

Federal Court



Cour fédérale

**Date: 20240719**

**Docket: IMM-1841-23**

**Citation: 2024 FC 1133**

**Ottawa, Ontario, July 19, 2024**

**PRESENT: Madam Justice McDonald**

**BETWEEN:**

**AKOREDE VICTOR ADEROJU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Background**

[1] Akorede Victor Aderoju is a citizen of Nigeria who seeks judicial review of a Visa Officer Decision denying his study permit application to attend a 2-year Graduate program, the Global Business Management program, at Centennial College in Toronto. At the time of his

application, Mr. Aderoju was residing in the United Kingdom and operating Globe Connect Travel Concept, a business registered in Nigeria and in the United Kingdom . This business provides education consulting services on behalf of schools in Canada and the United Kingdom . The study permit was refused as the Officer was not satisfied that the proposed course of study was logical.

[2] In his written submissions, the Applicant argues that the Decision was procedurally unfair as the Officer did not consider the Applicant's documents. These submissions do not relate to the fairness of the process but rather relate to the reasonableness of the Decision. Accordingly, the Officer's Decision will be considered on the reasonableness standard of review in relation to the following:

- A. Benefits of study in Canada
- B. Immigration history and family ties

[3] In applying the reasonableness standard of review, the Court will assess if the decision is justified, transparent and intelligible in relation to the relevant factual and legal constraints (*Vavilov v Canada (Citizenship and Immigration)*, 2019 SCC 65 at para 99 [*Vavilov*]).

II. Analysis

A. *Benefits of study in Canada*

[4] The Applicant argues that the Officer failed to appreciate how his proposed course of study aligns with his business and career plans. He says that the Global Business Management program will allow him to expand his business after returning to the United Kingdom .

[5] Regarding the program of study, the Officer concludes:

... After careful consideration of the information provided, I am not satisfied that the proposed course of study in Canada is logical. There is insufficient information to clearly explain why the applicant would further diminish ties to his home country, distance himself from his immediate family and incur the considerable expense of relocating to Canada rather than pursuing a similar course in their home country or current region of residence. Open source searches indicate numerous post graduate Business Management courses available locally.

[6] The Officer was not satisfied that the proposed course of study would improve the Applicant's career prospects "to an extent that would offset the considerable relocation, living and tuition [costs]." The Officer further notes:

... The applicant has been the director of his company since 2013 in Nigeria and has had the opportunity to be employed and gain experience in the UK since he arrived in June 2022 – however has not demonstrated taking any steps to create ties in the UK and to maintain status in the UK. He has not demonstrated any employment opportunities taken whilst in the UK but seems to maintain business links with his company in Nigeria. The applicant's temporary status in the UK expires shortly. Spouse and two sons are marked as non-accompanying on family information form. In previous applications, wife was in Nigeria but it seems that family is now all residing in Birmingham. Wife had been

studying at Aston University in HR Management, status for spouse will also be temporary in the UK. On balance, I have concerns that the primary purpose of the application is to facilitate immigration status in Canada rather than for professional and academic advancement.

[7] I note that the Applicant's position that he is not required to demonstrate that the proposed study would improve his career in a manner that would off-set the present cost of study. However, the Applicant is required to provide sufficient evidence for the Officer to assess the application. In the process of considering the application, it is reasonable for the Officer to consider the cost and benefits of the proposed course of study and the availability of similar programs in the Applicant's home country or country of residence (*Jafari v Canada (Minister of Citizenship and Immigration)*, 2022 FC 1761 at para 17; *Hassanpour v Canada (Minister of Citizenship and Immigration)*, 2022 FC 1738 at para 24).

[8] Overall, the Officer did consider the evidence provided but was not satisfied that there was sufficient information to justify a study permit in his circumstances. As noted by Justice Rochester (then on the Federal Court) in *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 [*Mehrjoo*] at para 12:

The onus was on the Applicant to convince the Officer of the merits of his study plan (*Charara v Canada (Citizenship and Immigration)*, 2016 FC 1176 at para 36). When considering the merits of a study plan, a visa officer is entitled to consider whether an applicant has already achieved the benefits of the intended program (*Borji v Canada (Citizenship and Immigration)*, 2023 FC 339 at para 17). Indeed, the fact that the proposed studies appear redundant given past studies or employment may well be relevant as one is unlikely to undertake a course of study that brings no benefits (*Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 805 at para 9).

[9] Further, as noted by Justice Ahmed in *Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 [*Amiri*] at para 30:

... It was open for the Officer to conclude that the Principal Applicant did not provide enough information to show that the program in Canada was not redundant or an illogical progression in her career path.

[10] Like in *Mehrjoo* and *Amiri*, here the Officer concluded there was not sufficient information or evidence to justify that the program was a logical course of study for the Applicant. This is a reasonable finding for the Officer to make. The Applicant has not established that the Officer's Decision is unreasonable on this issue.

B. *Immigration history and family ties*

[11] The Applicant argues that he has visited the United Kingdom, Canada, and Ghana and did not breach any immigration laws. Although the Applicant's immigration history is a relevant factor for the Officer to consider, in this case, this was not a determinative factor. Rather, the determinative issue was that he had not demonstrated that the educational program was logical.

[12] The Applicant also argues that his temporary residence in the United Kingdom (rather than Nigeria) should be a neutral factor (*Momi v Canada (Citizenship and Immigration)*, 2013 FC 162 at para 21). Again, this is a relevant factor for the Officer to consider; however, it was not the determinative issue for refusing the study visa.

[13] The Applicant relies on *Omije v Canada (Citizenship and Immigration)*, 2018 FC 878 [*Omije*]; however, that decision is not helpful to the Applicant as the findings differ from the Officer's Decision in this case. In *Omije*, the officer concluded that the applicant would not leave because of his "educational and employment history." No similar finding was made by the Officer in this case. Rather, here the Officer found that there was insufficient evidence to establish that the proposed course of study in Canada was logical.

### III. Conclusion

[14] This judicial review is dismissed. There is no question for certification.

**JUDGMENT IN IMM-1841-23**

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

1. This judicial review is dismissed.
2. There is no question for certification.

"Ann Marie McDonald"

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**:** IMM-1841-23

**STYLE OF CAUSE:** ADEROJU V THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JUNE 5, 2024

**JUDGMENT AND REASONS:** MCDONALD J.

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