

Federal Court



Cour fédérale

Date: 20250527

Docket: IMM-5904-24

Citation: 2025 FC 955

Toronto, Ontario, May 27, 2025

PRESENT: The Honourable Madam Justice Furlanetto

BETWEEN:

RAPHAEL CHUKWUBELIJE MADU

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Raphael Chukwubelije Madu, seeks judicial review of a February 27, 2024 decision [Decision] of an Officer at Immigration, Refugees and Citizenship Canada [IRCC], refusing his application for an extension of his study permit. For the reasons that follow, the application is dismissed.

I. Background

[2] The Applicant is a citizen of Nigeria who came to Canada in 2017 on a study permit to complete his high school studies. He is currently in his fourth year of undergraduate studies at the University of Windsor where he is studying Mechanical Engineering.

[3] After completing high school, the Applicant sought to change the terms and conditions of his original admission into Canada and was issued a study permit that was valid from September 11, 2018, to July 30, 2019. The Applicant failed to submit all relevant documents required to renew his study permit before it expired on July 30, 2019.

[4] On November 16, 2019, the Applicant applied for restoration of the study permit, but as he was beyond the 90-day restoration period he was found inadmissible to Canada under subsection 41(a) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[5] The Applicant applied for and was granted temporary resident permits [TRPs] to remain in Canada and pursue his studies despite his inadmissibility. The last of the Applicant's TRPs expired on April 30, 2023.

[6] On May 9, 2023, the Applicant applied for an extension of his study permit. In the application form, he indicated that he was applying for "a study permit for the first time or [to] extend my study permit". He did not select the reason of getting "a new temporary resident permit (for inadmissible applicants only)". Along with his application, he attached an explanation letter detailing why he believed that he no longer needed a TRP.

[7] The Officer's Global Case Management System [GCMS] notes state the following reasons for the Decision to refuse the application:

Client applied for an initial TRP, due to an overstay, on November 17th of 2020 which was approved on June 29th of 2021 and valid until January 3rd of 2022. Client's subsequent TRP received on December 29th of 2021 was approved and valid until April 30th of 2023. Client was issued a SP alongside each TRP. Client then applied for a SP without a TRP on October 18th of 2022 which was administratively withdrawn on January 18th of 2023 as the client required a TRP.

Client has now applied for another SP without a TRP on May 9th, 2023. Client provided an explanation letter where the client claims he no longer requires a TRP since his initial TRP was issued when he did not have a valid TRV, passport or SP and now he has a new TRV, passport and SP. He states that his passport and student visa would enable him to stay in Canada.

I note that, upon review of the initial TRP, his TRP was actually issued to his passport expiry date so he had a valid passport at the time of his application and had his new passport at the time of his subsequent TRP. It should also be noted that although the client claims to have a new TRV; after a review of his submitted documents on the application and in GCMS, a new TRV has not been found. It appears the client has not had a valid TRV since 2018.

The client was issued both of his previous TRP's under A41(a) to overcome his inadmissibility due to his overstay. As the client has not left Canada and regularized his status, he remains inadmissible under A41(a) due to his initial overstay. The client must leave Canada and regularize his status if he wishes to be in Canada without a TRP

Application refused.

II. Analysis

[8] The sole issue for determination on this application is whether the Decision was reasonable. 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 constrain the decision maker":

Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 [Vavilov] at para 85.

A decision will be reasonable if when read as a whole and taking into account the administrative setting, it bears the hallmarks of justification, transparency, and intelligibility: *Vavilov* at paras 95, 99.

[9] In this instance, I agree with the Respondent, the Applicant has not identified a reviewable error with the Decision.

[10] Pursuant to paragraph 215(1)(e) of the *Immigration and Refugee Regulations*, SOR/2002-227:

215 (1) A foreign national may apply for a study permit after entering Canada if they [...]

215 (1) L'étranger peut faire une demande de permis d'études après son entrée au Canada dans les cas suivants : [...]

(e) hold a temporary resident permit issued under subsection 24(1) of the Act that is valid for at least six months;

e) il est titulaire, aux termes du paragraphe 24(1) de la Loi, d'un permis de séjour temporaire qui est valide pour au moins six mois

[11] Subsection 24(1) of IRPA provides that:

Status and Authorization to Enter Temporary resident permit

Statut et autorisation d'entrer- Permis de séjour temporaire

24 (1) A foreign national who, in the opinion of an officer, is inadmissible or does not meet the requirements of this Act becomes a temporary resident if an officer is of the opinion

24 (1) Devient résident temporaire l'étranger, dont l'agent estime qu'il est interdit de territoire ou ne se conforme pas à la présente loi, à qui il délivre, s'il estime que les

that it is justified in the circumstances and issues a temporary resident permit, which may be cancelled at any time.	circonstances le justifient, un permis de séjour temporaire — titre révocable en tout temps.
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[12] When the Applicant applied for an extension of his study permit, he was not in possession of a valid TRP as it had expired on April 30, 2023. As the Applicant no longer had a valid TRP and was previously inadmissible, the study permit could not be extended as requested.

[13] The Applicant contends that it was unreasonable for the Officer to overlook his previous application history by fixating on his explanation letter when it should have been obvious to the Officer that the Applicant was seeking a TRP and that he did not understand the legal meanings of the terms he was using. However, I do not agree that it was open for the Officer to make these inferences.

[14] It was up to the Applicant to file a proper application and to request the proper permit. There was no duty on the Officer to rectify the Applicant's error. Nor would it have been proper for the Officer to do so in this context where the Applicant expressly stated both in his letter and in the box checked on his application form that he was not applying for a TRP.

[15] I agree with the Respondent, neither the Applicant's submissions, nor the evidence filed, demonstrate that the Officer's assessment of the facts and his application of the law was incorrect or unreasonable.

[16] The Applicant also argues that the Decision is unreasonable because the Officer erred in his statement as to the basis for the previous TRPs. However, while I agree that the Officer misstated that the Applicant's previous TRPs were issued under subsection 41(a) of the IRPA when they were issued under subsection 24(1) of the IRPA, as asserted by the Respondent this flaw is not determinative. Rather, it can be reasonably inferred that the Officer was referring to subsection 41(a) of the IRPA as the reason why the Applicant obtained his previous TRPs. As noted in *Vavilov* at paragraph 100, any alleged flaws or shortcomings with a decision must be more than merely superficial or peripheral to the merits of the decision. The Court must be satisfied that they are sufficiently central or significant to render the decision unreasonable. The flaw identified here does not meet this threshold.

[17] For these reasons, the application is dismissed.

[18] There was no question for certification proposed by the parties, and I agree that none arises in this case.

JUDGMENT IN IMM-5904-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No question of general importance is certified.

"Angela Furlanetto"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5904-24

STYLE OF CAUSE: RAPHAEL CHUKWUBELIJE MADU v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 21, 2025

JUDGMENT AND REASONS: FURLANETTO J.

DATED: MAY 27, 2025

APPEARANCES:

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Lorne McClenaghan	FOR THE RESPONDENT

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