Federal Court Cour fédérale

Date: 20250708

Docket: IMM-12451-24

Citation: 2025 FC 1211

Ottawa, Ontario, July 8, 2025

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

EDWARD ESHUN

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of a decision [the Decision] issued by an immigration officer [the Officer] of Immigration, Refugees and Citizenship Canada [IRCC] on July 10, 2024. The Officer's Decision refused the Applicant's study permit application pursuant to paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] because, a) the Officer was not satisfied that the Applicant would leave Canada at the

end of his authorized stay, and b) the Applicant's assets and financial situation are insufficient to support his stated purpose of travel to study for one year in Canada.

[2] The Applicant seeks a Judgment quashing the Decision and remitting the matter for reconsideration by a different officer. The Respondent takes the contrary view and argues that the Decision is reasonable and ought not to be interfered with.

[3] I conclude that the Decision is unreasonable for the reasons that follow. This application for judicial review is therefore granted.

I. **Factual Background**

[4] The Applicant, Edward Eshun, is a 30-year-old Ghanaian citizen. On April 30, 2024, he was accepted to a post-graduate certificate program in Supply Chain Management – Logistics at Centennial College, located in Scarborough, Ontario. The approximate expense of this program, including living expenses and school fees, totalled $42,075.77.

[5] The Applicant applied for a study permit on June 10, 2024. His application provided that his proposed course of study would be fully financed by his uncle, Mr. Kwadwo Asante. With this support, the Applicant claimed to have a total of CAD $303,153 available to pay for his studies in Canada. The application included a sworn statement from Mr. Asante dated June 10, 2024 [the Asante Statement], which read in part as follows:

> 1. I, Mr. Kwando Asante ("Mr.") am the uncle of EDWARD ESHUN ("EDWARD"). I will be financially supporting EDWARD's temporary stay in Canada. […]

> […]
>
> 3. Currently, I have 4 dependents that I support. I am more than able to support EDWARD's studies in Canada.
>
> […]
>
> 5. As stated, I am EDWARD'S Uncle. I am choosing to support EDWARD due to the history of our relationship and because I decided to fund his education on behalf of my brother, who also helped me in school. Supporting my nephew in school is similar to supporting my own son, so I enjoy doing it. Additionally, his educational program will be extremely beneficial to the entire family when he returns. I take pride in assisting my nephew, who is the first member of the family to study overseas.
>
> 6. I fully understand and appreciate the responsibility I am taking on by financially supporting EDWARD.
>
> 7. Please see the enclosed financial documents outlining EDWARD's available funds. Please note that the enclosed documents include documents that below to me and evidence my ability to financial support EDWARD. Please refer to the enclosed documents for proof of which listed items I own, in which the funds are readily available for EDWARD's stay in Canada.
>
> […]

[6] Mr. Asante swore in his June 2024 statement that CAD $279,115 was available in his GCB Bank PLC accounts to financially support the Applicant in his chosen course of study in Canada. The study permit application also included bank statements from a GCB Bank PLC account, under Mr. Asante's name, confirming a closing balance of GH 320,624,38 as of May 21, 2024.

[7] The Asante Statement supplemented Mr. Asante's "Statutory Declaration in Support of Sponsorship" sworn on May 27, 2024, in the Superior Court of Judicature, High Court of Justice, Sunyani, Bono Region, pursuant to the Ghanaian *Statutory Declaration Act (389) of 1971* that

was provided as part of the Applicant's application. Mr. Asante swore in his Statutory Declaration that the Applicant is his nephew and that he categorically confirmed that he had agreed wholeheartedly to financially sponsor his nephew in his post-graduate study at Centennial College in Supply Chain Management-Logistics.

[8] The Applicant's application also included the Applicant's fulsome statement setting out the reasons why he wishes to return to Ghana after his studies in Canada are completed. His statement sets out his belief in the leadership and entrepreneurial opportunities that await him upon his return with enhanced knowledge in supply chain management, as well as his personal goals of supporting his parents and helping to revitalize his elderly father's company in Ghana. An Education Leave letter signed by the Applicant's employer that sets out that the Applicant is expected to return to his current employment with Afrowest Impex Ltd. in Ghana upon the completion of his studies in Canada was also included in the application.

