Federal Court Cour fédérale

Date: 20250929

Docket: IMM-16441-24

Citation: 2025 FC 1604

Toronto, Ontario, September 29, 2025

PRESENT: Madam Justice Go

BETWEEN:

Somtochukwu Oluakachukwu Onuchukwu

Applicant

and

The Minister of Citizenship and Immigration

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Somtochukwu Oluakachukwu Onuchukwu (the "Applicant"), a citizen of Nigeria, is a minor. The Applicant has been accepted as a full-time, non-tuition-paying student at a public school in British Colombia. His mother, Chinedu Amaka Onuchukwu, who holds a study permit in Canada, applied on the Applicant's behalf for an open study permit in Canada in May 2024.

[2] On September 5, 2024, an Immigration, Refugees and Citizenship Canada [IRCC] officer [Officer] rejected the Applicant's study permit application, citing that the Applicant has not established that he will leave Canada at the end of his stay as required by paragraph 216(1)(b) of *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*IRPR*] [Decision]. The Officer found the Applicant's assets and financial situation insufficient to support the stated purpose of travel.

[3] The Applicant seeks a judicial review of the Decision. For the reasons set out below, I dismiss the application.

II. Issues and Standard of Review

[4] The Applicant argues the Decision was unreasonable because:

a. the Officer unreasonably decided that the Applicant's asset and financial situation are insufficient; and

b. the Officer unreasonably decided that the Applicant is not a genuine student.

[5] The Applicant further argues there is procedural fairness breach because:

a. the Officer failed to provide adequate reasons and failed to allow the Applicant to respond to their concerns;

b. the Officer made an implicit credibility finding and failed to allow the Applicant to address their concern; and

c. the Officer breached the duty of legitimate expectation by ignoring the evidence in the application.

[6] The standard of review for the merits of the Decision is reasonableness, as set out in *Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]. The Court should assess whether the decision bears the requisite hallmarks of justification, transparency and intelligibility: *Vavilov* at para 99. The Applicant bears the onus of demonstrating that the decision was unreasonable: *Vavilov* at para 100.

[7] The standard of review of procedural fairness is akin to correctness. The focus of the Court is on whether or not the procedure allowed the applicant to know the case to meet and have a full and fair opportunity to respond: *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 54-56; *Ogbonna v Canada*, 2024 FC 1467 at para 11.

III. Analysis

A. *The Decision was reasonable*

[8] The Applicant devotes the bulk of his submissions to arguing that the Officer erroneously imposed the financial documentation requirement of a regular study permit onto the Applicant's application when the Applicant applied for an open study permit as a minor under his mother's study permit status, and not as a student attending a post-secondary program. However, as the Respondent submits, and I agree, irrespective of the nature of the Applicant's study permit application, the determinative issue is the reasonableness of the Officer's finding that the Applicant's asset and financial situation was insufficient in light of the record and the regulatory requirement under section 220 of the *IRPR*.

[9] As a starting point, I agree with the Applicant that the record confirms that he intended to apply, not for a regular study permit, but for an open study permit as a child of a study permit holder. I find that the nature of the Applicant's study permit application was clearly stated in his application form and in his mother's letter. It was further confirmed in the letter from the school board which accepted the Applicant as a full time, non-tuition paying student, subject to a valid study permit of the Applicant's mother.

[10] I also agree with the Applicant that the Officer was aware that the Applicant was applying for a study permit as a child of a study permit holder as the Officer noted in the Global Case Management Systems [GCMS] notes:

> … Applicant has applied for a study permit and intends to join their mother who study in Canada. …

[11] What I disagree with the Applicant are his arguments that this distinction affords him an exemption from the *IRPR* financial documentation requirements. As a minor who applied for an open study permit, the Applicant argues that he is not subject to any financial documentation requirement, and that he only needs to have access to $5,055 (based on the IRCC table of proof of funds showing $20,635 as the required amount for a regular study permit holder, and $25,690 as the required amount for a regular study permit applicant accompanied by one person). Accordingly, since the amount of funds available shown in his mother's bank statement exceeds the required threshold, the Applicant argues that the Officer's conclusion of financial insufficiency was made in a "perverse or capricious manner:" *Rahal v. Canada (Citizenship and Immigration)*, 2012 FC 319 at para 26. The Applicant also contends that the Officer did not offer

an explanation for their concerns about the provenance of the available funds when the financial documentation contradicts that finding, in the absence of credibility concerns.

