

Federal Court



Cour fédérale

**Date: 20250129**

**Docket: IMM-6355-23  
IMM-6550-24**

**Citation: 2025 FC 185**

**Ottawa, Ontario, January 29, 2025**

**PRESENT: The Honourable Mr. Justice Ahmed**

**BETWEEN:**

**OLUWATOYOSI OREOLUWA ASUNI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant seeks judicial review of the refusal of two study permit applications. The first refusal, dated May 18, 2023, was rendered pursuant to paragraphs 216(1)(b), 220(a), and 220(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the “Regulations”). The second refusal, dated April 9, 2024, was rendered pursuant to paragraphs 216(1)(b) and 220(b) of the Regulations.

[2] The Applicant is a citizen of Nigeria. She submitted two study permit applications to enroll in a program at Holland College. In both applications, the Applicant's cousin was named as her sponsor (the "Sponsor").

[3] The Applicant's study permits were refused. In both refusals, the officers involved were not convinced of the family relationship between the Applicant and the Sponsor. The officers were therefore not persuaded that the Applicant had sufficient financial resources or would leave Canada at the end of her stay.

[4] The Applicant submits the refusal decisions are unreasonable and were made in a procedurally unfair manner. In their written submissions, the Respondent disagreed, submitting that the decision was reasonable and there was no breach of the Applicant's procedural rights.

[5] Shortly before the hearing, the Respondent informed the Court that they had made an offer of settlement to the Applicant. The Applicant declined the settlement offer the day before the hearing, after being directed by the Court to indicate their position.

[6] Notwithstanding the Respondent's consent for this matter to be remitted, I have reviewed the materials on the record and find the officers' decisions are reasonable. I further find that the Applicant's procedural rights were not infringed.

[7] The officers reasonably determined "[t]here is little evidence...to substantiate the relationship between [the Applicant] and the [S]ponsor." Unlike in *Ejevuvor v Canada*

(*Citizenship and Immigration*), 2024 FC 2054, the Sponsor in this case did not present a “detailed” letter “explain[ing] the precise nature of [his] relationship with the Applicant,” including details such as whether he and the Applicant “grew up in the same household,” “come from a close-knit family,” or previously exchanged “financial support” (at para 17). The Sponsor simply stated the Applicant was his cousin. The Applicant’s other evidence of her relationship with the Sponsor included a single, dimly lit photograph of a group of people, with the Applicant’s features not clearly visible. The photograph was presented in both applications. The second application also included a family tree. The officers reasonably found this evidence insufficient to discharge the Applicant’s burden of putting forward a “convincing” application, particularly as the Sponsor “was the [A]pplicant’s sole financial guarantor” (*Ohuaregbe v Canada (Citizenship and Immigration)*, 2023 FC 480 at para 30; *Pierre v Canada (Citizenship and Immigration)*, 2023 FC 1027 at para 17).

[8] The Applicant brings several arguments about procedural fairness. They are meritless. As previously determined by this Court, “a visa officer has no legal obligation to warn an applicant about the deficiencies of [their] application...when those deficiencies relate to legal preconditions” clearly set out in the Regulations (*Yuzer v Canada (Citizenship and Immigration)*, 2019 FC 781 at para 16). No veiled credibility findings were made, as the officers accepted the Applicant’s evidence and simply found it “[did] not establish the [A]pplicant’s claim” (*Roopchan v Canada (Citizenship and Immigration)*, 2021 FC 1342 at para 24). The officers did not engage in conduct that would give rise to legitimate expectations. As noted by this Court in *Emamirad v Canada (Citizenship and Immigration)*, 2024 FC 1786, the Applicant’s counsel has “often...repeated” these “arguments relating to procedural breach” and “the Court has previously

rejected them and found them meritless and a waste of time (*Amirhesari v Canada (Citizenship and Immigration)*, 2024 FC 436 at para 6-8 citing *Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 at paras 23-26; *Rajabi v Canada (Citizenship and Immigration)*, 2024 FC 371 at paras 21-27; *Eslami v Canada (Citizenship and Immigration)*, 2024 FC 409 at paras 19-21; *Davoodabadi v Canada (Citizenship and Immigration)*, 2024 FC 85 at paras 17-20; *Soofiani v Canada (Citizenship and Immigration)*, 2023 FC 1732 at para 3; *Zarei v Canada (Citizenship and Immigration)*, 2023 FC 1475 at para 12; *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 at para 16-17)” (at para 13).

[9] These applications for judicial review are dismissed. No question is certified.

**JUDGMENT in IMM-6355-23 & IMM-6550-24**

**THIS COURT’S JUDGMENT is that:**

1. These applications for judicial review are dismissed.
2. There is no question to certify.

“Shirzad A.”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-6355-23  
IMM-6550-24

**STYLE OF CAUSE:** OLUWATOYOSI OREOLUWA ASUNI v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** BY VIDEOCONFERENCE

**DATE OF HEARING:** JANUARY 28, 2025

**JUDGMENT AND REASONS:** AHMED J.

**DATED:** JANUARY 29, 2025

**APPEARANCES:**

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Evan Morrow	FOR THE RESPONDENT

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