Federal Court  Cour fédérale

Date: 20251008

Docket: IMM-16851-24

Citation: 2025 FC 1662

Ottawa (Ontario), October 8, 2025

PRESENT: Madam Associate Chief Justice St-Louis

BETWEEN:

VICTORIA EBERE OKOLI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] In August 2024, Mrs. Victoria Ebere Okoli, a citizen of Nigeria, submitted a study permit application, her second such application, seeking to study at the University of Canada West to pursue a Master of Business Administration (MBA) degree. Mrs. Okoli's application included the information set out in her completed application form, where she confirmed her tuition fees

would total $41,575, and supporting documents, such as a letter from the University confirming this overall amount in tuition fees and specifying that the first-year fees were set at $25,061 as well as several documents concerning her financial situation.

[2] On September 10, 2024, an officer of Immigration, Refugees and Citizenship Canada [Immigration Canada] refused Mrs. Okoli's study permit application. Per the refusal letter, the officer was not satisfied that Mrs. Okoli 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 [the Regulations]. The officer also found Mrs. Okoli's financial situation was insufficient to support the stated purpose of her travel and likewise insufficient for her to pay the tuition or maintain herself without working in Canada, per paragraphs 220(a) and (b) of the Regulations.

[3] Mrs. Okoli seeks judicial review of this decision. She argues that (1) the officer failed to consider evidence and his decision is at a variance with the evidence that was before him; (2) the decision is wrong, unreasonable, not well founded, perverse and capricious; (3) the officer was wrong in his determination of insufficiency of tuition fees paid and on the monetary threshold that Mrs. Okoli was supposed to cross; and (4) the officer was unfair by not affording Mrs. Okoli an opportunity to respond to his further concerns before making his decision.

[4] The minister of Citizenship and Immigration [Minister] responds that the decision is reasonable and that the officer was not unfair.

[5] For the reasons set out below, I find that Mrs. Okoli has not demonstrated, as was her burden, that the decision is unreasonable in light of the record before the officer and of the applicable legal provisions, or that the procedure was unfair. Accordingly, this application for judicial review will be dismissed.

II. Analysis

[6] Under *Canada (Minister of Citizenship and Immigration) v Vavilov,* 2019 SCC 65 [*Vavilov*], the applicable standard of review is reasonableness. Where the reasonableness standard applies, "the burden is on the party challenging the decision to show that it is unreasonable" (*Vavilov* at para 100). The Court "must consider only whether the decision made by the administrative decision maker-including both the rationale for the decision and the outcome to which it led- was unreasonable" (*Vavilov* at para 83) in order to determine whether the decision is "based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (*Vavilov* at para 85). It is not the role of the Court to substitute its own preferred outcome for the one made by the decision maker or to reweigh the evidence.

[7] A study permit applicant bears the burden of establishing their case on a balance of probabilities and of demonstrating that they will leave Canada at the end of the authorized period of stay. The applicant also bears the burden of providing the visa officer with all relevant information to demonstrate compliance with the legal and regulatory requirements ((*Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 [*Solopova*] at para 22).

[8] Moreover, the Court's jurisprudence confirms notably that (a) the officer's assessment of the facts underlying an application for a temporary resident stay, such as a study permit application, and the officer's assessment that an applicant would not leave Canada at the end of their stay, are reviewed on the standard of reasonableness (*Akomolafe v Canada (Citizenship and Immigration)*, 2016 FC 472 at para 9); (b) the officer's decision is discretionary and is an administrative decision made in the exercise of a discretionary power (*My Hong v Canada (Citizenship and Immigration)*, 2011 FC 463 at para 10 relying on *Ayatollahi v Canada (Citizenship and Immigration)*, 2003 FCT 248 at para 12); and (c) the visa officer's decision deserves significant deference due to their expertise and experience (*Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 [*Solopova*] at para 12; *Kwasi Obeng v Canada (Citizenship and Immigration)*, 2008 FC 754 at para 21; *Nimely v Canada (Minister of Citizenship and Immigration)*, 2020 FC 282 at para 7). It is with these principles in mind that I must review the officer's decision and the arguments raised by Mrs. Okoli.