II. **Decision Under Review**

[9] The Decision, dated July 10, 2024, read as follows:

> "Thank you for your interest in studying in Canada. I have reviewed your study permit application and supporting documentation to assess whether you meet the requirements for a study permit (https://www.canada.ca/en/immigration-refugees-citizenship/services/study-canada/study-permit/eligibility.html). This includes assessing whether you are coming to Canada temporarily for the reason(s) you describe in your application. I have determined that your application does not meet
>
> the requirements of the Immigration and Refugee Protection Act (IRPA) (https://laws-lois.justice.gc.ca/eng/acts/I-2.5/index.html) and Immigration and Refugee Protection Regulations (IRPR) (https://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/index.html). I am refusing your application.

> I am not satisfied that you will leave Canada at the end of your stay as required by paragraph 179(b) of the IRPR (https://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/ section-179.html). I am refusing your application because you have not established that you will leave Canada, based on the following factors:
>
> Your assets and financial situation are insufficient to support the stated purpose of travel for yourself (and any accompanying family member(s), if applicable).”

[10] Notes from IRCC’s Global Case Management System (GCMS) pertaining to the Officer’s reasoning in making the Decision, also dated July 10, 2024, are reproduced in full as follows:

> “I have reviewed the application.
>
> I have considered the following factors in my decision.
>
> Relationship between PA and family member is not fully supported by supporting documents and there is little evidence to prove the relationship Costs to be borne by a 3rd party. Applicant has not demonstrated a history of ongoing financial support from their guarantor.
>
> I am not satisfied that the applicant has access to the demonstrated funds to pay for their studies and living expenses in Canada. I am not satisfied client will have access to the funds provided.
>
> Weighing the factors in this application. I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay. For the reasons above, I have refused this application.”

III. **Issue**

[11] The issue raised in this application is whether the Decision was reasonable in light of the Applicant’s evidence of, a) funding available to support his study in Canada, and b) his intended return to Ghana after his studies in Canada are completed.

A. *Standard of Review*

[12] It is undisputed between the parties, and I agree, that the reasonableness standard set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] is applicable to the merits of a visa officer's decision on a study permit application.

[13] A reasonable decision is one that is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law bearing upon it. Where written reasons are provided, it is a reviewing court's task to evaluate the justification in those reasons, to understand a decision maker's reasoning and conclusion and to assess whether the decision is reasonable as a whole *(Pepa v Canada (Citizenship and Immigration)*, 2025 SCC 21 at para 46, citing *Vavilov* at paras 84-85; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at paras 60-63). In order to succeed in this proceeding, the Applicant must persuade this Court that the Decision has sufficiently serious shortcomings such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency that characterise a reasonable decision (*Vavilov* at para 100).

IV. **The Parties' Arguments**

A. *The Applicant's Arguments*

[14] The Applicant claims that the Officer erred in his conclusion that his assets and financial situation are insufficient. He argues that the Officer's reasoning that led to the conclusion in the Decision is based on the Officer's incorrect assessment that the Applicant's relationship with Mr. Asante was "not fully supported" or was substantiated by "little evidence" without meaningfully

engaging with the evidence in the record that reflects otherwise. He suggests that the Officer inadequately engaged with the Asante Statement and that the Decision is unjustified in light of it. The Applicant further claims that the Decision is not justified by the Officer's finding on lack of proof of previous or ongoing financial support by Mr. Asante, which is neither required nor relevant to the Applicant's present financial situation.

[15] The Applicant rejects that the Decision was reasonable considering the Accra Visa Office Instructions [the Visa Office Instructions], a document checklist made available by IRCC to Ghanaian study permit applicants. He argues that the Visa Office Instructions, dated January 2025, post-date his study permit application and could not apply as a result. He also disputed that the Visa Office Instructions set out a clear requirement that the relationship between a Ghanaian visa applicant and their relative/financial sponsor must be proven via the sponsor's birth certificate. He generally characterized the Respondent's argument on this point, set out below, as the improper supplementing of the Officer's reasons.