[12] I disagree with the Applicant.

[13] As a starting point, section 220 of the *IRPR* requires the Officer to be satisfied that there are sufficient funds to maintain the Applicant's stay in Canada before issuing a study permit. Section 220 reads as follow:

Financial resources	**Ressources financières**
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	**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) pay the tuition fees for the course or program of studies that they intend to pursue;	**a)** acquitter les frais de scolarité des cours qu'il a l'intention de suivre;
(b) maintain themself and any family members who are accompanying them during their proposed period of study; and	**b)** subvenir à ses propres besoins 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.

[14] Paragraph 215(1)(d) and (e) of the *IRPR* in turn refers to individuals who (d) are subject to an unenforceable removal order; or (e) hold a temporary resident permit issued under subsection 24(1) of the *Immigration and Refugee Protection Act*, SC 2001, c.27 that is valid for

at least six months. As neither of these exceptions applies to the Applicant, he is therefore subject to the requirements under section 220 of the *IRPR*.

[15] While section 220 does not explicitly set out the type of financial documentation an applicant must provide to an officer, the case law confirms that an officer is entitled to rely on the deficiency in the financial documentation submitted, such as the lack of any transaction history in a bank account, to refuse an application pursuant to section 220: *Moradian v Canada (Citizenship and Immigration)*, 2024 FC 1343; *Najaran v Canada (Citizenship and Immigration)*, 2024 FC 541; *Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613; *Koulaji v Canada (Citizenship and Immigration)*, 2024 FC 1044; *Mohebban v Canada (Citizenship and Immigration)*, 2024 FC 819; *Salamat v Canada (Citizenship and Immigration)*, 2024 FC 545; *Eslami v Canada (Citizenship and Immigration)*, 2024 FC 409; *Davoodabadi v Canada (Citizenship and Immigration)*, 2024 FC 85 [*Davoodabadi*]; *Hendabadi v Canada (Citizenship and Immigration)*, 2024 FC 987.

[16] Further, the Court in *Oboghor v Canada (Citizenship and Immigration)*, 2024 FC 2019 [*Oboghor*] confirms that the requirement for an applicant to demonstrate the stability and legality of the fund applies irrespective of whether the fund is held in Canada or outside Canada: *Oboghor* at para 14.

[17] In this case, the only documentary evidence submitted by the Applicant to prove available funds was a single-page account summary of the Applicant's mother's bank account. In light of the scant evidence, the regulatory requirement and the case law, I find it reasonable for

the Officer to conclude that the Applicant has not submitted enough supporting documents to satisfy the officer that the Applicant has access to sufficient funds for his visit.

[18] The Applicant also took issue with the Officer noting that no tuition receipts from "CNC," the college attended by the mother of the Applicant, were submitted, and with the Officer's finding that there were not enough funds to support a family of two in Canada. He argues that the enrollment letter from the college implies that the mother was not in default and that the funds presented are sufficient to support the Applicant.

[19] The Applicant cites the following cases in support: *Alvi v. Canada (Minister of Citizenship and Immigration)*, 2003 FC 1388 [*Alvi*]; *Raoufi v. Canada (Citizenship and Immigration)*, 2024 FC 550 [*Raoufi*]; *Jalali v. Canada (Citizenship and Immigration)*, 2024 FC 603 [Jalali]; and *Sopeyin v. Canada (Citizenship and Immigration)*, 2023 FC 1435 [*Sopeyin*].

[20] The cases cited by the Applicant offer little support for his arguments. In *Alvi*, the Court gave considerable deference to the officer's conclusion that the applicant did not provide sufficient proof of funds after an additional inquiry. In both *Raoufi* and *Jalali*, the applicants provided proof of their employment in addition to the banking documents, making the officers' concerns about the provenance of the funds unreasonable. The Applicant in this case did not provide any proof of funds other than the Applicant's mother's bank account summary statement.

[21] I also find *Sopeyin* distinguishable on the facts.

[22] The Applicant argues that similar to the case at hand, the Court in *Sopeyin* found it unreasonable for the officer to consider the "sponsor" who was not part of the application, and that the officer erred by relying on information extrinsic to the application by considering the financial information of the sponsor. With respect, the Applicant's argument mischaracterizes both the facts and the Court's dicta in *Sopeyin*.

