

Federal Court



Cour fédérale

Date: 20250612

Docket: IMM-3411-25

Citation: 2025 FC 1057

Ottawa, Ontario, June 12, 2025

PRESENT: The Honourable Mr. Justice Pentney

BETWEEN:

SHEILA ANOKWAH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Simplified Procedure – Study Permit Pilot Project)

[1] The Applicant, Sheila Anokwah, is seeking judicial review of a negative study permit decision. She is a citizen of Ghana, who applied for a student visa to come to Canada to enrol in the Software Development program at the Southern Alberta Institute of Technology. She also requested a Co-op Work Visa, because the Software Development program included co-op work placements.

[2] The Visa Officer's (the "Officer") refused the application on two grounds. The Officer found the Applicant's motivation to pursue studies in Canada did not seem reasonable in light of her previous educational history. The Officer also found the Applicant's financial information to be inadequate. The Applicant declared that her cousin would provide financial support, but the Officer found the evidence on this to be insufficient.

[3] The only issue in this case is whether the Officer's decision is reasonable, applying the framework set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] and confirmed in *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 [Mason]).

[4] This Court has discussed the legal framework that governs the judicial review of student visa denials in a large number of recent decisions (see for example: *Nesarzadeh v Canada (Citizenship and Immigration)*, 2023 FC 568 at paras 5–9; *Safarian v Canada (Citizenship and Immigration)*, 2023 FC 775 at para 2; *Amini v Canada (Citizenship and Immigration)*, 2024 FC 653 at para 4; *Kandath v Canada (Citizenship and Immigration)*, 2024 FC 1130 at para 5):

- A reasonable decision must explain the result, in view of the law and the key facts.
- *Vavilov* seeks to reinforce a "culture of justification," requiring the decision-maker to provide a logical explanation for the result and to be responsive to the parties' submissions, but it also requires the context for decision-making to be taken into account.
- Visa Officers face a deluge of applications, and their reasons do not need to be lengthy or detailed. However, their reasons do need to set out the key elements of the

Officer's line of analysis and be responsive to the core of the claimant's submissions on the most relevant points.

- The onus is on the Applicant to satisfy the Officer that they meet the requirements of the law that applies to the consideration of student visas, including that they will leave at the end of their authorized stay.
- Visa Officers must consider the “push” and “pull” factors that could lead an Applicant to overstay their visa and stay in Canada, or that would encourage them to return to their home country.
- The decision must be assessed in light of the context for decision-making, including the high volume of applications to be processed, the nature of the interests involved, and the fact that in most instances an applicant can simply reapply.
- It is not open to the Minister's counsel or the Court to fashion their own reasons to buttress or supplement the Officer's decision: see *Ajdadi v Canada (Citizenship and Immigration)*, 2024 FC 754 at para 6.

[5] Applying the principles set out above, I find the decision to be unreasonable.

[6] In this case, the Officer's reasons fail to meet the minimum standard of responsive justification. The main problem is the Officer's failure to explain and justify the conclusion that the Applicant's financial information was insufficient. The Applicant provided documentation showing available funds of over \$102,000CAD, as well as tuition payment receipts showing she had already paid \$4,600 towards her tuition. The Applicant said that her cousin would provide financial support for her studies. This was supported by a sworn Statutory Declaration by the cousin, confirming his promise to provide financial support, backed up by bank statements demonstrating his savings. The cousin explained why he wanted to support the Applicant's

studies; he had no dependents, and when she was 15 years old, the Applicant had saved his life after he fell into a deep pit. The cousin said that the Applicant's courage in saving his life "is the main reason why I want to support her."

[7] The Officer found the "relationship between [the] applicant and funding source is not well substantiated by supporting documents. There is insufficient evidence to show previous funding or ongoing full sponsorship." It is not clear how the Officer reached this conclusion, because there is no mention of the cousin's Statutory Declaration or explanatory letter. The Respondent says the publicly available Visa Office instructions for applicants from Ghana specify that proof of relationship such as a birth certificate is required for a financial sponsor by a relative. However, the Applicant says that these instructions came into force after she submitted her application.

[8] It is not clear on the evidence whether the instructions the Respondent relies upon were actually in effect when the Applicant submitted her application. More to the point, it is not evident that the Officer relied on the specific terms of the instructions in finding the Applicant's financial evidence to be insufficient. The Officer did not mention the absence of birth certificates but rather simply found the evidence of the Applicant's relationship to the cousin to be inadequate. I find that, at a minimum, the Officer had an obligation to explain why the cousin's Statutory Declaration was insufficient proof of their relationship.

[9] Turning to the second ground, it is unclear why the Officer found the Applicant's explanation for her choice to pursue the Software Development program to be insufficient. The

letter submitted with her application details her education and career path to date, and her reasons for seeking to further her training through a program that offered both classroom instruction and hands-on experience. Her explanation is detailed and specific, and the Officer's generic response does not justify the finding that was made.

[10] While the Court must examine the reasons in light of the record, it is not the Court's role to supplement or correct the reasons actually provided. In this case, for the reasons set out above, I find that the Officer's reasons are unclear and lacking in sufficient detail on the key issues of the adequacy of the financial information and the Applicant's rationale for pursuing this particular program to further her career goals. The reasons are not justified with reference to the factual matrix that constrained the Officer.

[11] For these reasons, the Officer's decision will be quashed and set aside, and the matter remitted back for reconsideration by a different Officer. The Applicant shall be permitted to provide further information if he wishes to do so.

[12] There is no question of general importance for certification.

JUDGMENT in IMM-3411-25

THIS COURT’S JUDGMENT is that:

1. The application for leave to seek judicial review is granted.
2. The application for judicial review is granted.
3. The decision is quashed and set aside. The matter is remitted back for reconsideration by a different Officer.
4. The Applicant shall be permitted the opportunity to file further information, if he wishes to do so.
5. There is no question of general importance for certification.

“William F. Pentney”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3411-25

STYLE OF CAUSE: SHEILA ANOKWAH v MINISTER OF
CITIZENSHIP AND IMMIGRATION

SUBMISSIONS ON STUDY PERMIT PERFECTED
LEAVE APPLICATION CONSIDERED AT
OTTAWA, ONTARIO, PURSUANT TO SECTIN 72
OF THE IMMIGRATION AND REFUGEE
PROTECTION ACT

**JUDGMENT AND
REASONS:** PENTNEY J.

DATED: JUNE 12, 2025

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