[9] After careful consideration of the record and of the officer's notes, Mrs. Okoli has not persuaded me that the officer ignored evidence, made an error by applying paragraph 216(1)(b) of the Regulations, or that the findings of fact he made were erroneous or reached arbitrarily without regard to the evidence in the record. Likewise, Mrs. Okoli has not convinced me that the officer breached the principles of natural justice and rendered the procedure unfair.

[10] First, Mrs. Okoli has not shown that the officer ignored evidence or that his conclusion on her financial situation was unreasonable. I acknowledge that the officer made a mistake in indicating that Mrs. Okoli had already paid around $17,000 in tuition fees rather than the

$25,061 she had actually paid. However, this error is not fatal given the officer's conclusion on assessing the financial documents and in light of the total amount Mrs. Okoli was expected to pay in tuition and in expenses for her two-year program in Canada.

[11] The Officer noted in particular that (1) limited financial documentation was provided; (2) detailed bank statements showed overall low funds; (3) deposits shown in banking transaction history was not commensurate with the stated income (pay slips or stated salary from employer); (4) financial information was not supported with evidence of income tax paid nor pay slips for the bank statements balance on file; and (5) there was limited evidence pertaining to the source of funds.

[12] As was discussed at the hearing with counsel, an attentive examination of the financial documents submitted by Mrs. Okoli to support her application confirms that the officer's assessment is indeed accurate. Apart from the error the officer made on the amount of tuition Mrs. Okoli had already paid, all of his findings are validated in the record. Mrs. Okoli did not point to any piece of evidence the officer would have ignored, nor did she provide any details as to how the officer misconstrued the financial evidence destined to establish that she had the adequate funds. The officer's conclusion is reasonable in light of the record.

[13] The need to give reasons for a temporary resident visa decision, here a study permit, is typically minimal in view of the large number of decisions they are required to process (*Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at para 9; *Khoshfam v Canada (Citizenship and Immigration*), 2024 FC 961 at para 25 [*Khoshfam*]). I am satisfied that "there is [a] line of

analysis within the given reasons that could reasonably lead the tribunal from the evidence before it to the conclusion at which it arrived" (*Vavilov* para 102).

[14] When issues of procedural fairness are raised, the Court must determine whether the procedure was fair in light of all the circumstances (*Canadian Pacific Railway Ltd v Canada (Attorney General)*, 2018 FCA 69 at para 54).

[15] The requirements of fairness are likewise relatively minimal in these types of application (*Khoshfam* at para 25; *Bains v Canada (Citizenship and Immigration)*, 2020 FC 57 at para 56 citing *Qin v Canada (Minister of Citizenship and Immigration)*, 2002 FCT 815 at para 5; *Guo v Canada (Citizenship and Immigration)*, 2015 FC 161 at para 27; *Bautista v Canada (Citizenship and Immigration)*, 2018 FC 669 at para 17). The visa officer has no obligation to advise the applicant of concerns or deficiencies in their application or to offer an interview. As Rothstein J.A. (*ex officio*) wrote in *Qin v Canada (Minister of Citizenship and Immigration)*, 2002 FCT 815 (at para 6), nor does the onus shift to the visa officer to take any additional steps to address or satisfy outstanding concerns. As the Court stated, it is for these reasons that it is often difficult to set aside a visa officer's decision on a judicial review application (*Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 at para 10).

[16] Having reviewed the full record, and discussed same at the hearing with counsel, I am far from convinced that the officer acted in a procedurally unfair manner or that the decision was unreasonable, Mrs. Okoli has therefore not discharged her burden.

[17] The application for judicial review will be dismissed. No questions were put forward for certification, and none arise in this case.

JUDGEMENT in IMM-16851-24

THIS COURT'S JUDGMENT is that:

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

2. No question is certified.

3. No costs are awarded.

"Martine St-Louis"

Associate Chief Justice

FEDERAL COURT

SOLICITORS OF RECORD

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APPEARANCES:

Idorenyin E. Amana	FOR THE APPLICANT
Zoé Richard	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Amana Law Office Cornwall, ON	FOR THE APPLICANT
Attorney General of Canada Montreal, QC	FOR THE RESPONDENT