

Federal Court



Cour fédérale

Date: 20250428

Docket: IMM-3304-24

Citation: 2025 FC 757

Toronto, Ontario, April 28, 2025

PRESENT: Justice Andrew D. Little

BETWEEN:

ADEWALE PETER ADEDEJI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The applicant asks the Court to set aside a decision by a visa officer dated February 15, 2024, refusing his application for a study permit under paragraph 216(1)(b) of the of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (the “IRPR”). The officer was not satisfied that the applicant would leave Canada at the end of his stay, based on his assets and financial situation.

[2] The applicant contended that the decision was unreasonable, applying the principles in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 SCR 653.

The applicant also submitted that he was deprived of procedural fairness.

[3] For the reasons that follow, I conclude the application must be dismissed.

I. **Events Leading to this Application**

[4] The applicant is a citizen of Nigeria. He holds a bachelor's degree in counsellor education. His 10-year career has included work in real estate, project management and contract management in Nigeria and the United Arab Emirates.

[5] In January 2024, the applicant applied for a study permit to Canada to pursue a one-year diploma program in Logistics and Supply Chain Management at Assiniboine Community College in Winnipeg, Manitoba.

[6] In support of his study permit application, the applicant provided a variety of materials, which included a Letter of Explanation and, as is pertinent to this application for judicial review:

- a) The admission offer to Assiniboine College;
- b) Certificate of Incorporation for WMTH Ent. Empire Ltd., the applicant's company;
- c) Proof of tuition deposit paid to Assiniboine College;
- d) Statement of account from Ecobank including statements from July 4, 2023, to January 10, 2024;

- e) Deed of Assignments and title to properties; and
- f) Title receipt and tenancy agreement for the applicant's tenant.

[7] The applicant's Letter of Explanation dated January 16, 2024, and his submissions to the Court advised that he is the "alter ego" of his company, WMTH Ent. Empire Ltd.

[8] By letter dated February 15, 2024, a visa officer from Immigration, Refugees and Citizenship Canada ("IRCC") refused the applicant's application for a study permit. The officer was not satisfied that the applicant would leave Canada at the end of his stay as required by *IRPR* paragraph 216(1)(b) because:

- Your assets and financial situation are insufficient to support the stated purpose of travel for yourself (and any accompanying family member(s), if applicable).

[9] The officer entered the following notes in the Global Case Management System ("GCMS") on February 15, 2024:

I have reviewed the application. I have considered the following factors in my decision. 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).

PA, 33 y.o. married. LOA from Assiniboine Community College at Robertson College noted. 1-year program in Logistics & Supply Chain Management. Tuition fees:\$16,640 CAD Tuition deposit payment:\$2,800 CAD noted.

The applicant is funded by self. Bank statements from ECOBANK provided. Banking transactions show lump-sum deposits and pre-exisitng [sic] low balances, closing balance of \$33,875 CAD.

Certificate of business registration for company Wmth Entertainment Empire Limited provided. However, there is limited information pertaining to the business operations and income

earnings. It is not clear on the provenance of funds and how it was accumulated on account over time. No Tax Clearance Certificate on file, nor financial statements from company.

In the absence of satisfactory documentation showing the source of these funds, I am not satisfied the applicant will have access to the funds provided in support of the application, as their bank accounts demonstrate volatile balances and inconsistent income. Taking the applicant's plan of studies into account, the documentation provided in support of the applicant's financial situation does not demonstrate that funds would be sufficient or available.

I am not satisfied that applicant has sufficient and available financial resources to pay the tuition fees for the program of studies that they intend to pursue and to pay for living expenses while in Canada. For the reasons above, I have refused this application under R216(1)(b) 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.

[Underlining added. Line breaks added for clarity].

II. **Was the visa officer's decision reasonable?**

[10] I agree with the parties that the standard of review for the substantive issues is reasonableness: see e.g., *Kapenda v. Canada (Citizenship and Immigration)*, 2024 FC 821, at para 12; *Bougrine v. Canada (Citizenship and Immigration)*, 2022 FC 528, at para 13.

