

Federal Court



Cour fédérale

Date: 20240723

Docket: IMM-5381-23

Citation: 2024 FC 1150

Ottawa, Ontario, July 23, 2024

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

TEMPLE IFEOLUWA ADENOPO

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Ms. Temple Ifeoluwa Adenopo (the “Applicant”) seeks judicial review of the decision of a visa officer (the “Officer”) refusing her request for a study permit.

[2] The Applicant is a citizen of Nigeria. She applied for a study permit to pursue a graduate degree at Conestoga College in Kitchener, Ontario.

[3] The Officer denied the application because he was not satisfied that the Applicant had sufficient available financial resources to support herself in Canada, pursuant to subsections 220(a) to (c) and subsection 216(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the “Regulations”), or that she would leave Canada at the end of her stay.

[4] The Applicant pleads that the decision is unreasonable because it is inconsistent with the evidence provided. She also argues that the Officer breached the requirements of procedural fairness by failing to give her the opportunity to respond to any concerns.

[5] The Minister of Citizenship and Immigration (the “Respondent”) submits that the decision is reasonable and that there was no breach of procedural fairness.

[6] Following the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.), the merits of the decision are reviewable on the standard of reasonableness; see also the decision in *Solopova v. Canada (Citizenship and Immigration)*, 2016 FC 690.

[7] The issue of a breach of procedural fairness is reviewable on the standard of correctness; *Canada (Citizenship and Immigration) v. Khosa*, [2009] 1 S.C.R. 339 (S.C.C.).

[8] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is

justified in relation to the relevant factual and legal constraints that bear on the decision”; see *Vavilov, supra*, at paragraph 99.

[9] The Global Case Management System (“GCMS”) notes record the concerns of the Officer about the source of the funds relied upon by the Applicant. The funds belong to her parents and the Officer considered them to be “third party” funds to which the Applicant has no automatic access.

[10] Considering the evidence submitted, that is the bank statements and statements of net worth in the names of the Applicant’s parents, these concerns are reasonable.

[11] The Officer, not the Court, is mandated to weigh the evidence. I am not persuaded that the Officer’s conclusion fails to meet the standard of reasonableness.

[12] I will not address the Officer’s conclusion about the Applicant’s intention not to leave Canada at the end of the academic program.

[13] The Officer determined that the Applicant failed to show the financial means to support the proposed course of study. Subsection 220(b) of the Regulations requires a person seeking a study permit to show sufficient funds to maintain himself or herself during the proposed course of study, without working.

[14] On the basis of the evidence submitted and the arguments made, the decision of the Officer meets the standard of reasonableness and the application for judicial review will be dismissed. There is no question for certification.

JUDGMENT IN IMM-5381-23

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed,
there is no question for certification.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5381-23

STYLE OF CAUSE: TEMPLE IFEOLUWA ADENOPO v. THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 16, 2024

REASONS AND JUDGMENT: HENEGHAN J.

DATED: JULY 23, 2024

APPEARANCES:

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