Federal Court Cour fédérale

Date: 20250909

Docket: IMM-12005-25

Citation: 2025 FC 1486

Toronto, Ontario, September 9, 2025

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

MODUPE FAUSAT ODUSANYA

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS
(Simplified Procedure-Study Permit Pilot Project)

UPON APPLICATION BY THE Applicant for leave and for judicial review if leave is granted, of a study permit decision the details of which are in the record, and upon determining that leave should be granted because an arguable case has been established, and upon further considering the short submissions of the parties (limited to 400 words) as set out in full below, and determining that judicial review should be dismissed:

[1] The Applicant submits that Mrs. Odusanya applied for a study permit to pursue a one-year Personal Support Worker Certificate at St. Clair College beginning May 2025, accompanied by her two minor children (Certified Tribunal Record [CTR]-5,118-122). She demonstrated financial capacity by paying CAD $10,000 toward her CAD $18,208.09 tuition (CTR-119, 123), supported by her employment as a healthcare aid, ownership of a catering business, and sponsorship from her husband, a certified FIFA football agent.

[2] Her Zenith Bank statement shows a balance of ₦10,216,921 with transactions linked to her healthcare and catering income (CTR-93-101). She operates a Catering services company (CTR-109) and is employed at Christabiks Hospital, earning ₦350,000 monthly (CTR-88-92,102-105). She also submitted a Lagos State Tax Clearance Certificate showing consistent payments from 2022 to 2024 (CTR-110), and a Deed of Gift for a block of four flats transferred to her by her mother on 8 January 2024 (CTR-113-116).

[3] Her spouse and sponsor, Mr. Odusanya holds a FIFA Football Agent License (CTR-62-63) and a Czech Intermediary Certificate confirming his registration since July 2020 (CTR-76-79). His Zenith Bank account showed an opening balance of ₦90,416,569 and a closing balance of ₦90,011,510 (CTR-53-61). He submitted brokerage agreements with player-clients Akinyemi and Owolabi (CTR-64-75), agency contracts with Red Star Belgrade and Galadima Football Academy (CTR-80-87), and evidence of ownership in J14 Sports Agency (CTR-77-79).

[4] The Officer acknowledged that “there appear to be sufficient funds” but refused the application on the grounds that the sources were “poorly documented” and lacked “documentary

evidence of remuneration" (CTR-1). This conclusion is inconsistent with the record. Transfers from Akinyemi (CTR-60 2025-02-28) and Kalu (CTR-59 2025-06-02) match their signed brokerage agreements, establishing a clear link between contract and deposit. The Officer failed to draw these connections and instead dismissed the provided funds without explanation. In *Ejevuvor v Canada (Citizenship and Immigration)*, 2024 FC 2054, paragraphs 22-24, the Court held that ignoring a sponsor's verified income and assets, particularly where tuition is already partially paid, renders a decision unreasonable. Similarly, in *Jalilvand v Canada (Citizenship and Immigration)*, 2022 FC 1587 at paragraphs 15-17, the Court set aside a refusal where the officer concluded funds were "insufficient" without explaining how that followed from the evidence, contrary to the requirements of justification and transparency set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*].

[5] The Officer's failure to engage with the detailed financial record, including verified deposits, employment income, property ownership, and tax filings, amounts to an unreasonable assessment. The application was refused without the analysis and justification required.

[6] The Respondent submits in response that the officer meaningfully engaged with the Applicant's evidence and reasonably found that the documentation provided in support of her financial situation did not show that funds would be sufficient or available to support her studies and living expenses in Canada [CTR, pdf 2-3].

[7] It was open to the Officer to find that while there appear to be sufficient funds, the source of funds was poorly documented and there was insufficient information showing how the

Applicant came to accumulate large savings. The Officer noted the Applicant's explanation that the source of income is her Sponsor's employment. The Officer also acknowledged the Sponsor's employment as a football agent and noted the copies of his contract and brokerage agreements. However, it was open to the Officer to find that while the contracts and brokerage agreements refer to commissions and compensations as Sponsor's remuneration, there was no supplementary documentation substantiating the bank deposits or transfers [CTR, pdf 54-62].

[8] In *Sayyar v Canada (Citizenship and Immigration*, 2023 FC 494 [*Sayyar*] this Court confirmed that an Officer is entitled to conduct a detailed investigation into the source, nature, and stability of funds [*Sayyar* at para 12]. Without sufficient evidence of supplementary documentation substantiating the source of the Sponsor's funds, it was reasonable for the Officer to find insufficient evidence to support the availability of those funds.

[9] Furthermore, the Officer's assessment of the Applicant's ability to pay the expenses of her international study was reasonable. The Applicant's Zenith Bank statement demonstrated a balance of ₦10,216,921, as of April 30, 2025 [CTR, pdf 94-101]. This is equivalent to approximately $9,145.90 CAD as of August 11, 2025 [Currency Converter]. While the Applicant paid $10,000 towards her tuition for the first year of studies, $8,208.09 CAD remain, and living expenses for the first year of studies is $20,635 CAD [CTR, pdf 120, 123; IRCC Guidelines]. Therefore, the record supports the Officer's finding that the Applicant did not have sufficient funds in her personal bank account to cover the remaining first year's tuition and living expenses.

[10] The Officer's reasons allow the Court to understand the basis of its findings and chain of analysis. The reasons are sufficient and meet the *Vavilov* threshold.

[11] The Applicant has failed to raise an arguable issue with respect to these findings. She only re-advances the evidence assessed by the Officer, requesting this Court to reconsider it, and come to a different conclusion. This is not the function of judicial review.