B. ***The Respondent's Arguments***

[16] The Respondent claims that the Officer was not unreasonably unsatisfied about the sufficiency of the Applicant's assets and that the Decision is justified by the record. The Respondent emphasizes that the Asante Statement is "the only evidence" before the Officer addressing the relationship between the Applicant and Mr. Asante and suggests that it does not sufficiently specify the nature of this relationship. In the Respondent's view, it follows that the Officer's dissatisfaction with the evidence that the Applicant can access funding for his proposed studies is justified by lack of evidence of a relationship with Mr. Asante, his sponsor, or any previous or ongoing funding by Mr. Asante. The Respondent characterizes the Applicant's

claims otherwise as an improper request for this Court to reweigh evidence before the Officer (*Hashem v Canada (Citizenship and Immigration)*, 2020 FC 41 at para 27).

[17] The Respondent supports his position by relying on *Oyewole v Canada (Citizenship and Immigration)*, 2024 FC 1690 [*Oyewole*], in which this Court declined to reweigh the evidence before a visa officer regarding the relationship between an applicant and their financial sponsor, likewise, an alleged uncle. The Court found no grounds in that case to intervene with the officer's finding that an affidavit sworn by the alleged uncle did not sufficiently substantiate his relationship to the applicant and that, without more, the officer was not unreasonably unsatisfied that the funds would be available to the applicant (*Oyewole* at paras 2 and 7). The Respondent argues that *Oyewole* is analogous and suggests that this Court should decline to reweigh the evidentiary record before the Officer to reach an alternative conclusion.

[18] The Respondent also argues that the Decision is justified by Applicant's failure to comply with an alleged requirement to provide a copy of Mr. Asante's birth certificate as set out in the Visa Office Instructions. The Respondent highlights jurisprudence from this Court that establishes that a visa officer may expect an applicant to adhere to the requirements of a regional visa processing office and that failure to do so may reasonably lead to the refusal of their application (see e.g *Bawa v Canada (Citizenship and Immigration)*, 2024 FC 1605 at para 9*; Mostofi v Canada (Citizenship and Immigration)*, 2024 FC 1496 at para 16; *Moradian v Canada (Citizenship and Immigration)*, 2024 FC 1343 at para 6 [*Moradian*]).

V. **Analysis**

[19] The Respondent emphasizes, and I agree, that a study permit decision need not flow from extensive reasons. Extensive reasons are often unpracticable given the operational pressures imposed by a visa officer's workload (*Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at para 7). Decision-makers considering study permit applications are nevertheless subject to *Vavilov*'s reasonableness requirements. Their decisions must be justified, and they must respond to the evidence before them even if the context of the decision permits or requires that they do so in a simple, concise manner (*Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at paras 15-17, citing *Vavilov* at paras 126-128; *Vavilov* at para 89).

[20] A visa officer considering a study permit application need not refer to every element of in issue in reaching their decision. They are presumed to have considered all of the evidence presented unless the contrary is shown. An officer's silence on critical evidence contradicting an officer's conclusion may support the inference that the evidence was misapprehended or unaccounted for such that the decision lacks justification in light of the evidentiary record (*Hassani v Canada (Citizenship and Immigration)*, 2023 FC 734 at paras 26-27, citing *Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001 at paras 24-25; *Vavilov* at paras 125-126).

[21] The record before the Officer in this matter included:

i. the Applicant's letter of explanation, dated June 10, 2024, that outlined that he will be "fully supported" by Mr. Asante, and provided a "detailed breakdown" of his financial documentation, along with his plans to leverage his enhanced knowledge and education upon his return to Ghana, including with his employer Afrowest Impex Ltd. and his desire to take on top roles within Afrowest Impex Ltd.;

ii. bank statements from a GCB Bank PLC account under Mr. Asante's name, provided as proof of funds and showing a closing balance of GH 3,202,624.38;

iii. Mr. Asante's Statement of July 10, 2024, containing his sworn statements that he is the Applicant's uncle, that the Applicant is his nephew, and that he has decided to provide financial support to the Applicant on behalf of his brother who had helped him complete his own schooling;

iv. Mr. Asante's Statutory Declaration of May 24, 2024, sworn pursuant to Ghanaian law, to the same effect and his July 10, 2024, statement; and,

v. an Education Leave letter signed by the Applicant's employer that sets out that the Applicant is expected to return to his current employment with Afrowest Impex Ltd. in Ghana, upon the completion of his studies in Canada.