[11] The starting point for reasonableness review is the reasons provided by the decision maker, which are read holistically and contextually, and in conjunction with the record that was before the decision maker. A reasonable decision is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law that constrained the decision maker: *Vavilov*, esp. at paras 85, 91-97, 102-103, 105-106 and 194; *Mason v. Canada (Citizenship and Immigration)*, 2023 SCC 21, at paras 8, 59-61, 66. In order to intervene, the

Court on this application must find an error in the decision that is sufficiently central or significant to render the decision unreasonable: *Vavilov*, at para 100.

[12] It is not the role of the Court to re-assess or re-weigh the evidence, or to provide its own view of the merits. Thus, it is not permissible for the Court to come to its own view of the merits of the study permit application and then measure the officer's decision against the Court's own assessment: *Mason*, at para 62; *Vavilov*, at para 83; *Delios v. Canada (Attorney General)*, 2015 FCA 117, at para 28.

[13] Under paragraph 216(1)(b) of the *IRPR*, an officer shall issue a student permit if, following an examination of an application, it is established that the foreign national will leave Canada by the end of the period authorized for their stay.

[14] Section 220 of the *IRPR* provides:

Financial resources

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

(a) pay the tuition fees for the course or program of studies that they intend to pursue;

Ressources financières

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) acquitter les frais de scolarité des cours qu'il a l'intention de suivre;

(b) maintain themselves 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 themselves 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.

[15] Thus, if an officer finds that a foreign national does not meet the financial requirements in *IRPR* section 220, the officer must not issue a study permit.

[16] Both parties approached this case as concerning financial sufficiency and the provenance of the applicant's funds to support his proposed study in Canada, although the decision letter and the GCMS notes referred only to *IRPR* paragraph 216(1)(b) and did not refer expressly to section 220. In my view, that was fair given the contents of the GCMS notes overall and the express finding that the officer was "not satisfied that applicant has sufficient and available financial resources to pay the tuition fees for the program of studies that they intend to pursue and to pay for living expenses while in Canada".

[17] The applicant's submissions focused on an alleged misapprehension of the evidence. His submissions can be distilled into two principal arguments. First, the applicant submitted that the officer's decision was unreasonable for failing to use the correct exchange rate when converting Nigerian Naira to Canadian dollars. Second, the applicant submitted that the officer unreasonably questioned the provenance of his funds.

Closing Balance and Applicable Exchange Rates

[18] The applicant challenged the officer's finding that the closing balance on his bank statement in January 2024 was \$33,875. The applicant submitted that on January 16, 2024, when the study permit application was submitted, the sum of 35,512,123.13 Nigerian Naira ("NGN") was equal to \$53,932.09. The applicant argued that this is the amount that the officer should have analysed, given it was the amount on the day the application was submitted. The applicant argued that the relevant determinative date has always been the date the applicant submitted the application.

[19] The respondent submitted that the currency exchange rate on the date of application (January 16, 2024) has no direct relation to the currency exchange rate on the date the officer reviewed the application (February 15, 2024). The respondent submitted that the applicant had not provided sufficient evidence to show an error by the officer on the date of decision.

[20] In my view, the applicant has not shown a reviewable error on this issue. The applicant provided no case authority to show that the date of application, rather than the date of decision, must be used as the date for currency conversion.

[21] The GCMS notes advised that "[b]anking transactions show [...] closing balance of \$33,875". While it is theoretically possible that the officer erred when converting Nigerian Naira to Canadian dollars on the date of decision, the evidence does not establish such an error. There is no proper evidence before this Court about the currency exchange rate on the date of decision, to assist the Court to determine whether the officer made an error.