[12] The Applicant in reply submits that the Respondent states that the Officer reasonably found the funds insufficient. Yet the GCMS notes state there "*appear to be sufficient funds*" (CTR-1) and the reasons dismiss source and availability by making broad claims while essentially disregarding the contracts, deposits, and sustained balances that establish financial capacity.

[13] The Officer raises no credibility concerns, nor any findings of lump-sum deposits, volatile balances, or suspicious transfers. The Sponsor's balances are large and steady, supported by recurring transactions from his business. The Applicant shows regular income and partial tuition already paid (CTR-119, 123). No genuine engagement appears to be made with this key evidence.

[14] The Respondent reframes the issue as a shortfall in the Applicant's own account. However, the proper question is whether sufficient and available funds were shown on the record, including the Sponsor's support and prepaid tuition. The reasons point to no inconsistency or risk that would make those funds unavailable.

[15] The core defect is a lack of reasons that address key evidence. A reasonable decision must connect the evidence to the conclusion, not rest on speculation. As the Court held in *Amlashi v Canada (Citizenship and Immigration)*, 2024 FC 1363 at paragraph 10, decisions must be "*appropriately justified*" not merely "*justifiable.*"

[16] Having considered the foregoing, in my respectful view the application should be dismissed. The Applicant in this study permit case, as in all such cases, has the obligation to establish their case to the satisfaction of the visa officer. Otherwise, the officer must dismiss the application.

[17] The Court is bound to follow constraining law settled by both the Supreme Court of Canada and the Federal Court of Appeal to the effect that weighing and assessing evidence is a task assigned by Parliament to visa officers in cases like this.

[18] Notably, except in "exceptional circumstances" or in the case of "fundamental error," that task is withheld from this Court.

[19] The Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] makes it abundantly clear the role of this Court is not to reweigh and reassess the evidence unless there are "exceptional circumstances." The Supreme Court of Canada instructs:

> [125] It is trite law that the decision maker may assess and evaluate the evidence before it and that, absent exceptional circumstances, a reviewing court will not interfere with its factual findings. The reviewing court must refrain from "reweighing and reassessing the

> evidence considered by the decision maker": *CHRC*, at para. 55; see also *Khosa*, at para. 64; *Dr. Q*, at paras. 41-42. Indeed, many of the same reasons that support an appellate court's deferring to a lower court's factual findings, including the need for judicial efficiency, the importance of preserving certainty and public confidence, and the relatively advantageous position of the first instance decision maker, apply equally in the context of judicial review: see *Housen*, at paras. 15-18; *Dr. Q*, at para. 38; *Dunsmuir*, at para. 53.
>
> [Emphasis added]

[20] The Federal Court of Appeal recently held in *Doyle v Canada (Attorney General),* 2021 FCA 237 that the role of this Court is not to reweigh and reassess the evidence unless there is a fundamental error (or exceptional circumstances, per *Vavilov*):

> [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.
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> [4] On appeal, in essence, the appellant invites us in his written and oral submissions to reweigh and second-guess the evidence. We decline the invitation.

[21] The full text of the Officer's notes in this case state: "While there appear to be sufficient funds, the source of funds is poorly documented. There is insufficient information showing how applicant came to accumulate large savings. Applicant declares source of income is Sponsor's employment. I note Sponsor's employment as a football agent, and I note copies of contract and brokerage agreements. Though they refer to commissions and compensations as Sponsor's

remuneration, no documentary evidence of remuneration that would substantiate the bank deposits or transfers has been provided. Without supplementary documentation substantiating the source of these funds, I am not satisfied the applicant has sufficient funds for the intended international study. I also note the Applicant's personal bank account statement, however the funds are insufficient to cover remaining first year tuition and living expenses."

[22] With respect on review of the record this finding is justified and reasonable. The finding regarding the Applicant's funding accords with the evidence. With respect to her husband's assets and income, and hers, and among other things, the Applicant filed 18 tightly-spaced pages of bank records listing scores of transactions some small and others extraordinarily large. However, the Applicant made no effort to annotate or assist the Officer in any way with determining which entries are relevant and which are not. There is nothing to show which deposits etc. relate to what, just a mass of almost completely raw data.

[23] With respect, it seems to me that it is incumbent on claimants to do more than simply file great masses of information and tell visa officers to 'figure it out themselves.' The Minister and his staff receive more than one million applications of all types every year. To sort though the great volume of bank transactions and other documents in this case, unaided, is in my respectful view, more than one may reasonably ask visa officers to do given the crush of other applications that must be dealt with.

[24] I find no fault nor reviewable error in the officer's decision.

[25] Therefore, this application for judicial review must be dismissed.

[26] No question of general importance was proposed, and I find none arises.

JUDGMENT in IMM-12005-25

THIS COURT'S JUDGMENT is that:

1. Leave to apply for judicial review is granted.
2. The Application for judicial review is dismissed.
3. No question of general importance is certified.
4. There is no Order as to costs.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-12005-25
STYLE OF CAUSE:	MODUPE FAUSAT ODUSANYA v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

SUBMISSIONS ON STUDY PERMIT PERFECTED LEAVE APPLICATION CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO SECTION 72 OF THE *IMMIGRATION AND REFUGEE PROTECTION ACT*

JUDGMENT AND REASONS:	BROWN J.
DATED:	SEPTEMBER 9, 2025

WRITTEN REPRESENTATIONS BY:

Sarbjit Singh Farmaha	FOR THE APPLICANT
Michelle Brar	FOR THE RESPONDENT

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