Federal Court  Cour fédérale

Date: 20250815

Docket: IMM-15019-24

Citation: 2025 FC 1382

Ottawa, Ontario, August 15, 2025

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

DAVID OLUBUNMI AKINDUMILA

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of an August 15, 2024, decision made by an Immigration, Refugees and Citizenship Canada [IRCC] officer [the Officer] that refused the Applicant's application for a study permit [the Decision].

[2] The Applicant argues that the Decision is unreasonable because the Officer failed to consider all of the evidence provided in support of the Applicant's application. The Respondent

contests the application on the basis that the Decision was reasonable, and that the Applicant has not met his burden of establishing that the Decision is unreasonable.

[3] The Court agrees with the Respondent for the reasons that follow. The Decision is reasonable and there is no basis upon which the Court can or should interfere with it.

I. **Background**

[4] The Applicant is a single 25-year-old Nigerian citizen without dependants. The Applicant applied for a study permit to study at Humber College in Ontario. The course of study to which he had been accepted was a two-year program in Business Insights and Analytics commencing on September 3, 2024, and continuing until April 1, 2026.

[5] The Applicant submitted a study permit application that included explicit statements with respect to the financial resources available to him without working in Canada to pay the tuition fees for his course of study as well as to maintain himself in Canada during his studies. He submitted as follows:

> "**My Finances**
>
> In addition to my personal finances, I will also be supported by my Mother, Chinwe Akindumila, for my stay in Canada. Collectively, between myself and my financial supporter, I have more than the required funds readily available to me to support my stay in Canada. Please see my attached financial documents totalling $70680, as well as my Mother's enclosed financial documents and Support Letters. Also see the attached tuition receipt showing a payment of $6500 on 2024-05-29.
>
> The following documents are attached:

> - Bank Statements under FirstBank from 2024-06-05 with $52,179.00.
>
> - Asset (Property Valuation)
>
> - Tuition payment(s): $9,500.00
>
> Total: $61,680.00”

[6] The Applicant also stated on a number of occasions in his study permit application that he intended to return to Nigeria.

[7] On August 15, 2024, the Officer delivered a largely boilerplate decision letter which informed the Applicant that his study permit application had been refused. The reasons for the refusal were set out in the decision letter as follows:

> “I am not satisfied that you will leave Canada at the end of your stay as required by paragraph R216(1)(b) of the IRPR (https://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/section-216.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).”

[8] The Officer’s notes as maintained in IRCC’s Global Case Management System [GCMS] reflect the Officer’s reasoning in coming to the Decision as follows:

> “I have reviewed the application. The applicant's assets and financial situation are insufficient to support the stated purpose of travel for the applicant (and any accompanying family member(s), if applicable). Bank statement for PA's mother provided. Bank statement shows lump sum deposits and pre-existing low balances. In the absence of satisfactory documentation showing the source of these funds, I am not satisfied the applicant will have access to the

> funds provided in support of the application, as their bank accounts demonstrate volatile balances and inconsistent income. Taking the applicant's plan of studies into account, the documentation provided in support of the applicant's financial situation does not demonstrate that funds would be sufficient or available. I am not satisfied that applicant has sufficient and available financial resources to pay the tuition fees for the program of studies that they intend to pursue and to pay for living expenses while in Canada. For the reasons above, I have refused this application under R216(1)(b) and R220(a) and (b).
>
> 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."

II. **Issue**

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

III. **The Relevant Legislation**

[10] The *Immigration and Refugee Protection Regulations*, SOR/2002-227 [the IRPR] sets out as follows at subsections 216(1) and (2) and section 220.

Study permits	***Permis d'études***
216 (1) 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	**216 (1)** 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	b) il quittera le Canada à la fin de la période de séjour qui lui est applicable au titre de la section 2

under Division 2 of Part 9;

(c) meets the requirements of this Part;

(d) meets the requirements of subsections 30(2) and (3), if they must submit to a medical examination under paragraph 16(2)(b) of the Act; and

(e) has been accepted to undertake a course or program of study at a designated learning institution and, in the case of a designated learning institution that is a post-secondary institution, that designated learning institution has provided the confirmation referred to in paragraph 222.1(1)(a) to the Minister in accordance with that paragraph, subject to any extension granted under subsection 222.1(2).