[22] There is no evidence in the record that suggests that Mr. Asante is not the Applicant's uncle, and there is no evidence in the record that negates Mr. Asante's Statutory Declaration or sworn Statement that he was making sufficient funds available to the Applicant for his course of study in Canada. There is similarly no evidence in the record that suggests that the Applicant will not return to work with his employer Afrowest Impex Ltd. upon the completion of his course of study at Centennial College despite his longer-term interest in entrepreneurial activities in Ghana. The evidence in the record reflects otherwise, and quite strikingly so.

[23] Notwithstanding the positive evidence in the record and the absence of negative or contrary evidence, the Officer found that the relationship between the Applicant and Mr. Asante was "not fully supported by supporting documents" and was substantiated by "little evidence".

[24] The Officer's GCMS decision reasoning notes do not identify which supporting documents or evidence were or was lacking, do not identify the type or nature of evidence to be provided for supporting documents or evidence to be considered sufficient, or the quality of the evidence required to satisfy the Officer with respect to the Applicant's financial support. The Officer's notes do not suggest how the evidence tendered was deficient, or why he disregarded the Applicant's explicitly stated and reasoned intention to return to Ghana with employment at the ready upon his return. There is no apparent reasoned consideration of the Applicant's evidence of his relationship with Mr. Asante, Mr. Asante's support, or of Mr. Asante's Statement and Statutory Declaration confirming their relationship, his provision of financial support to the Applicant, and the reasons therefor. There is no apparent consideration at all of the Applicant's employer's evidence that he expects the Applicant to return to Ghana after his studies in Canada are completed, or of the Applicant's stated intention to use his enhanced knowledge to take on top roles within his employer's organisation. The GCMS notes set out the Officer's conclusions but no intelligible basis for rejecting the evidence in the record that does not support the conclusions reached.

[25] In *Anokwah v Canada (Citizenship and Immigration)*, 2025 FC 1057 [*Anokwah*], Justice Pentney considered a judicial review application by a Ghanaian applicant who sought to quash a visa officer's refusal of their study permit application. The facts of that matter are similar to the facts in this matter. In *Anokwah*, the officer's refusal hinged on reasoning that the applicant's relationship to their financial sponsor, a cousin, was not "well substantiated" by supporting documents. They further noted lack of evidence of previous or ongoing funding between the applicant and their cousin. However, the applicant had provided evidence addressing their financial situation consisting of a self-written explanatory letter, copies of the cousin's bank

statements and a sworn declaration by the sponsor confirming and explaining the reason for their support. The Court found that the officer's refusal failed to meet even "the minimum standard of responsive justification", because they concluded that the financial evidence was insufficient without reference to contradictory evidence in the record and, in particular, without reference to the statutory declaration and explanatory letter (*Anokwah* at paras 6-7). The same is true here.

[26] The Officer's conclusory Decision and equivocal reasoning fail to demonstrate alertness and sensitivity to the Applicant's evidence regarding his relationship with and to Mr. Asante, his ability to access the funds pledged by Mr. Asante, Mr. Asante's pledge of the funds to the Applicant, or the Applicant's evidence supporting his statements that he intends to return to Ghana once his course of study is completed (*Lydford v Canada (Revenue Agency)*, 2025 FC 627 at para 57, citing *Vavilov* at paras 127-128). The Decision and the record do not allow the Court to "connect the dots" of the Officer's analysis to arrive at the conclusions asserted by the Officer (*Vavilov* at para 97).

