

Federal Court



Cour fédérale

Date: 20251010

Docket: IMM-18451-24

Citation: 2025 FC 1685

Ottawa Ontario, October 10, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

BENEDICTA IKHUEMOSE OGA-PALMER

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Ms. Benedicta Ikhuemose Oga-Palmer (the “Applicant”) seeks judicial review of the decision of an officer (the “Officer”), refusing her application for a study permit made pursuant to the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the “Regulations”).

[2] The Applicant is a citizen of Nigeria. She is in her early twenties, unmarried without children. Her parents are dead. She applied for a study permit to follow a course in Canada. Her

maternal uncle, a Canadian citizen and resident, offered to provide the necessary financial support.

[3] The Applicant first applied for a study permit on April 5, 2024. Upon refusal of her application, she filed an application for leave and judicial review in cause number IMM-9178-24. The litigation was settled and a different officer re-determined the Applicant's application. The subject of this proceeding is the second decision, again a negative one.

[4] According to the Global Case Management System ("GCMS") notes, the Officer was not satisfied that the Applicant had sufficient financial resources to pay for the proposed course of studies, or would leave Canada upon completion of those studies.

[5] The Applicant now argues that the decision is unreasonable and was made in breach of her right to procedural fairness since the Officer did not give her the opportunity to respond to concerns.

[6] The Minister of Citizenship and Immigration (the "Respondent") submits that the decision is reasonable, in light of the requirements of the regulatory requirements. Further, she argues that there was no breach of procedural fairness.

[7] Any issue of procedural fairness is reviewable on the standard of correctness; see the decision in *Canada (Citizenship and Immigration) v. Khosa*, [2009] 1 S.C.R. 339 (S.C.C.)

[8] Following the decision of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R 653 the merits of the decision are reviewable on the standard of reasonableness.

[9] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is justified in relation to the relevant factual and legal constraints that bear on that decision”; see *Vavilov*, supra at paragraph 99.

[10] Although the Applicant argued that she suffered a breach of procedural fairness, it is not necessary to engage with that issue.

[11] In my opinion, the decision is not reasonable. There is a hint that the Officer did not believe that the Applicant is the niece of her uncle. This may have been a veiled credibility finding. In my opinion, the doubts expressed about the relationship between the Applicant and her uncle may have influenced the Officer’s assessment of the information submitted about the Applicant’s financial support.

[12] According to the GCMS notes, the first officer refused the Applicant’s application on similar grounds. There was a concern about whether the Applicant would leave Canada at the end of a temporary stay and if she had shown the availability of sufficient funds.

[13] As noted above the Applicant filed an earlier application for leave and judicial review. That litigation was settled, and the Applicant was provided the opportunity to submit updated evidence.

[14] The CTR does not contain any further submissions in response to the settlement.

[15] Overall, the decision does not meet the applicable standard of reasonableness and it will be set aside. The matter will be remitted to a different officer for redetermination and the Applicant will have the opportunity to submit updated information. There is no question for certification.

JUDGMENT IN IMM-18451-24

THIS COURT’S JUDGMENT is that the application for judicial review is allowed, the decision is set aside and the matter is remitted to a different officer for redetermination. The Applicant can submit updated information. There is no question for certification.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-18451-24

STYLE OF CAUSE: BENEDICTA IKHUEMOSE OGA-PALMER v. THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 22, 2025

REASONS AND JUDGMENT: HENEGHAN J.

DATED: OCTOBER 10, 2025

APPEARANCES:

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Alethea Song	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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