

Federal Court



Cour fédérale

**Date: 20250404**

**Docket: IMM-22419-24**

**Citation: 2025 FC 630**

**Ottawa, Ontario, April 4, 2025**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**DERRICK AMPOFO OFORI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

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

[1] The Applicant, Derrick Ampofo Ofori, applied to study in Canada. An officer at Immigration, Refugees and Citizenship Canada (“the Officer”) refused the application. The Applicant had explained that his aunt and uncle would be providing financial support for his studies. The Officer refused the application because “no government documents have been provided to explain or substantiate the relationship.” I agree with the Applicant that the Officer’s

evaluation of his financial support was unreasonable. This is a sufficient basis to allow the judicial review.

[2] I dealt with this case in writing, on consent of the parties, as part of the Court's Study Permit Pilot project.

[3] The requirement that an officer be satisfied that a person applying to study in Canada will not overstay the period authorized for their stay is set out in subsections 11(1) and 20(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 and in paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[4] Section 220 of the IRPR provides that an Officer "shall not issue a study permit to a foreign national [...] unless they have sufficient and available financial resources, without working in Canada, to (a) pay the tuition fees for the course or program of study that they intend to pursue; (b) maintain themselves and any family members who are accompanying them during their proposed period of study; and (c) pay the costs of transporting themselves and the family members [...] to and from Canada."

[5] The Officer's decision is brief. The only issue raised by the Officer is the failure to provide "government documents" to "explain or substantiate the relationship" with the sponsor. The Officer did not mention the letter from the Applicant's aunt or the affidavit from the Applicant's uncle that explains the relationship as one of an aunt/uncle. The Applicant's own

statement also refers to his relationship with his financial sponsor as an aunt and uncle. The financial sponsors also provided identity documents and financial documentation.

[6] The Respondent raises concerns with the lack of detail in the Applicant's aunt's letter and the Applicant's uncle's sworn statement. However, this issue was not raised by the Officer in their reasons. The Officer does not mention the aunt's letter or uncle's sworn statement in their reasons despite it being highly relevant to the only basis on which the application was refused. Ultimately, the decision is unreasonable because the Officer failed to account for the evidence before them (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paragraph 126).

**JUDGMENT in IMM-22419-24**

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

1. Leave to bring the application for judicial review is granted;
2. The application for judicial review is granted;
3. The decision is quashed and sent back to be redetermined by a different decision-maker; and
4. There is no serious question of general importance certified.

"Lobat Sadrehashemi"

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Judge

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

**DOCKET:** IMM-22419-24

**STYLE OF CAUSE:** DERRICK AMPOFO OFORI 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:** SADREHASHEMI J.

**DATED:** APRIL 4, 2025

**WRITTEN PRESENTATIONS BY:**

Cédric Marin

FOR THE APPLICANT

Blake Van Santen

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Marin Immigration Law  
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