Exception

(2) Paragraph (1)(b) does not apply to persons described in section 206 and paragraphs 207(c) and (d).

Financial resources

220 An officer shall not issue a study permit to a foreign national, other than one described in paragraph 215(1)(d) or (e), unless they have sufficient and available financial resources, without working in Canada, to

(a) pay the tuition fees for the course or program of studies that they intend to pursue;

(b) maintain themself and any

de la partie 9;

c) il remplit les exigences prévues à la présente partie;

d) s'il est tenu de se soumettre à une visite médicale en application du paragraphe 16(2) de la Loi, il satisfait aux exigences prévues aux paragraphes 30(2) et (3);

e) il a été admis à un cours ou à un programme d'études offert par un établissement d'enseignement désigné et, dans le cas d'un établissement d'enseignement désigné postsecondaire, ce dernier a fourni au ministre la confirmation prévue à l'alinéa 222.1(1)a), conformément aux modalités qui y sont prévues, sous réserve de toute extension accordée en vertu du paragraphe 222.1(2).

Exception

(2) L'alinéa (1)b) ne s'applique pas aux personnes visées à l'article 206 et aux alinéas 207c) et d).

Ressources financières

220 À l'exception des personnes visées aux sous-alinéas 215(1)d) ou e), l'agent ne délivre pas de permis d'études à l'étranger à moins que celui-ci ne dispose, sans qu'il lui soit nécessaire d'exercer un emploi au Canada, de ressources financières suffisantes pour :

a) acquitter les frais de scolarité des cours qu'il a l'intention de suivre;

b) subvenir à ses propres besoins

family members who are accompanying them during their proposed period of study; and	et à ceux des membres de sa famille qui l'accompagnent durant ses études;
(c) pay the costs of transporting themself and the family members referred to in paragraph (b) to and from Canada.	**c)** acquitter les frais de transport pour lui-même et les membres de sa famille visés à l'alinéa b) pour venir au Canada et en repartir.

IV. **The Standard of Review**

[11] It is agreed between the parties that reasonableness is the standard of review applicable to the Decision. I agree with the parties. The presumptive standard of review of reasonableness explained by the Supreme Court of Canada in 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.

[12] 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).

[13] 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.

[14] 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).

[15] The Federal Court of Appeal has also repeated in *Doyle v. Canada (Attorney General)*, 2021 FCA 237, at paras 2 and 3, as had been held in *Vavilov*, that this Court's function on judicial review does not include re-weighing or second guessing the evidence that was before the administrative decision maker:

> [2] In careful and thorough reasons, the Federal Court found that the Director's decision was reasonable, based as it was on the available evidence and permissible inferences drawn therefrom. The Federal Court, acting under the reasonableness standard,

> refused to reweigh the evidence before the Director or to second-guess the Director's assessments of that evidence.
>
> [3] In doing that, the Federal Court was quite right. Under this legislative scheme, the administrative decision-maker, here the Director, alone considers the evidence, decides on issues of admissibility and weight, assesses whether inferences should be drawn, and makes a decision. In conducting reasonableness review of the Director's decision, the reviewing court, here the Federal Court, can interfere only where the Director has committed fundamental errors in fact-finding that undermine the acceptability of the decision. Reweighing and second-guessing the evidence is no part of its role. Sticking to its role, the Federal Court did not find any fundamental errors.

[16] As noted in *Vavilov* at para 100, "The burden is on the party challenging the decision to show that it is unreasonable".

V. **Analysis and Arguments**

[17] As will appear from the analysis that follows, the Applicant invites the Court to re-weigh the evidence that was before the Officer and come to a different conclusion than the Officer did. It is not the Court's function on judicial review to reassess or second guess the evidence that was before the Officer. The Applicant's invitation must be declined.

