

Federal Court



Cour fédérale

**Date: 20250806**

**Docket: IMM-13207-24**

**Citation: 2025 FC 1355**

**Ottawa, Ontario, August 6, 2025**

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

**BETWEEN:**

**OMONE BRIDGET EKONG**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant seeks judicial review of a decision [the Decision] dated June 13, 2024 made by an immigration officer [the Officer] of Immigration, Refugees and Citizenship Canada [IRCC] which refused her study permit application.

[2] The Officer was unsatisfied that the Applicant would leave Canada at the end of her stay as required by paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*,

SOR/2002-227 [IRPR], because they found that the purpose of the Applicant's stay is not consistent with a temporary stay given the details provided in her application.

[3] The application for judicial review is granted. The Decision is unreasonable because it is unjustified in light of the record.

## **I. Background**

[4] The Applicant, Omone Bridget Ekong, is a 41-year-old citizen of Nigeria. She is a divorced single mother raising three teenagers in Nigeria.

[5] The Applicant earned a BSC in accounting from the University of Calabar between 1999 and 2004. She became a senior accountant with Nemera Oil and Gas Ltd [Nemera], a company based in Lagos, Nigeria, that provides various engineering and services solutions in the oil and gas sector in Nigeria. The Applicant has over ten years of work experience in accounting and also runs a garment shop and school transport business in Nigeria.

[6] The Applicant submitted her application for a study permit in May 2024 after having been accepted for admission in a post-graduate certificate program in Applied Business Management at the University of Manitoba [the Program]. The Program is an intensive 12-month course with a co-operative practicum component. The study permit application included the Applicant's evaluation of the Program's benefits as compared to other courses of study at different institutions in the US and in the UK, and that she was attracted by the University of Manitoba's strong reputation and competitive tuition rate.

[7] The Applicant submitted in her study permit application that she believed that the Program would provide her with the skills and work experience that would enable her to achieve academic and career goals, including the goal of contributing to Nemera while it expands into other areas around Africa. She explained in her study permit application that her manager at Nemera had recommended her to be the head of an expansion team, and that she had been advised to get training in business management because such training could serve her well in the future. The Applicant described the Program as “very necessary for her career advancement” and stated explicitly in her study permit application that she will be returning to Nemera after the Program’s completion to resume “a new role as Unit Head”. The Applicant was optimistic in her manager’s recommendation being followed and wrote in her application that training in business management would serve her well in her “new position”.

[8] The Applicant also explained that she expected to return to Nigeria because the developmental opportunities in developing economies like Nigeria are “very huge”. She noted that Nigeria is one of the biggest economies in Africa with a GDP of over 472.6 billion as of 2022. The Applicant wrote that she was confident that the international exposure to be gained from the Program would significantly benefit her career in Nigeria at her job since she would be able to contribute more significantly.

[9] The Applicant’s application also explained that she had planned to leave her teenage children in the care of her retired mother and her sister until she returned to Nigeria after she completed the Program.

[10] The Applicant included a work reference letter dated December 13, 2023, in her study permit application. The work reference letter predated her application by 5 months and did not include any reference to any recommendation for her to become a “Unit Head”, or to any Nemera expansion within Africa. The work reference letter was signed by a Manager, Accounts and Finance at Nemera. The work reference letter was very positive. The work reference letter set out in part as follows:

“One of Bridget's standout qualities is her continuous pursuit of professional development. She stays abreast of industry trends and updates in accounting practices, showcasing a commitment to staying at the forefront of her field. Her dedication to expanding her knowledge and skills has positively impacted our team and contributed to our organization's success.

Bridget's interpersonal skills and positive attitude make her a pleasure to work with. She collaborates seamlessly with cross-functional teams and is always willing to assist her colleagues. Her professionalism and integrity are evident in all aspects of her work, and she is a trusted and respected member of our finance department.”

[11] No evidence contradictory to any of the foregoing was led before the Officer.

## II. **Decision Under Review**

[12] The Decision was communicated to the Applicant in a letter dated June 13, 2024. The Decision letter itself is largely boilerplate, with very few details personal to the Applicant. By way of reasons, the Decision simply notes that the Officer was:

“[...] not satisfied that you will leave Canada at the end of your stay as required by R216(1)(b) of the IRPR. I am refusing your application because you have not established that you will leave Canada based on the following factors:

The purpose of your visit to Canada is not consistent with a temporary stay given the details you have provided in your application.”

[13] Additional reasoning to support the Decision is set out in the Officer’s GCMS notes as follows:

“I have reviewed the application. I have considered the following factors in my decision.

The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application. Applicant is 40 years old, divorced with 3 children. Father is deceased and mother resides at the same address. Applicant is seeking a SP to pursue 1 year Applied Business Management certificate program. Applicant holds BSc in Accounting and has been employed as an accountant since 2019 and also a business owner since 2009.

