

Federal Court



Cour fédérale

Date: 20250321

Docket: IMM-1636-24

Citation: 2025 FC 525

Toronto, Ontario, March 21, 2025

PRESENT: Madam Justice Whyte Nowak

BETWEEN:

DAMOLA GANIYAT AYOADE-ODEBODE

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Damola Ganiyat Ayoade-Odebode [the Applicant], seeks judicial review of a decision made on January 9, 2024 by an officer [the Officer] of Immigration, Refugees and Citizenship Canada [IRCC] refusing the Applicant's study permit application [the Decision].

The Officer was not satisfied that the Applicant had sufficient and available financial resources

for her studies, and therefore was not convinced that the Applicant would leave Canada at the end of her stay.

[2] For the reasons that follow, I find that the Applicant has not met her onus of showing that the Decision was unreasonable or unfair as her study permit application failed to satisfy the express requirements of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*Regulations*]. Accordingly, this application is dismissed.

II. Legal Framework

[3] Pursuant to subsection 11(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*Act*], a visa may be issued to a foreign national if a visa officer is satisfied that the foreign national is not inadmissible and meets the requirements of the *Act*.

[4] Section 220 of the *Regulations* provides:

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;

Ressources financières

220 À l'exception des personnes visées aux sous-alinéas 215(1)d) ou e), l'agent ne délivre pas de permis d'études à l'étranger à moins que celui-ci ne dispose, sans qu'il lui soit nécessaire d'exercer un emploi au Canada, de ressources financières suffisantes pour :

a) acquitter les frais de scolarité des cours qu'il a l'intention de suivre;

(b) maintain themselves and any family members who are accompanying them during their proposed period of study; and

b) subvenir à ses propres besoins et à ceux des membres de sa famille qui l'accompagnent durant ses études;

(c) pay the costs of transporting themselves and the family members referred to in paragraph (b) to and from Canada.

c) acquitter les frais de transport pour lui-même et les membres de sa famille visés à l'alinéa b) pour venir au Canada et en repartir.

III. Facts

A. *The Applicant's Background*

[5] The Applicant is a citizen of Nigeria who made an application for a study permit in Canada to pursue a Graduate Diploma in Accounting at the University of British Columbia.

[6] In support of her application, the Applicant submitted: (i) an explanation of the purpose of her studies; (ii) proof of ownership of a private preparatory school in Nigeria named "Goodstart" that she co-owns and proof that it is considered to be in good standing by the Corporate Affairs Commission in Nigeria; (iii) a detailed explanation of the school's operations, recent expansion and future plans for expansion; (iv) proof of ownership of properties in Lagos; and (v) proof of payment of her tuition fees for the entirety of her program.

B. *The Decision*

[7] On January 9, 2024, the Officer refused the Applicant's study permit application for three reasons. First, the Officer found the Applicant's assets and financial situation to be "insufficient

to support the stated purpose of travel.” Second, the Officer noted that the Applicant’s detailed bank statements show a large amount of funds totalling 48,982,013.75 NGN, but also noted that there was “insufficient detailed information and documentation to clearly established [sic] the provenance of the funds presented.” Finally, the Officer found that there was “[l]imited information pertaining to the business operations and income earnings” of the Applicant’s business, finding that the Applicant’s financial information is “not supported with an employment contract that includes salary composition, payslips or evidence of income tax paid to support the account balances on file.” The Officer stated that there is an “absence of satisfactory documentation showing the source of these funds.”

[8] The Officer was therefore “not satisfied that the [A]pplicant has sufficient funds for the intended international study and associated living expenses” and therefore will depart Canada at the end of the period authorized for her stay.

IV. Issues and Standard of Review

[9] This Applicant raises the following issues:

- A. Was the Officer’s finding that the Applicant lacks sufficient funds unreasonable?
- B. Did the Officer fail to consider all the evidence?
- C. Did the Officer breach the Applicant’s right to procedural fairness?

[10] The applicable standard of review of the merits of the Decision is that of reasonableness as established in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65

[*Vavilov*]. A reasonable decision is one that is based on an internally coherent and rational chain of analysis that is justified in relation to the facts and law that constrain the decision maker (*Vavilov* at para 85). Judicial review is not an exercise in redetermining the underlying decision, nor is it a chance for a reweighing of the evidence that was before the decision maker (*Vavilov* at paras 75, 83, 125).