[18] The Applicant argues that the Officer's determination that the Applicant's available financial resources are insufficient is inconsistent with the evidence provided in the study permit application because the Officer ignored:

a) a letter of financial support from the Applicant's mother, affirming her commitment to cover tuition and living expenses.

b) bank statements showing a balance of $52,179 (USD or equivalent), along with documentation indicating that she has been financially supporting the Applicant for over 20 years, including primary, secondary, and tertiary education; and,

c) while the account does show lump sum deposits, the funds reflect significant availability to meet the Applicant's immediate educational and living needs. The mother's longstanding financial support for the Applicant’s education further indicates that these funds are intended for the Applicant’s studies.

[19] The Applicant also argues that the Officer rejected the proof of funds documentation, asserting that the Applicant had failed to provide sufficient evidence regarding the provenance or source of the funds by disregarding both the documentary evidence submitted and the Applicant’s specific financial circumstances.

[20] The Applicant argues that there was no meaningful analysis of the Applicant’s employment, income or financial history that would justify the reasons in the decision. Had the Officer properly considered the Applicant’s situation, he argues, it would have been clear that the savings were consistent with the Applicant and his mother’s modest income and financial management over time. He argues this failure to contextualize the funds within his individual profile amounts to a reviewable error.

[21] The Applicant also argues that his mother’s letter explaining her financial capacity as well as the documents submitted reflect that sufficient funds were available to him. He argues that the Officer did not consider his mother’s statement that she has worked as a business owner

in fashion and real estate sectors since 2010, or that her financial support history for the Applicant, spanning primary to tertiary education, is also documented.

[22] The Applicant also argues that there was a real estate sale documentation from Rainbow Heritage Projects Services Limited, indicating the mother's recent property transactions in Rivers State, Nigeria that explains the lump sum deposits into her account that was ignored. The Applicant argues that the documents submitted, including real estate transaction records, offer reasonable context for the large deposits as reflected in his mother's bank account statements. This suggests the deposits are tied to property sales rather than sudden or unexplained income, countering the officer's concern about volatile balances.

[23] These failures to engage with the Applicant's financial and personal situation reflect an unreasonable decision made without regard for the actual evidence provided or the Applicant's circumstances.

[24] Each of these arguments must be rejected because they are not supported by the factual record. They also misconstrue the Decision.

[25] This Court has determined in a number of decisions that a visa officer's duty to be satisfied as to the sufficiency and availability of funds within the meaning of section 220 of the IRPR goes beyond simply accepting financial documents at face value. Visa officers must be satisfied as to the "source, nature, and stability" of funds. This is relevant in their consideration of whether funds represented as being available to an applicant through the production of bank

statements or similar records will in fact be available to the applicant through the entirety of the course of their studies (*Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494, at para 12 [*Sayyar*]; *Bidassa v Canada (Citizenship and Immigration)*, 2022 FC 242 at paras 21–22; *Kita v Canada (Citizenship and Immigration)*, 2020 FC 1084 at para 20 and *Hendabadi v Canada (Citizenship and Immigration)*, 2024 FC 987 at para 23). As Justice Peter Pamel, then of this Court, explained the issue in *Sayyar* at para 12 as follows:

> "[…] it is not a simple matter of reviewing the applicants' bank account and, if they have sufficient funds, granting them a permit; the visa officer must conduct a more detailed and fulsome investigation about the source, nature, and stability of these funds, as well as determine the likelihood of future income and ability to pay for subsequent years of education and living expenses while in Canada. There is a presumption that the visa officer took into account all documentation provided in support of the applicants' financial situation, including the funds emanating from Mr. Assadian's rental apartment, in the assessment of future funding capacity."

[26] A letter of support that contains bald assurances and conclusory statements of support without supporting documentation that substantiates the assurances and statements is seldom probative or satisfactory on its own. The inquiry contemplated by section 220 of the IRPR is with respect to the demonstration of the means to execute on the assurance of financial assistance and to actually assist financially. This requires showing the source of the funds, their nature, that they are available to the applicant, and that they will be stable and accessible by the applicant going forward. Not commenting on the Applicant's mother's letter of support to cover tuition and living expenses was not an error, particularly when the Officer then considered the documentation provided to substantiate the bald statements contained in the letter of support. The Officer was not required to make any specific comment on the letter itself.