[27] Even considering the largely boilerplate content of the Decision and the practical constraints on decision-makers engaged in reviewing a significant number of study permit applications, the Decision under review cannot be said to be justified as it is not the result of a process that reflects rational reasoning in light of the facts and the applicable law. A line of reasoning in the decision-maker's notes that refers to key facts being "not fully supported" suggests that key facts were supported by the evidence but perhaps not to an unidentified and unexplained threshold. The absence of an identified threshold and the absence of a statement, however brief, as to how the evidence falls short of that threshold reflects an absence of acceptable justification in light of the record.

[28] This matter can be distinguished from *Oyewole*. The available information about the evidentiary record before the officer in *Oyewole* is that the alleged uncle's affidavit consisted of one statement that did not address his relationship and history with the applicant. Moreover, the Court was satisfied that the officer had indeed weighed the affidavit and held that, absent further evidence beyond the affidavit, the Officer had reasonably found that this lack of documentation did not mitigate their concerns about the sufficiency of the applicant's financial situation for the stated purpose of studying in Canada (*Oyewole* at para 7). For the reasons set out above, I cannot conclude the same in matter at hand.

[29] *Anokwah* is also dispositive of the Respondent's argument that the Decision is reasonable given Mr. Asante's failure to provide a birth certificate to prove their relationship pursuant to requirements set out in the Visa Office Instructions. In *Anokwah*, at paras 7-8, Justice Pentney wrote:

> [7] The Respondent says the publicly available Visa Office instructions for applicants from Ghana specify that proof of relationship such as a birth certificate is required for a financial sponsor by a relative. However, the Applicant says that these instructions came into force after she submitted her application.
>
> [8] It is not clear on the evidence whether the instructions the Respondent relies upon were actually in effect when the Applicant submitted her application. More to the point, it is not evident that the Officer relied on the specific terms of the instructions in finding the Applicant's financial evidence to be insufficient. The Officer did not mention the absence of birth certificates but rather simply found the evidence of the Applicant's relationship to the cousin to be inadequate. I find that, at a minimum, the Officer had an obligation to explain why the cousin's Statutory Declaration was insufficient proof of their relationship.

[30] The same reasoning applies here.

[31] The Visa Office Instructions filed by the Respondent as an exhibit in this proceeding appear to be dated "(01-2025)", meaning January 2025. These instructions were not included in the certified record transmitted in this proceeding.

[32] The Applicant submitted his study permit application on June 10, 2024, over six months prior to the Visa Office Instructions' apparent currency date, and the GCMS notes reflect that the application was recorded as received, considered and assessed in July 2024, well before the Visa Office Instructions January 2025. I cannot conclude that the evidentiary record establishes that the Visa Office Instructions were in effect when the Applicant submitted his application, were before the Officer when the Applicant's application was considered, and the Decision was made on July 10, 2024. Moreover, there is nothing the record or in the GCMS notes that suggest that the Officer considered any Visa Office Instructions in coming to the Decision.

[33] I note the jurisprudence of this Court that a visa officer may reasonably refuse an application due to an applicant's failure to meet the requirements of a regional visa office, despite that they are not binding in nature (see e.g *Moradian* at paras 6-7, citing *Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613 at paras 28-31). It is not clear that the Officer relied on any terms or instructions issued by the Accra visa office in reaching the Decision, which makes no mention of the absence of Mr. Asante's birth certificate and does not turn on the lack of any identifying information that might be found therein (*Anokwah* at para 8). This Court cannot apply the requirements of the Accra visa office to supplement the Decision under review with reasoning that is not apparent in the Decision itself (*Anokwah* at para 4, citing *Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754 at para 6).

VI. **Disposition**

[34] The Officer's Decision and conclusions that the Applicant's assets and financial situation are insufficient, and that the Applicant would not leave Canada at the end of his course of study are unreasonable because they are not justified by the evidentiary record before the Officer at the time of the Decision. This Application for judicial review is therefore granted.

JUDGMENT IN IMM-12451-24

THIS COURT'S JUDGMENT is that:

1. The Applicant's application for judicial review is granted.

2. The IRCC Officer's decision dated July 10, 2024, is quashed and set aside.

3. The Applicant's matter is remitted to be redetermined by a different officer and decision-maker at IRCC.

4. There are no costs awarded for this proceeding.

"Benoit M. Duchesne"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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