

Federal Court



Cour fédérale

**Date: 20250604**

**Docket: IMM-24165-24**

**Citation: 2025 FC 1009**

**Ottawa, Ontario, June 4, 2025**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**OLUWAFEMI ABOLARINWA AINA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

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

[1] The Applicant, Oluwafemi Abolarinwa Aina, applied to study in Canada. An officer at Immigration, Refugees and Citizenship Canada (“the Officer”) refused the application. The Officer found that Mr. Aina had not shown that he had sufficient and available financial resources to pay for the costs of study in Canada.

[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] Mr. Aina submitted with his study permit application that his father was the financial sponsor for his proposed education in Canada. Mr. Aina provided financial, employment and identity documents for his father, as well as a letter from his father confirming the relationship and his support and his birth certificate where his father is listed. The Officer was not satisfied that sufficient evidence had been provided to establish the relationship between the financial sponsor and Mr. Aina. In particular, the Officer noted that the name listed as Mr. Aina's father on the birth certificate was not the same as the name listed on the other documents provided with the application relating to Mr. Aina's father.

[6] I agree with Mr. Aina that the Officer breached procedural fairness in not giving him an opportunity to respond to their concerns about the nature of his relationship with the financial sponsor and in particular the concern about the spelling of the name on Mr. Aina's birth certificate.

[7] While it is true that procedural fairness requirements in visa applications are minimal, officers are still required to "give notice and seek additional information where they are concerned about 'the credibility, accuracy or genuine nature of the information submitted by the applicant'" (*Sungai v. Canada (Citizenship and Immigration)*, 2025 FC 825 at para 10, citing *Hassani v Canada (Citizenship and Immigration)*, 2006 FC 1283 at para 24).

[8] The Officer ought to have given the Mr. Aina an opportunity to respond to their concern about the nature of the relationship and in particular the concern about the spelling of his father's name on his birth certificate. This is a sufficient basis to send the matter back to be redetermined.

**JUDGMENT in IMM-24165-24**

**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-24165-24

**STYLE OF CAUSE:** OLUWAFEMI ABOLARINWA AINA 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:** JUNE 4, 2025

**WRITTEN PRESENTATIONS BY:**

Cédric Marin

FOR THE APPLICANT

Andrew Newman

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Karunvir Samra  
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FOR THE RESPONDENT