

Federal Court



Cour fédérale

Date: 20150408

Docket: IMM-1154-14

Citation: 2015 FC 424

Toronto, Ontario, April 8, 2015

PRESENT: The Honourable Madam Justice Simpson

BETWEEN:

SUNDAY BUSUYI DADA

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

ORDER AND REASONS

(Delivered Orally from the Bench in Toronto, Ontario on April 7, 2015)

[1] The applicant, Sunday Busuyi Dada is a Nigerian citizen who has applied for judicial review of a decision made by an Immigration Case Officer (the Officer) dated February 10, 2014 in which the Officer refused the applicant's request for permanent resident status as a member of the Federal Skilled Workers Class (the Decision).

[2] The Decision shows that the Officer awarded the applicant 53 points which was 14 points short of the 67 points required for a successful application. The applicant says that he should have received 20 instead of 5 points for education and that had he done so, his application for permanent residence would have been successful.

[3] The narrow issue is whether there was evidence to show the nature and duration of any training that led to the issuance of two certificates in auto mechanics by the Ministry of Labour (the Certificates). The Certificates showed only that the applicant had passed certain tests.

[4] The difficulty is that there was no evidence before the Officer which set out the nature of the study that led to the Certificates. Neither the applicant's application form, nor the letter of May 17th, 2012 from the Ministry of Labour described the studies undertaken by the applicant to earn the Certificates. In view of this, I have concluded that it was reasonable for the Officer not to include the Certificates when she assessed the applicant's education.

[5] For these reasons, the application for judicial review will be dismissed.

[6] No question was posed for certification for appeal.

ORDER

THIS COURT ORDERS that the application for judicial review is dismissed.

“Sandra J. Simpson”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1154-14

STYLE OF CAUSE: SUNDAY BUSUYI DADA v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: APRIL 7, 2015

ORDER AND REASONS: SIMPSON J.

DATED: APRIL 8, 2015

APPEARANCES:

Shedrack C. Agbakwa

FOR THE APPLICANT

Ildiko Erdei

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Agbakwas LLP
Barristers and Solicitors
Toronto, Ontario

FOR THE APPLICANT

William F. Pentney
Deputy Attorney General of
Canada

FOR THE RESPONDENT