The applicant demonstrates that they possess an acceptable combination of education, training and experience in their respective field. This negates the necessity for the international education towards their career advancement and leads to concerns that their motivation of pursuing education in Canada is to seek entry for reasons other than temporary. I am not satisfied the motivation to pursue this particular program in Canada, at this point in time, is reasonable. 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**

[14] The only issue on this application is whether the Decision is reasonable.

### IV. **The Relevant Legislation**

[15] The *Immigration and Refugee Protection Regulations*, SOR/2002-227 [the IRPR] set out as follows at section 216:

<b>Study permits</b>	<b>Permis d'études</b>
<b>216 (1)</b> Subject to subsections (2) and (3), an officer shall issue a study permit to a foreign national if, following an examination, it is established that the foreign national	<b>216 (1)</b> Sous réserve des paragraphes (2) et (3), l'agent délivre un permis d'études à l'étranger si, à l'issue d'un contrôle, les éléments suivants sont établis :
(a) applied for it in accordance with this Part;	a) l'étranger a demandé un permis d'études conformément à la présente partie;
(b) will leave Canada by the end of the period authorized for their stay under Division 2 of Part 9;...	b) il quittera le Canada à la fin de la période de séjour qui lui est applicable au titre de la section 2 de la partie 9;...

## V. **Standard of Review**

[16] It is agreed between the parties that the standard of review applicable to an immigration officer's decision regarding a study permit application is that of reasonableness. I agree with the parties that the presumptive standard of review of reasonableness explained by the Supreme Court of Canada is set out in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 [Vavilov] and further explained in *Mason v. Canada (Citizenship and Immigration)*, 2023 SCC 21 [Mason] applies.

[17] The reasonableness standard requires that the Court defer to the administrative decision-maker's decision unless the decision is unreasonable because it does not bear the hallmarks of a

reasonable decision. A decision will bear the hallmarks of reasonableness if it is justified, transparent, intelligible, and reflects an internally coherent and rational chain of analysis in light of the facts and the law that constrain the decision maker (*Vavilov* at paras 85 and 99).

[18] In *Tariq v. Canada (Citizenship, Refugees, and Immigration)*, 2025 FC 1058 [*Tariq*], Mr. Justice William F. Pentney of this Court explained reasonableness review of a study permit application as follows:

[4] This Court has discussed the legal framework that governs the judicial review of student visa denials in a large number of recent decisions (see for example: *Nesarzadeh v Canada (Citizenship and Immigration)*, 2023 FC 568 at paras 5–9; *Safarian v Canada (Citizenship and Immigration)*, 2023 FC 775 at para 2; *Amini v Canada (Citizenship and Immigration)*, 2024 FC 653 at para 4; *Kandath v Canada (Citizenship and Immigration)*, 2024 FC 1130 at para 5). These decisions confirm the following:

- A reasonable decision must explain the result, in view of the law and the key facts.
- *Vavilov* seeks to reinforce a “culture of justification,” requiring the decision-maker to provide a logical explanation for the result and to be responsive to the parties’ submissions, but it also requires the context for decision-making to be taken into account.
- Visa Officers face a deluge of applications, and their reasons do not need to be lengthy or detailed. However, their reasons do need to set out the key elements of the Officer’s line of analysis and be responsive to the core of the claimant’s submissions on the most relevant points.
- The onus is on the Applicant to satisfy the Officer that they meet the requirements of the law that applies to the consideration of student visas, including that they will leave at the end of their authorized stay.
- Visa Officers must consider the “push” and “pull” factors that could lead an Applicant to overstay their visa and stay in Canada, or that would encourage them to return to their home country.

- The decision must be assessed in light of the context for decision-making, including the high volume of applications to be processed, the nature of the interests involved, and the fact that in most instances an applicant can simply reapply.
- It is not open to the Minister's counsel or the Court to fashion their own reasons to buttress or supplement the Officer's decision: see *Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754 at para 6.

[19] In *Taghizadeh v Canada (Citizenship and Immigration)*, 2025 FC 809, Mr. Justice Denis Gascon of this Court addressed the same issue while considering a visa officer's high level of expertise and requirement to address evidence that is contradictory to their findings as follows:

[18] It is not disputed that study permit applicants bear the burden of satisfying visa officers that they will leave Canada at the end of their authorized stay (*Khoshfam* at para 24; *Penez* at para 10). To this effect, visa officers have a high level of expertise and a wide discretion in assessing the evidence to determine whether this requirement is met, and their decisions are entitled to deference (*Khoshfam* at para 24; *Nimely v Canada (Minister of Citizenship and Immigration)*, 2020 FC 282 at para 7 [*Nimely*]; *Penez* at para 10).