[22] It was open to the officer to check the quantum provided by the applicant for conversion of his account's closing balance into Canadian dollars. At the time he submitted the study permit application, the applicant did not provide evidence of the exchange rate to Canadian dollars. The applicant's affidavit filed on this application dated March 13, 2024, attached an exhibit from a webpage showing the exchange rate between the Nigerian and Canadian currencies on January 16, 2024, and January 17, 2024. However, this information was not before the officer. The applicant's reply submissions provided a link to the same website as the exhibit, which he submitted at the hearing that it was a common source for finding exchange rates. However, a link to a website is not proper evidence: see *Canada (Attorney General) v. Kattenburg*, 2020 FCA 164, at para 32; *Babalola v. Canada (Immigration, Refugees and Citizenship)*, 2024 FC 1628, at para 21.

[23] I cannot give weight to the applicant's argument that it would be unfair to refuse an application for insufficient funds because of the exchange rate on the date of decision, only for the rate to become extremely favourable right after the decision is rendered. There is no evidence that that was the case; indeed, there is no evidence about the currencies' general fluctuations at the time in early 2024.

Sufficiency of Funds for the Purpose of Study

[24] The applicant submitted that the officer misapprehended the evidence about his financial position and unreasonably assessed the providence or source of his funds.

[25] Recent case law has confirmed that the source of funds may be used to assess the sufficiency and availability of funds: see e.g., *Ohuaregbe v. Canada (Citizenship and*

Immigration), 2023 FC 480, at para 23. In *Oboghor v. Canada (Citizenship and Immigration)*, 2024 FC 2019, Justice McHaffie stated, at paragraph 13:

[...] this Court has concluded in a number of recent decisions that a visa officer’s obligation to be satisfied as to the sufficiency and availability of funds goes beyond simply accepting financial documents at face value. In particular, visa officers must be satisfied as to the “source, nature, and stability” of funds, which is relevant to whether the funds shown in, for example, bank records will in fact be available to the applicant for the course of their studies: *Sani v Canada (Citizenship and Immigration)*, 2024 FC 396 at para 27, citing *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 at para 12 and *Bidassa v Canada (Citizenship and Immigration)*, 2022 FC 242 at paras 21–22; see also *Kita v Canada (Citizenship and Immigration)*, 2020 FC 1084 at para 20 and *Hendabadi v Canada (Citizenship and Immigration)*, 2024 FC 987 at para 23. As Justice Pamel, then of this Court, stated in *Sayyar*, “it is not a simple matter of reviewing the applicants’ bank account and, if they have sufficient funds, granting them a permit; the visa officer must conduct a more detailed and fulsome investigation about the source, nature, and stability of these funds”: *Sayyar* at para 12.

[26] In the GCMS notes, the officer found an absence of documentation about the applicant’s company, specifically its “operations and income earnings”. In the absence of satisfactory documentation showing the source of funds, the officer was “not satisfied the applicant will have access to the funds provided in support of the application, as their bank accounts demonstrate volatile balances and inconsistent income”.

[27] The applicant argued that the evidence before the officer was sufficient to show the source of his funds. In my view, the officer’s treatment of the evidence was reasonable. The applicant has not shown that the officer fundamentally misapprehended or misconstrued the evidence in the record, or ignored any material evidence: *Vavilov*, at para 126.

[28] First, it is clear from the GCMS notes that the officer was alive to the evidentiary record and general factual matrix.

[29] Second, on their face, the applicant's bank statements from Ecobank do not show deposits from his company or from his leased properties. The applicant provided no explanation or evidence to connect those sources to any of the deposits into his account. While the applicant filed evidence to show that his company had been awarded a contract and referred to it in his Letter of Explanation, that evidence and explanation did not show that he would have access to sufficient funds. The latter evidence therefore does not run contrary to the officer's conclusions on source or insufficiency of funds.

[30] I am unable to accept the applicant's submissions contesting the officer's findings related to the bank account statements, including volatile balances and inconsistent income. As the respondent noted during argument, the opening balance on July 3, 2023, was NGN 2,727,019. By January 11, 2024, the account had a closing balance of NGN 35,512,123, including NGN withdrawals of over NGN 56.5 million and deposits exceeding NGN 89.3 million. Well over half of the closing balance was deposited in December 2023. Again, there was no explanation in the evidence about how the deposits originated from the applicant's company or his leased properties. The applicant has not shown any fundamental misapprehension of the evidence before the officer.

[31] Accordingly, I conclude that the officer made no reviewable error in the assessment of the source of funds and lack of information pertaining to the source of funds.

III. **Was the applicant deprived of procedural fairness?**

[32] I agree with the parties that procedural fairness is to be reviewed on a standard akin to correctness: *Shull v. Canada*, 2025 FCA 25, at para 6; *Jagadeesh v. Canadian Imperial Bank of Commerce*, 2024 FCA 172, at para 53; *Canadian Pacific Railway Company v. Canada (Attorney General)*, 2018 FCA 69, [2019] 1 FCR 121, at paras 54-55.

[33] The applicant submitted that the officer relied on extrinsic and extraneous materials and ignored the documents submitted by the applicant. The applicant maintained that he should have had a chance to address concerns arising from the documents provided. I do not agree.

[34] The duty of fairness owed to an applicant in a study permit application is at the low end of the spectrum: *Hadian v. Canada (Citizenship and Immigration)*, 2025 FC 414, at para 16; *Shafei v. Canada (Citizenship and Immigration)*, 2025 FC 147, at para 18; *Kamali Kermani v. Canada (Citizenship and Immigration)*, 2024 FC 1251, at para 13. There is no requirement that officers provide a “running score” when determining visa applications: *Ibitayo v. Canada (Citizenship and Immigration)*, 2025 FC 426, at para 17; *Komleva v. Canada (Attorney General)*, 2024 FC 1562, at para 31; *Patel v. Canada (Citizenship and Immigration)*, 2020 FC 77, at para 10.

[35] It is also well settled that an officer does not have a duty to provide the applicant with an opportunity to address concerns that arose from the requirements of the *IRPR*: see e.g. *Oboghor*, at paras 2, 25; *Ohuaregbe*, at para 32. It is not a requirement that officers “provide applicants with notice or an opportunity to respond to concerns related to sufficiency of funds, since this is

a requirement clearly dealt with in the IRPR”: *Ibekwe v. Canada (Citizenship and Immigration)*, 2022 FC 728, at para 18. An officer may be required to disclose concerns about credibility, veracity or authenticity of evidence and give the applicant an opportunity to address them: *Mahmoudzadeh v. Canada (Citizenship and Immigration)*, 2022 FC 453, at para 15; *Patel v. Canada (Citizenship and Immigration)*, 2021 FC 483, at para 41.

[36] The officer was not required to give the applicant another opportunity to provide evidence or submissions on whether he would depart Canada by the end of his stay, or on whether he had sufficient and available funds for his study in Canada. Both are requirements of the *IRPR*. As noted above, section 220 of the *IRPR* is mandatory; an officer shall not issue a study permit unless the applicant has sufficient and available financial resources. The officer did not find the applicant to have such financial resources in this case, and thus was required to refuse the application for a study permit. The applicant did not suggest that the officer made any findings involving the credibility, veracity or authenticity of any evidence.

[37] The applicant submitted that the officer breached procedural fairness when failing to provide “adequate and/or right” reasons and breached a duty of legitimate expectations by ignoring the evidence in the application. These arguments have no merit.

IV. **Conclusion**

[38] For these reasons, the applicant has not shown that the officer’s decision refusing the study permit was unreasonable. The application for judicial review will therefore be dismissed.

[39] Neither party raised a question to certify for appeal and none will be stated.

JUDGMENT IN IMM-3304-24

THIS COURT'S JUDGMENT is that:

1. The application is dismissed.
2. No question is certified under paragraph 74(*d*) of the *Immigration and Refugee Protection Act*.

"Andrew D. Little"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3304-24

STYLE OF CAUSE: ADEWALE PETER ADEDEJI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 27, 2025

**REASONS FOR JUDGMENT
AND JUDGMENT:** A.D. LITTLE J.

DATED: APRIL 28, 2025

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