[11] Issues of procedural fairness are reviewed on a standard akin to correctness (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 34-35, 54-55 [*Canadian Pacific*], citing *Mission Institution v Khela*, 2014 SCC 24 at para 79). A reviewing court must ensure that those affected by a decision understood the case they had to meet and had the opportunity to respond to it before an impartial decision maker (*Canadian Pacific* at para 41).

V. Analysis

A. *Was the Officer's finding that the Applicant lacks sufficient funds unreasonable?*

[12] The Applicant submits that the Officer's treatment of her supporting documentation was unintelligible as she clearly showed sufficient funds (having demonstrated funds amounting to 8 times the minimum required) and her application was complete based on the IRCC application online guidelines for Nigerian applicants, which she claims do not require applicants to establish the provenance of funds. The Applicant submitted in her written argument that the Officer applied a "higher standard" than was required to establish the source of her funds and suggests that this higher standard may have been triggered by the Officer's suspicions based on stereotypes surrounding women who come from "third world" countries.

[13] The Applicant's argument is squarely contradicted by the IRCC online guidelines which expressly state that an applicant "must also show a reliable source of funds for the duration of [the applicant's] academic program." The Federal Court has held that the failure to show the source of funds is valid basis for refusing an application even when an applicant demonstrates sufficient funds (*Sani v Canada (Citizenship and Immigration)*, 2024 FC 396 at para 27 and *Moradian v Canada (Citizenship and Immigration)*, 2024 FC 1343 at paras 7-9). In *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 [*Sayyar*], the Court confirmed that pursuant to section 220 of the *Regulations* visa officers must be satisfied not only with the sufficiency of an applicant's funds, but also the source, nature and stability of those funds which demonstrate a likelihood of future income and therefore an ability to pay for the duration of the applicant's studies (*Sayyar* at para 12). Based on these well-established authorities, the Officer's reasons cannot be said to be unintelligible or unreasonable.

[14] The insinuation that the Officer may have been biased is wholly unsubstantiated and utterly without merit. The Federal Court of Appeal has warned that such unsupported allegations of bias are improper (*Anwar v Canada (Attorney General)*, 2025 FCA 7 at para 6).

B. *Did the Officer fail to consider all the evidence?*

[15] The Applicant notes that the Officer found that there is "limited information" pertaining to the business operations and income earnings related to the Applicant's preparatory school, yet did not mention what information there was, which the Applicant argues was not limited. She submits that the information she has provided contradicts the Officer's finding, which required the Officer to address it (citing *Singh v Canada (Citizenship and Immigration)*, 2007 FC 1296).

[16] Contrary to the Applicant's assertions, the Officer explained that the preparatory school's financial information is "not supported with an employment contract that includes salary composition, payslips or evidence of income tax paid" that can be used to successfully "support the account balances on file." As the Officer clarified, it is the *source* of the funds that concerned the Officer, and the information provided failed to establish that the preparatory school was the source of the funds disclosed. The Officer's reasoning is intelligible and rational, and I am not persuaded by the Applicant's argument otherwise.

C. *Did the Officer breach the Applicant's right to procedural fairness?*

[17] The Applicant makes various arguments as to why the Officer breached her right to procedural fairness.

[18] First, she argues that the Officer had a duty to request documents, such as an "employment contract that includes salary composition, payslips or evidence of income tax paid," where such documents are not referred to in the legislation, regulations or ministerial instructions. Alternatively, the Applicant points to IRCC's online guidelines, noting that visa officers have the discretion to request additional documentations, and argues that Officer was duty-bound to request further documentation. Finally, the Applicant claims that the Officer made a veiled credibility finding without giving the Applicant a chance to respond to the Officer's concern.

[19] These arguments are not persuasive. The Applicant clearly failed to satisfy her burden to provide sufficient evidence establishing the source of her funds as required by the *Regulations*.

The Officer's concern arises directly from the requirements of the legislation and the Officer was not required to provide an opportunity for the Applicant to address concerns going to the sufficiency as opposed to the credibility of the Applicant's documentation (*Hassani v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1283 at para 24). There was no failure of procedural fairness in this case.

VI. Conclusion

[20] This application is dismissed as the Applicant has not demonstrated that the Decision is unreasonable or that the process followed by the Officer in denying her study permit was unfair.

JUDGMENT in IMM-1636-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and
2. There is no question for certification.

"Allyson Whyte Nowak"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1636-24

STYLE OF CAUSE: DAMOLA GANIYAT AYOADE-ODEBODE v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

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