[27] The Officer's reasons reflect that they carefully considered the Applicant's mother's bank statements, the ebb and flow of deposits and withdrawals as well as their magnitude. The Officer noted that the source of the funds reflected in the bank statements was not demonstrated by satisfactory documentation and therefore did not satisfy them that the Applicant would have access to sufficient funds to pay the tuition fees and to pay for living expenses while living in Canada.

[28] The bank statements submitted were the Applicant's mother's personal bank account statements for her personal bank account instead of any of her alleged business accounts. The time frame of the transactions reflected in the bank statements is limited to the time between December 9, 2023, and June 5, 2024. There is no older bank statements produced that might have reflected the Applicant's mother's financial support of the Applicant's prior education over time. The details of the deposits and withdrawals in the account are limited to those details contained in each line item's description, and those shed little to no light as to the source of funds and their continued availability to the Applicant. The snapshot balance of the personal bank account on June 5, 2024, considered in light of the otherwise low or decreasing balances throughout the bank statement's reporting period was not sufficient to persuade the Officer of a trend of deposits that would suggest adequate past, as represented, or future financial support being available to the Applicant.

[29] The Officer's conclusions with respect to the Applicant's mother's financial support was open to them on a review of the evidence submitted. The Officer was not required to spell out each detail or facet of their consideration of the sufficiency of the Applicant's mother's financial

support. That they did not spell out every aspect of their consideration of the evidence before them is not a failure of justification.

[30] There was no evidence submitted to the Officer that reflected that the Applicant's mother had been financially supporting the Applicant for over 20 years, including primary, secondary, and tertiary education. The Officer cannot have made any error by not considering what was not before them.

[31] The evidence submitted with respect to the Applicant's employment income beyond his own statements on the issue was limited to an unsigned Contract for Services between Tangent International Limited and Decision Technology Co. Limited, to provide the Applicant's services to perform remote work at a *per diem* rate between April 30, 2024, and September 29, 2024. There was no evidence that the Contract for Services tendered had been entered into by all of the parties identified in the contract or had or was being acted upon. There was similarly no evidence of the Applicant's intention and history of working regularly on a *per diem* basis, or of what he would do with the funds he earned through employment. The Applicant's argument on this issue must be rejected as there was no probative evidence for the Officer to consider. There was no requirement that the Officer contextualize their analysis more than they did.

[32] Finally, the Rainbow Heritage Projects Services Limited document is misconstrued by the Applicant. The document reflects that the Applicant's mother is the purchaser of an interest in a real estate development in exchange for her payment of 20 million naira, not the vendor of an interest in real estate which would generate potential revenue of 20 million naira that could be

made available to the Applicant. That there is a deposit in the Applicant's mother's bank account in the amount of 20 million naira with a source of funds described as "FD:AKINDUMILN8853527_FD/FT/SERVICES RefLUQT4KLUQT4J" 12 days after she accepted to purchase an interest in the Rainbow Heritage Projects Services' Primrose Courts project lends no support to the Applicant's argument that the Applicant's mother was selling real estate regularly and thereby could make funds available to the Applicant on a regular basis in the future. The line-item description for the deposit being "services" does not suggest that the deposit was connected to the sale of real estate. The Officer was not required to make any explicit finding with respect to this document as it is not evidence contrary to their findings and, moreover, does not support the Applicant's position.

VI. **Conclusion**

[33] The Applicant has not established that the Officer failed to address key arguments, key documents, or overlooked material evidence that was before them. The Applicant has failed to establish that the Decision is unreasonable.

[34] The Decision is reasonable and there is no basis upon which the Court can or should interfere with it. This application for judicial review shall be dismissed.

[35] Neither party has suggested that any serious question of general importance to be certified is involved in this proceeding. There is no such question for certification.

JUDGMENT in IMM-15019-24

THIS COURT'S JUDGMENT is that:

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

2. There is no serious question of general importance to be certified.

3. The whole without costs.

"Benoit M. Duchesne"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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