

Federal Court



Cour fédérale

Date: 20250214

Docket: IMM-12956-23

Citation: 2025 FC 291

Ottawa, Ontario, February 14, 2025

PRESENT: Mr. Justice Pentney

BETWEEN:

PRAISE OBEHI ODOGBO

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered from the Bench at Toronto, Ontario on February 13, 2025)

[1] The Applicant, Praise Obehi Odogbo, is a citizen of Nigeria. She attempted to enter Canada on a visitor's visa in October 2023, ostensibly because she wanted to visit family. When she was questioned at the border, the Applicant said she would wait in Canada until she obtained her student visa, and that she did not have the funds to return to Nigeria. She produced a letter of

acceptance to study in Canada. She said she did not want to return to Nigeria, and also stated that she did not know how much money she was carrying.

[2] Based on this information, the Officer drafted a report recommending that the Applicant be found inadmissible under s. 44(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], and this report was referred to a Minister's Delegate (MD). The MD agreed that the Applicant was inadmissible because she intended to come to Canada to study, but did not have a study permit. The MD stated: "Even though [the Applicant] states that the purpose of her trip is only a visit, I agree with [the Officer]'s allegation that the real purpose of her trip is to study." The MD took into account the Applicant's previous attempts to travel to Canada, her prior study permit refusals, and the fact that she provided a letter of acceptance to a Canadian college.

[3] The MD issued an Exclusion Order, barring the Applicant from entering Canada for one year. The Applicant seeks judicial review of that Exclusion Order.

[4] The Applicant raises two issues. She argues that the Officer and MD erred in finding her inadmissible, and that the Officer and MD acted unreasonably in failing to allow her to withdraw her application to enter Canada. She says the Officer and MD failed to consider her explanation that she was only coming to Canada to visit family, and the concern about whether she had enough funds for her trip was misplaced because she had over \$10,000 available to her. She also says that the officials should have exercised their discretion to allow her to withdraw her request to enter Canada, without issuing an Exclusion Order that makes it impossible for her to enter the country for one year. That will delay her opportunity to study in Canada.

[5] I cannot accept the Applicant's arguments.

[6] The Officer and MD had ample grounds to doubt the Applicant's story about the reason for her trip to Canada. As noted in the decision, the Applicant was previously refused multiple study permits and extensions, and she was refused boarding to Canada several times. She provided the Officer with a letter of admission to Algonquin College and expressed her intention to stay with family in Canada until she received her study permit. Moreover, the Applicant did not express any intention to return to Nigeria. All of this is mentioned in the MD's notes, and the Applicant has not challenged any of these facts.

[7] The Applicant argues that the MD's notes are incomplete, failing to mention that she did, in fact, have sufficient funds (over \$10,000) in her possession, or that she had previously had status in Canada under a prior study permit, and there is no indication that she had previously breached Canadian immigration law.

[8] When I look at the record as a whole, the Officer's notes do show that the Applicant had a prior study permit, and the Officer and MD were clearly aware that she had arrived with a valid Temporary Resident Visa. As for the funds, the Officer's notes show that the Applicant said she did not know how much money was in her possession, and at one point she said she did not have sufficient funds to return to Nigeria. The fact that it was later established that she did have sufficient funds is, in this case, beside the point, because the Officers were assessing the Applicant's intentions – and they had plenty of reasons to find that she was not coming as a visitor but rather she intended to pursue studies in Canada.

[9] The MD's conclusion on the Applicant's intention is reasonable.

[10] On the decision to issue the Exclusion Order, previous cases have confirmed that decisions to issue exclusion orders are entitled to considerable deference in view of the decision-maker's expertise and experience in the matter: *Gursimran v Canada (Citizenship and Immigration)*, 2019 FC 1260 at para 12, citing *Peng v Canada (Public Safety and Emergency Preparedness)*, 2017 FC 537 at para 15. In this case, the Officer's decision is clear and coherent, and the analysis is grounded in a detailed review of the evidence. That is all that is required.

[11] As for the argument that the Officer acted unreasonably in failing to allow the Applicant to simply withdraw her request to enter Canada, I am not persuaded that there is any basis to question the decision.

[12] As confirmed by the Canada Border Services Agency Examinations Manual, cited by the Applicant, providing an individual with an opportunity to voluntarily withdraw their application to enter Canada is discretionary. An example given is where the Officer believes the person "took a wrong turn and had no intention to come to Canada." That is clearly not the situation here. I can find no basis to question the Officer's decision, considering all of the circumstances of the case. I also note that as a matter of law, once the Officer began to prepare an inadmissibility report under s. 44(1) of IRPA, it was no longer possible to permit the Applicant to withdraw her application: see *Camara v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 1329 at para 25.

[13] For all of these reasons, I am dismissing this application for judicial review.

[14] There is no question of general importance for certification.

JUDGMENT in IMM-12956-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question of general importance for certification.

"William F. Pentney"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12956-23

STYLE OF CAUSE: PRAISE OBEHI ODOGBO v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: FEBRUARY 13, 2025

JUDGMENT AND REASONS: PENTNEY J.

DATED: FEBRUARY 14, 2025

APPEARANCES:

Sandra Dzever	FOR THE APPLICANT
Margherita Braccio	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Barrister & Solicitor Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT