

Federal Court



Cour fédérale

**Date: 20260407**

**Docket: IMM-6685-25**

**Citation: 2026 FC 449**

**Ottawa, Ontario, April 7, 2026**

**PRESENT: The Honourable Madam Justice Ngo**

**BETWEEN:**

**JOSKEY OTIENO CHAMAH**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Joskey Otieno Chamah [Applicant], seeks judicial review of a decision of Immigration, Refugee and Citizenship Canada [IRCC] denying his application for a study permit and restoration of status [Decision]. The refusal was based on a conclusion by the IRCC officer [Officer] that they were not satisfied that the Applicant had complied with the terms of his study permit in 2020.

[2] For the reasons set out below, the application for judicial review is granted.

[3] The Applicant, a citizen of Kenya, has been studying in Canada since 2015, first in high school which he completed in 2018. Since Fall 2018, the Applicant has been studying at the University of Manitoba. Throughout his period of studies, the Applicant had a valid study permit.

[4] In 2023, the Applicant applied to extend his study permit. In the context of this extension application, he addressed why he did not study in the Winter 2020 and Fall 2020 school terms. He had explained that the reasons for the gap in 2020 were related to difficulties arising from the COVID-19 pandemic and personal circumstances. He also submitted documents in support of his explanations for the gap. IRCC accepted the extension application and issued a study permit to the Applicant on April 8, 2023, which was valid until October 31, 2024. The Applicant continued his studies at the University of Manitoba accordingly.

[5] Before the expiry of this study permit, the Applicant sought to extend his study permit once again as he required more time to obtain his required credits. The application was denied because he did not include a letter explaining the break in his studies in 2020. As a result of this refusal, his study permit lapsed and the Applicant lost status on November 1, 2024.

[6] The Applicant then applied for restoration of his status on January 3, 2025, within the 90-day window as provided by subsection 182(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR]. The Applicant submitted a letter as well as submissions from his representative. These submissions addressed various questions, but of relevance in this case,

the Applicant explained that he had previously provided documents and explanations to IRCC regarding his break in studies in 2020. The Applicant also provided the previous IRCC application file number and indicated that he was granted an approval of the study permit extension. The Applicant explained that he had mistakenly believed that since these documents and explanations had previously been provided to IRCC, he did not need to do so again when applying for a renewal. He apologized for the mistake and resubmitted the same documents and explanations. The representative's letter also identified that the IRCC policies and jurisprudence of the Federal Court state that "officers should exercise their best judgment and take into account all relevant factors when assessing a student's compliance with their study permit conditions" (IRCC Program Delivery Instruction "Study permits: Assessing study permit conditions" [PDI]).

[7] In a letter dated March 22, 2025, the Officer denied the restoration application because they were not convinced that the Applicant had complied with the requirements of subsection 220.1(1) of the IRPR. The refusal letter and the Officer's Global Case Management System [GCMS] notes form the Decision subject to this judicial review. In the GCMS notes, the Officer noted that the Applicant had submitted transcripts from his Designated Learning Institution which show that he is missing studies for the Winter 2020 and Fall 2020 semesters, which amounts to more than 150 days without studies, not in accordance with the PDI.

[8] The issue on judicial review is whether the IRCC's Decision was unreasonable. A reasonable decision is one that is justified in relation to the facts and the law that constrain the decision-maker (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 90 [*Vavilov*]). To avoid intervention on judicial review, the decision must bear the hallmarks

of reasonableness – justification, transparency and intelligibility (*Vavilov* at para 99). A reviewing court must bear in mind that the written reasons given by an administrative body must not be assessed against a standard of perfection (*Vavilov* at para 91).

[9] I have considered the Respondent’s written submissions (who confirmed at the hearing proceeding on this basis and declined post-hearing submissions). The Respondent argues that the mere fact that the Applicant had a gap of more than 150 days was sufficient to reject his restoration application as non-compliant under the IRPR. The Respondent argues that the cases the Applicant cited (*Munyanyi v Canada (Citizenship and Immigration)*, 2021 FC 802; *Tcerkovnaia v Canada (Immigration, Refugees and Citizenship)*, 2022 FC 861; *Sugagata v Canada (Citizenship and Immigration)*, 2024 FC 1436) are distinguishable on their facts and that the Applicant is essentially asking the Court to reweigh the evidence.

[10] However, in this case, the Applicant’s restoration application specifically highlighted that he had already explained the gap in his studies in 2020 in a prior study permit extension application, and that IRCC accepted this explanation and issued him a study permit for another year despite that gap. There is no dispute that the record before the Officer contained not just this fact, but also the successful renewal application’s file number, a copy of the extended study permit) as well as his resubmitted explanations and documents which had been before the IRCC officer who granted the renewal.

[11] The Applicant submits the Decision does not engage with the Applicant’s central submissions that IRCC previously determined that his missed studies in 2020 did not constitute

non-compliance. Because the Decision is silent on this point, it is therefore unclear why IRCC's prior acceptance (and resulting extension of his study permit) and the explanations and documents provided to explain this gap were now no longer sufficient. I agree with the Applicant.

[12] The issue in this case is not the brevity of the reasons but rather their silence. The Decision makes a conclusory statement of non-compliance with the IRPR, but nothing more. In light of the specific arguments that had been raised, the absence of reasons in these particular circumstances leaves the Decision lacking justification, transparency and intelligibility (*Vavilov* at paras 127–128). Accordingly, the Decision is not reasonable.

[13] The parties do not propose any question for certification, and I agree that in these circumstances, none arise.

**JUDGMENT in IMM-6685-25**

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

1. The application for judicial review is granted.
2. The Decision is set aside. This matter is referred back to a different officer for reconsideration in light of these reasons.
3. There is no question for certification.

"Phuong T.V. Ngo"

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Judge

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

**DOCKET:** IMM-6685-25

**STYLE OF CAUSE:** JOSKEY OTIENO CHAMAH v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** VIDEOCONFERENCE

**DATE OF HEARING:** MARCH 24, 2026

**JUDGMENT AND REASONS:** NGO J.

**DATED:** APRIL 7, 2026

**APPEARANCES:**

Steven Meurrens FOR THE APPLICANT

Matisse Emanuele FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Larlee Rosenberg FOR THE APPLICANT  
Barristers and Solicitors  
Vancouver (British Columbia)

Attorney General of Canada FOR THE RESPONDENT  
Vancouver (British Columbia)