[19] Moreover, visa officers are not required to provide extensive reasons for their decision in view of the large number of decisions they are required to process (*Khoshfam* at para 25; *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at paras 10–11; *Nimely* at para 7).

[20] That said, while visa officers need not spell out each of the details and facets of an issue when making their decision, they cannot act without regard to the evidence. Consequently, a blanket statement that a decision maker has considered all the evidence will not suffice when the evidence omitted from the discussion in their reasons appears to squarely contradict their finding (*Kapenda v Canada (Citizenship and Immigration)*, 2024 FC 821 at para 24 [*Kapenda*]; *Kavugho-Mission* at para 23; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC), [1998] FCJ No 1425 (QL) at para 17).

## VI. Analysis



[20] The reasons for the Officer's decision set out in in GCMS notes contained in the record reflect that the Officer reviewed the Applicant's application and determined that "the purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application". The Officer referred only to very limited details in their GCMS notes and to none at all in the Decision letter.

[21] The Officer's GCMS notes set out that the Applicant is possessed of an "acceptable combination of education, training and experience in their respective field" and that "[t]his negates the necessity for the international education towards their career advancement". This "negation of necessity" caused the Officer to have "concerns that [the Applicant's] motivation of pursuing education in Canada is to seek entry for reasons other than temporary". The Officer then states that they are "not satisfied the motivation to pursue this particular program in Canada at this point in time is reasonable".

[22] There is no indication in the GCMS notes or in the Decision itself that the Officer considered any of the push and pull factors that could lead the Applicant to overstay in Canada, or that would encourage the Applicant to return to Nigeria (*Tariq*, at para 4, point 5). There is no explicit indication that the Officer considered the Applicant's submissions and stated intentions to return to Nigeria to work in a new role and "Unit Head" at Nemera following her being recommended for such a position and following her being advised to get training in business management. There is no explicit consideration of the Applicant's other business ventures in Nigeria or her stated intention to continue pursuing them. There is no explicit consideration of the Applicant's explanation that her teenage children were left in the care of her retired mother

and sister until her return from Canada. These are all pull factors that encourage the Applicant's return to Nigeria and contradict the Officer's assessment of the Applicant's motivation. The absence of any discussion of this contrary evidence is sufficient to find that the Officer's decision is unreasonable because it is not justified in light of the evidence in the record.

[23] The Officer's reasoning also does not reflect any consideration of the Applicant's reasons for and desire to gain education and co-operative experience in business management in addition to her skills and experience as an accountant in order to progress her career in Nigeria. The Officer appears to stop their reasoning at the Applicant's current employment as an accountant without considering that the Applicant may quite legitimately seek to enhance her skill set and experience in order to move into other areas of employment in Nigeria or elsewhere other than Canada that may build on her successes and enhanced education. There is no need for a course of study to be strictly necessary for a particular promotion, raise or benchmark of career advancement in order for a study permit applicant to be a genuine student (*Monteza v. Canada (Citizenship and Immigration)*, 2022 FC 530, at para 20). The Officer's failure to consider the Applicant's explicitly stated reasons to pursue the Program when those reasons contradict the Officer's assumptions as to educational necessity, and then extrapolate that the Applicant would not leave Canada at the conclusion of her course of study is irrational and unreasonable in light of the record (*Kajbaf v. Canada (Citizenship and Immigration)*, 2023 FC 1552, at para 12).

[24] It is therefore my view that the Officer's Decision is unreasonable as it lacks a rational chain of reasoning in light of the evidence in the record. The Decision is not justified.

## VII. **Conclusion**

[25] The Applicant's application for judicial review is allowed and will be remitted back to another officer for redetermination in a timely manner. The Applicant will be permitted to file additional documentation with respect to her study permit application going forward in order to keep her application current for the purposes of redetermination.

[26] No question for certification was proposed by the parties and none arises in this case.

**JUDGMENT in IMM-13207-24**

**THIS COURT’S JUDGMENT is that:**

1. The application for judicial review is allowed and the study permit application will be remitted back to another officer for redetermination.
2. The Applicant will be permitted to file additional documentation with respect to her study permit application going forward in order to keep her application current for the purposes of determination.
3. No question of general importance is certified.

“Benoit M. Duchesne”

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Judge

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

**DOCKET:** IMM-13207-24

**STYLE OF CAUSE:** OMONE BRIDGET EKONG v. MCI

**PLACE OF HEARING:** ZOOM VIDEOCONFERENCE

**DATE OF HEARING:** JULY 23, 2025

**JUDGMENT AND REASONS:** DUCHESNE, J.

**DATED:** AUGUST 6, 2025

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