter is remitted for redetermination by a different officer within 45 days of the date of this order. 3.The

redetermination will be based on the Respondent's regulatory and policy criteria for study permits as they existed at the time of the Applicant's original study permit application on October 4, 2023. 4. There is no order regarding costs and there is no question for certification. blank "Michael Battista" blank Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-12975-24 STYLE OF CAUSE: UMAIR AKBAR v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: BY VIDEOCONFERENCE DATE OF HEARING: SEPTEMBER 8, 2025 JUDGMENT AND REASONS: BATTISTA J. DATED: SEPTEMBER 8, 2025 APPEARANCES: Umair Akbar FOR THE APPLICANT (on his own behalf) Adrian Hutcheson For The Respondent SOLICITORS OF RECORD: Attorney General of Canada Halifax, Nova Scotia For The Respondent

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