

Federal Court



Cour fédérale

Date: 20240501

Docket: IMM-6304-23

Citation: 2024 FC 673

Toronto, Ontario, May 1, 2024

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

OLUWATOMISIN VICTORIA ABOSEDE

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered orally from the Bench in Toronto, Ontario, on May 1, 2024 and edited for grammar, syntax, and reference to jurisprudence)

[1] The Applicant, Oluwatomisin Victoria Abosede, seeks judicial review of a decision of a visa officer refusing her study permit application pursuant to paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. The decision was based on the Applicant's insufficient assets and financial situation.

[2] The Applicant is a Nigerian citizen who sought to enter Canada to study at Fairleigh Dickinson University in British Columbia.

[3] The sole issue raised in this application is whether the officer's decision is reasonable.

[4] I find that the decision is unreasonable.

[5] In the Supreme Court's words, "[r]easons explain how and why a decision was made" (*Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 ("Vavilov") at para 79). I simply cannot discern the officer's reasons for finding the funds to be lacking, and the Respondent's efforts to supplement them cannot succeed (*Vavilov* at para 96). The Court will not make evidentiary findings in the place of a visa officer, nor allow counsel to make the case for the officer on judicial review—assuming judicial review occurs. The Global Case Management System notes do not provide any reasons about how or why the officer's conclusion was reached.

[6] The Court is thus left in the dark as to how this decision was made. While visa officers are entitled to question the sufficiency and availability of an applicant's funds, and their decisions can certainly be brief, decisions must still be justified, transparent, and intelligible (*Sani v Canada (Citizenship and Immigration)*, 2024 FC 396 at paras 10-11, 14; *Vavilov* at para 15). The officer's decision in this matter is insufficiently justified and transparent to be reasonable.

[7] I grant this application for judicial review. The decision is quashed and the matter remitted to a different officer for redetermination. No question is certified.

JUDGMENT in IMM-6304-23

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is granted.
2. The matter is remitted to a different officer for redetermination.
3. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6304-23

STYLE OF CAUSE: OLUWATOMISIN VICTORIA ABOSEDE v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 1, 2024

JUDGMENT AND REASONS: AHMED J.

DATED: MAY 1, 2024

APPEARANCES:

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