[23] In *Sopeyin*, the principal applicant applied for an open work permit along with minor children who applied for study permit. The principal applicant's husband was already in Canada under a study permit. In finding that the principal applicant's job offer and her assets and financial situation were insufficient to support the stated purpose of travel for herself and her accompanying children, the officer noted that the principal applicant's spouse showed funds of $45,000 in support of his study permit application and that the tuition for his study was $20,000 per year. Applying the low income cut off for family of five, the officer then concluded that the principal applicant would not have access to sufficient funds to finance their stay.

[24] In finding that there was a procedural fairness breach, Justice Southcott noted:

> [23] As I best interpret the Officer's reasoning, the $45,000 in available funds identified in the Husband's study permit application, being the same figure and therefore probably the same funds as identified in the Applicants' application, would not be sufficient to finance the whole family's stay in Canada, particularly when the $20,000 annual tuition cost was taken into account.
>
> [24] The source of this information about the Husband's study permit application is not apparent from the record before the Court. Neither party identified this information as being available from the CTR. One might assume that the Officer was able to source the Husband's study permit application in the files of Immigration, Refugees and Citizenship Canada and obtained this information therein. However, there is no evidence to support this assumption.

> [25] As such, the fact that the Decision is based on evidence of unknown provenance, which the Court is unable to assess, undermines the transparency, justification and intelligibility of the Decision and therefore its reasonableness. This evidence also represents evidence extrinsic to the Applicants' applications, and the principles of procedural fairness required the Officer to afford the Applicants an opportunity to respond to that evidence before relying on it to reject their applications (see, e.g., *Pena Torres v Canada (Citizenship and Immigration)*, 2011 FC 500 [*Pena Torres*] at para 12). As the Applicants argue, such response may have included evidence disputing that the Husband's tuition costs remained outstanding as a call upon the family's current financial resources.

[25] It is abundantly clear from Justice Southcott's reasons that his concern with the officer's reliance on the applicant's husband's application stemmed from the fact that the source of the information about the husband's study permit application was not apparent from the record before the Court, and that the applicant should have been given the opportunity to respond to such evidence. Justice Southcott did not make the finding, as the Applicant argues, that it was unreasonable for the officer to rely on the applicant's husband's financial information. In fact, as Justice Southcott continued at para 27:

> [27] I would not necessarily conclude that such evidence should always be treated as extrinsic evidence and give rise to procedural fairness obligations, particularly if there is a sound evidentiary basis to conclude that an applicant was aware of the relevant details of a family member's immigration records. However, the Respondent has not referred the Court to any evidence in the case at hand that would support such a conclusion.
>
> [Emphasis added.]

[26] What Justice Southcott described at para 27 in *Sopeyin* are precisely the circumstances of the case at hand.

[27] Unlike *Sopeyin*, the Applicant was fully aware of the details of his mother's immigration record. Indeed, it was the Applicant's mother who submitted the study permit on the Applicant's behalf. Further, as a minor child, the Applicant relies on his mother for financial support, and nothing in the record suggests the Applicant has other source of support. Besides, it was the Applicant's mother who submitted her own bank account statement in order to prove that she had the ability to support the Applicant during his stay in Canada. As such, none of the concerns raised in *Sopeyin* are present in this case.

[28] I also find that the Officer made no reviewable error in noting that no tuition receipts were submitted. Contrary to the Applicant's submission, the Officer did not require the Applicant to submit a tuition receipt for his study. Rather, the Office noted the lack of tuition receipt in the context of assessing the financial situation of the Applicant's mother. The record before me confirms that the Applicant's mother submitted her enrollment verification with CNC, but not the receipt of tuition fee she paid to CNC. As the Respondent points out, while the Applicant was not required to provide the proof of paying his tuition, the Officer was required under section 220 to be satisfied of the Applicant's ability to maintain themselves and travel to and from Canada. Further, as the Respondent notes, the enrollment verification was dated July 12, 2024, with no information as to whether the tuition was paid. In the absence of such evidence, and in light of the section 220 requirements, I find it reasonable for the Officer to consider the lack of confirmation of the mother's tuition fee payment as a relevant factor in determining whether the Applicant has access to sufficient funds for his stay in Canada.

