

Federal Court



Cour fédérale

**Date: 20250320**

**Docket: IMM-7827-24**

**Citation: 2025 FC 517**

**Toronto, Ontario, March 20, 2025**

**PRESENT: Madam Justice Whyte Nowak**

**BETWEEN:**

**STEPHANIE DWOMO OCRAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant, Stephanie Dwomo Ocran [Applicant], is a citizen of Ghana who studied at Confederation College in Thunder Bay, Ontario from 2020 to 2023. The Applicant overstayed her study permit and applied for a Temporary Resident Permit [TRP] to normalize her status. She claims that her overstay was inadvertent and she will be unable to apply for a Post Graduate Work Permit [PGWP] if she is forced to return to Ghana and apply from abroad. By letter dated

April 29, 2024, a case processing officer [Officer] from Immigration, Refugees and Citizenship Canada [IRCC] refused to grant the Applicant a TRP [TRP Decision].

[2] The Applicant seeks judicial review of the TRP Decision on the basis that it is unreasonable.

[3] For the reasons that follow, I am granting this application as I find that the Officer failed to engage with the Applicant's evidence and central submission with the result that the Officer's finding that a TRP was not justified in the circumstances is itself unjustified and therefore unreasonable.

## II. Facts

### A. *The Applicant's Immigration Status*

[4] The Applicant is from Ghana and was twenty years old when she started studying in the Developmental Service Worker Program at Confederation College in September 2020. Due to COVID-19 restrictions, she completed the first part of her studies online while she continued to live in Ghana.

[5] The Applicant moved to Thunder Bay, Ontario in January 2021 to continue her studies in person. She had a temporary resident visa in her passport with an expiry date of June 30, 2023. An officer at her port of entry provided her with a study permit with an expiry date of July 29, 2022. The Applicant says she did not appreciate the difference between the study permit and the

student visa at the time and thought that she was authorized to study until her visa expired on June 30, 2023.

[6] The Applicant struggled with her program which remained online, so she switched to a different program at Confederation College which was offered in person. When she made the switch, she did not realize that she would need to extend her study permit in order to complete the two-year program.

[7] The Applicant highlighted the fact in her TRP application that she does not recall ever being asked by the college for a copy of her study permit and she was unable to receive any advice or guidance from the college about the expiry of her study permit and visa since academic advisors were not scheduling appointments during the COVID-19 pandemic.

[8] When the Applicant realized her mistake, she immediately spoke with international student advisors and legal clinic counsel. When she received the advice that she was no longer authorized to work, she stopped working.

B. *The Applicant's TRP Application*

[9] In the TRP application, counsel submitted a detailed submission which explained why the Applicant was applying for a TRP, which included the fact that the Applicant would not be eligible for a PGWP from outside of Canada. The Applicant explained she was applying for a TRP because she feared that she would not otherwise have a clear pathway back to Canada and

she would likely lose the job that was being held for her. It was for this reason that she expressly stated that she was seeking to regularize her status from inside Canada using a TRP.

[10] The Applicant's TRP application included letters of support from the Dean of International Education at Confederation College, her friend and landlord. Her landlord wrote a support letter saying that he would allow her to live rent-free until she could work again, and her friend wrote a letter advising that the Applicant wants to settle in Thunder Bay.

[11] The Applicant's work supervisor from a company where she was working as a home support worker also wrote a letter of support. The supervisor noted the Applicant's skills as well as the company's need for her as an employee during what they called a "time of significant need" with notable health human resource constraints across the healthcare industry.

### C. *The TRP Decision*

[12] The Global Case Management System notes that accompanied the TRP Decision include the following reasons for the refusal of the Applicant's TRP request:

Applicant's inadmissibility is non-compliance: status. There is a mechanism in place for foreign nationals to rectify this inadmissibility by leaving Canada and applying abroad for a new permit and, if necessary, visa. Applicant has not provided sufficient documentation to prove that they would experience difficulty should they be expected to return to home country in order to regularize status. The onus is on the applicant to know the validity of their permits, and their status in Canada. Per A24(1), a TRP may be issued to an individual who is inadmissible or does not meet the requirements of the act (IRPA) if the officer is satisfied that a TRP is justified in this circumstance. It is the applicant's responsibility of satisfying an officer. I have considered the application for a temporary resident permit, and all

submissions in their entirety, and I am not satisfied that the TRP is justified in this circumstance. Application refused per A24(1).  
Refusal letter sent.

### III. Legislative Framework

[13] Subsection 24(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] provides for the issuance of a temporary resident permit as follows:

A foreign national who, in the opinion of an officer, is inadmissible or does not meet the requirements of this Act becomes a temporary resident if an officer is of the opinion that it is justified in the circumstances and issues a temporary resident permit, which may be cancelled at any time.

