

Federal Court



Cour fédérale

**Date: 20250822**

**Docket: IMM-10938-25**

**Citation: 2025 FC 1409**

**Ottawa, Ontario, August 22, 2025**

**PRESENT: The Honourable Mr. Justice Gleeson**

**BETWEEN:**

**BABATOMIWA ADEWALE BAJO**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Simplified Procedure-Study Permit Pilot Project)**

[1] This is an application under the Study Permit Pilot Project on behalf of the Applicant pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, for leave to commence an application for judicial review of a decision of an Officer with Immigration, Refugees and Citizenship Canada [Officer] dated April 8, 2025, refusing the Applicant's study permit application.

[2] Leave to commence the application for judicial review is granted. For the reasons that follow, I also grant the judicial review application.

[3] On judicial review, the Court's role is to determine whether the officer's decision is reasonable in light of facts and law that constrain the decision maker, and to assess – within the decision making context – whether the process was fair (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 77, 85 [*Vavilov*]). Where a decision is challenged on the basis that it is unreasonable, the burden is on the applicant to satisfy the Court “that any shortcomings or flaws relied on by the party challenging the decision are sufficiently central or significant to render the decision unreasonable” (*Vavilov* at para 100).

[4] The Applicant is a citizen of Nigeria. He was refused a study permit, the Officer finding the Applicant had not established he would leave Canada because the Applicant's employment situation in Nigeria did not show he was financially established in that country and that his assets and financial situation were insufficient to support the stated purpose of travel. The Global Case Management System [GCMS] notes state as follows:

I have reviewed the application. The applicant's current employment situation does not show that they are financially established in their country of residence. Applicant has provided employment document but employment document does not state income. No personal bank statement provided to support economic establishment in current country of residence. 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). Applicant is supported by cousin living in the Netherland [*sic*]. Funds are held in sponsor's account. However, no direct proof of employer's financial support on file (financial transfers to applicant's personal accounts) to support access to funds. Applicant has not shown any personal funds to support his education in the absence of third party funding.

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.

[5] It is clear from the application that the Applicant's travel, living and program of study expenses were to be fully funded by Applicant's cousin in the Netherlands. The cousin's sponsorship was central to the application. In this context, the purpose of the Officer's assessment of the Applicant's financial establishment in Nigeria and conclusion that the Applicant's personal assets and financial situation are insufficient to support the stated purpose of travel is unclear.

[6] In considering the cousin's financial support, the Officer unreasonably relies on the absence of direct proof of support in the form of financial transfers from the Applicant's cousin to conclude the sponsorship evidence provided was insufficient. As the Applicant notes, the record discloses a payment of tuition that was made directly by the cousin on behalf of the Applicant.

[7] The Officer's misapprehension and resulting failure to engage with this evidence undermines the reasonableness of the Officer's analysis and conclusions as they relate to the sponsor evidence, a matter central to the application.

[8] To the extent the Officer relies solely on the Applicant's lack of financial establishment in Nigeria and fails to engage with other push/pull factors disclosed in the application to conclude the Applicant would not depart Canada, the Officer also erred (*Arodu v Canada (Citizenship and Immigration)*, 2024 FC 1476 at paras 38-40).

- [9] The application for judicial review is granted. No question for certification arises.

**JUDGMENT IN IMM-10938-25**

**THIS COURT'S JUDGMENT is that:**

1. Leave is granted to commence the application for judicial review.
2. The judicial review application is granted.
3. The matter is returned for redetermination by a different decision maker.
4. No question is certified.

“Patrick Gleeson”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-10938-25

**STYLE OF CAUSE:** BABATOMIWA ADEWALE BAJO 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:** GLEESON J.

**DATED:** AUGUST 22, 2025

**WRITTEN REPRESENTATIONS BY:**

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Nicole John FOR THE RESPONDENT

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