[29] In addition, I find the Applicant's argument in this respect inherently contradictory. While insisting that he should be treated as a minor who is seeking a study permit under his mother's permit, the Applicant asserts that the Officer should not have considered his mother's financial situation – such as whether she had paid her tuition – as part of the Officer's assessment of the Applicant's eligibility.

[30] The Applicant makes similarly contradictory argument when he submits that the Officer erred by requiring sufficient funds "to support family of two in Canada" since the Applicant is the sole applicant in his application. I find this argument meritless.

[31] Either the Applicant should be treated as a single applicant who himself needs to have proof of funds showing $20,635, or he should be treated as part of his mother's family and as such must show sufficient funds for a family of two. The Applicant cannot have it both ways.

[32] Finally, the Applicant submits that the Officer's statement of being not satisfied that the Applicant would depart Canada at the end of authorized stay implied that the Officer believed the Applicant is not a genuine dependent child of a valid study permit holder. The Applicant cites *Emesobi v. Canada (Minister of Citizenship and Immigration)* 2018 FC 90 at para 27 and *Omijie v. Canada (Minister of Citizenship and Immigration)* 2018 FC 878 [*Omijie*]at para 22.

[33] I disagree. The Officer's reasons did not mention anything about the intentions of the Applicant. A plain reading of the reasons suggests that the Officer rejected the Applicant's application due to the insufficiency of financial documentation.

B. *The Officer did not breach procedural fairness*

[34] The Applicant argues that the Officer breached procedural fairness by failing to explain why perceived insufficient funds led them to refuse the application for an open study permit, citing *Opakunbi v. Canada (Citizenship and Immigration)*, 2021 FC 943 at para 12, *Magonza v. Canada (Citizenship and Immigration)*, 2019 FC 14 at para 35, *Omijie* paras 12-13, and *Adu v. (Minister of Citizenship and Immigration)*, 2005 FC 565 at paras 14 and 20. The Applicant further submits that the Officer failed to allow the Applicant to respond to their concern.

[35] The Applicant's argument is non-persuasive. The adequacy of reasons is not a stand-alone ground for judicial review. The duty of procedural fairness in administrative law is "eminently variable," inherently flexible and context-specific: *Vavilov* at para 77. An officer's duty to provide reasons when evaluating a study application is minimal: *Ajayi v. Canada (Minister of Citizenship and Immigration)*, 2025 FC 261 at para 15 citing *Chaudhary v Canada (Citizenship and Immigration)*, 2024 FC 102 at paras 27-30.

[36] Moreover, as the Court has confirmed repeatedly, where an officer's concern arises directly from the requirements of the legislation or related regulations, a visa officer will not be under a duty to provide an applicant with a "running score" of the weaknesses in their application: *Davoodabadi* at para 19.

[37] As noted above, the Officer's concern in this case arose from the requirements under the *IRPR*. Hence, the Officer had no obligation to notify the Applicant of their concern regarding the sufficiency of the Applicant's financial documentation.

[38] As to the Applicant's submission that the Officer made an implicit credibility finding on his overstay in Canada based on his tie to his mother, I find this submission lacks merit as it is not reflected in the Decision.

[39] Finally, I also reject the Applicant's argument that the Officer breached the duty of legitimate expectation by ignoring the full-time student status of the Applicant's mother and by questioning the provenance of the proof of funds submitted citing *Masam v. Canada (Citizenship and Immigration)*, 2018 FC 751 [*Masam*] in para 15 and *Agraira v. Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 [*Agraira*] at para 94. I also reject the Applicant's reliance on *Firouz-Abadi v. Canada (Citizenship and Immigration)*, 2011 FC 835 [*Firouz-Abadi*] at para 21 to argue that the Officer erred by deciding an open study permit application as if it is a regular study permit.

[40] I have already addressed much of the Applicant's arguments. I would simply add that the cases cited by the Applicant are not applicable as they dealt with other types of immigration decisions, namely, a post-graduate work permit in *Masam*, and inadmissibility findings in *Agraira* and *Firouz-Abadi*.

IV. Conclusion

[41] The Application for judicial review is dismissed.

[42] There is no question for certification.

JUDGMENT in IMM-16441-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. There is no question for certification.

"Avvy Yao-Yao Go"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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