[14] TRP decisions are highly discretionary and are intended to address short-term, pressing issues that allow individuals to obtain temporary residence in Canada, despite their inadmissibility or other non-compliances with Canadian immigration laws (*Ogbonna v Canada (Citizenship and Immigration)*, 2024 FC 1467 at para 14).

[15] According to the IRCC's operational instruction and guideline, "Temporary resident permits (TRPs)" [TRP Guidelines], a TRP is discretionary and involves a determination whether "the individual's purpose for entering Canada balances Canada's social, humanitarian and economic commitments to the health and security of Canadians, per the objectives of the *IRPA*." The TRP Guidelines specifically state that an officer may consider whether: (i) the need for the foreign national to enter or remain in Canada is "compelling"; and (ii) their presence in Canada outweighs any risk to Canadians or Canadian society.

IV. Issues and Standard of Review

[16] The only issue raised by the Applicant is whether the TRP Decision is reasonable.

[17] I am in agreement with the parties that the standard of review of the merits of a decision is that of reasonableness as articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]. A reasonable decision bears the hallmarks of justification, transparency and intelligibility, with the burden resting on the challenging party to show that the decision is unreasonable (*Vavilov* at paras 99-100). A reviewing court must ensure that the decision demonstrates an internally coherent and rational chain of analysis that is justified in relation to the facts and law that constrained the decision maker (*Vavilov* at para 85).

[18] A reviewing court must also consider whether the central issues, concerns and evidence raised by the parties were meaningfully accounted for by the administrative decision maker, but the court is not entitled to reweigh or reassess the evidence (*Vavilov* at paras 125, 127-128).

V. Analysis

[19] The Applicant submits that the TRP Decision reflects a failure on the part of the Officer to engage with the Applicant's evidence and central submission. I agree.

[20] While this Court has recognized that the reasons for refusing a TRP are typically brief (*Singh v Canada (Citizenship and Immigration)*, 2025 FC 227 at para 33), other than acknowledging the Applicant's claim that her stay was inadvertent, I find that the Officer's

reasons are entirely devoid of any reference to the Applicant's evidence and fails to address the Applicant's central submission. The TRP Decision amounts instead to the kind of unjustified and conclusory reasoning specifically eschewed by the Supreme Court in *Vavliov* (*Vavliov* at paras 86, 98, 102)

[21] First, as the Applicant points out, the TRP Decision makes no reference to the Applicant's evidence related to: (i) her ineligibility for a PGWP if she were forced to return to Ghana and re-apply; (ii) the effect of COVID-19 on her ability to access advice and support in connection with the change in her studies and the related impact on her immigration status; (iii) the letters of support from members of the community; and (iv) the letter from her employer attesting to the need for the Applicant as a worker. This failure to account for the evidence is compounded by the Officer's silence on whether the Applicant's evidence presents "compelling reasons" as weighed against the risk posed by allowing the Applicant to remain in Canada (*Al-Tinawi v Canada (Citizenship and Immigration)*, 2025 FC 398 at para 27).

[22] Second, the TRP Decision also fails to address the Applicant's central submission that a finding that she worked without status bars her from applying for a PGWP for 6 months, yet she is still required to apply for a PGWP within 6 months of finishing her studies. The Officer ignored or misunderstood the Applicant's conundrum and simply noted that the Applicant could regularize her status from outside the country. The Officer failed to consider whether this was the very kind of harsh consequence stemming from a strict application of the *IRPA* that a TRP was intended to remedy.

[23] It is not enough for the Officer to have stated that all of the Applicant's documentation and submissions were considered; the reasons must reflect that consideration and be justified in a way that is understandable to the Applicant (*Vavilov* at para 86 and *Howlader v Canada (Citizenship and Immigration)*, 2025 FC 274 at para 58). As the Officer failed to meaningfully engage with the evidence and the Applicant's central submission, the TRP Decision is unreasonable (*Vavilov* at paras 126-127).

## VI. Conclusion

[24] The Applicant has met her onus of showing that the TRP Decision is unreasonable. Accordingly, this application is granted.



**JUDGMENT in IMM-7827-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is granted;
2. The matter is returned for redetermination by a different decision maker; and
3. There is no question for certification.

"Allyson Whyte Nowak"

Judge

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

**DOCKET:** IMM-7827-24

**STYLE OF CAUSE:** STEPHANIE DWOMO OCRAN v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY WAY OF ZOOM VIDEOCONFERENCE

**DATE OF HEARING:** MARCH 17, 2025

**JUDGMENT AND REASONS:** WHYTE NOWAK J.

**DATED:** MARCH 20, 2025

**APPEARANCES:**

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Amy King	FOR THE RESPONDENT

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