

Federal Court



Cour fédérale

**Date: 20210730**

**Docket: IMM-1167-20**

**Citation: 2021 FC 807**

**Ottawa, Ontario, July 30, 2021**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**CHAMPAGNE CHIOMA OHAKWE**

**Applicant**

**And**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Applicant, Ms. Ohakwe, applied for a Temporary Resident Visa (“TRV”) in order to visit Canada to explore opportunities for developing her agricultural business in Canada. On January 30, 2020, Ms. Ohakwe’s TRV application was refused by a visa officer at the High Commission of Canada in London, UK (the “Officer”). This was the second time that Ms.

Ohakwe was refused a TRV to come to Canada. Details of the first refusal were not in the record before me.

[2] Ms. Ohakwe challenges the TRV refusal on the grounds that the decision was unreasonable because the Officer did not consider relevant evidence, the Officer improperly relied on an implausibility finding, and the reasons were not intelligible or coherent. Ms. Ohakwe also argues that the Officer breached procedural fairness in relying on extrinsic evidence by considering her company's lack of web presence, without giving her an opportunity to respond.

[3] Though TRV reasons do not need to be extensive, I find that the Officer's decision is not justified, transparent or intelligible, leaving the Court and the parties to make inferences as to the reasoning leading to the refusal. As I have found the decision unreasonable on the merits, I do not find it necessary to address Ms. Ohakwe's procedural fairness argument.

[4] For the reasons set out below, I am granting Ms. Ohakwe's application for judicial review.

## II. Background

[5] Ms. Ohakwe is a citizen of Nigeria and the owner and operator of Chamsegu Limited ("Chamsegu"), an enterprise in the agricultural industry that grows crops, raises animals, and includes numerous farms, dairies, hatcheries, and ranches in Nigeria. She lives in Nigeria with her husband, two children (aged four and five years old), mother, brother and sister.

[6] On December 12, 2019, Ms. Ohakwe's TRV application was received, requesting a visitor visa to travel to Canada between December 15, 2019 and March 14, 2020. She intended to travel to Canada twice for ten days each time: once to attend the information session for the Manitoba Provincial Nomination Program (a provincial program stream for applying for permanent residence in Canada) on December 17, 2019, and again to participate in the Young Farmers Seminar on March 4, 2020. In addition to her attendance at these events, the stated purpose for her travel was to explore the agricultural industry in Canada and to meet with her legal representative in person.

[7] In support of her application, Ms. Ohakwe submitted: a nine-page business plan; Chamsegu's proof of incorporation and financial records; registration and details for the two seminars/meetings she planned to attend; a six-page letter detailing her circumstances and intentions in Canada; and evidence of her family ties in Nigeria and her previous travel to United Arab Emirates and the United States.

[8] On January 30, 2020, Ms. Ohakwe's application was reviewed and her request for a TRV was denied. The Officer concluded that they were not satisfied that Ms. Ohakwe had a legitimate business purpose in Canada or that she would leave Canada at the end of the period authorized for her stay.

III. Issue and Standard of Review

[9] As noted above, I will not be addressing the Applicant's procedural fairness argument and as such, the only issue on this application for judicial review is whether the Officer's decision is reasonable.

[10] In reviewing the decision of the Officer, I will apply a reasonableness standard of review. The Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] confirmed that reasonableness is the presumptive standard of review when reviewing administrative decisions on their merits. This case raises no issue that would justify a departure from that presumption.

IV. Analysis

[11] Applicants applying for a TRV to Canada must demonstrate that they intend to stay temporarily; accordingly, applicants must demonstrate that if a visa were to be issued, they would leave Canada prior to its expiry (subss. 11(1), 20(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, and 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227). With a view to making this determination, officers evaluating TRV applications assess a number of factors, including: family ties in Canada; family/work ties in home country; stated purpose of the visit; previous travel history; and financial means (*Kheradpazhooh v Canada (Citizenship and Immigration)*, 2018 FC 1097 at para 4).

[12] The Officer refused Ms. Ohakwe's application because they were not satisfied that she had "a legitimate business purpose" for her visit to Canada. The Officer's reasons on the purpose of Ms. Ohakwe's visit are limited to the following:

The applicant's stated business purpose is to meet with her representative, to explore the agri. industry in CDA (original poultry, corps, fishing), explore business opportunities and attend the PNP session in MB and the Young Farmers Seminar on March 4, 2020. No details as to which companies the applicant would be intending to meet with in the agri. industry. Applicant is a director of Chamsegus Ltd which is stated to be an agri. company. No web presence for company with the exception of a Facebook page with no information on it. I am not satisfied the applicant has a legitimate business purpose in CDA.

[13] In evaluating the reasonableness of a decision, the institutional context in which it took place must be considered. The Supreme Court of Canada in *Vavilov* held at paragraph 103 that "formal reasons should be read in light of the record and with due sensitivity to the administrative regime in which they were given...." (see also *Vavilov* at para 91). Visa officers are responsible for considering a high volume of TRV applications (see *Watts v Canada (Citizenship and Immigration)*, 2020 FC 158 at para 22). The interests at stake on a TRV application are generally relatively low and in some cases, applicants can re-apply with more extensive evidence if they are refused (see *Itsekor v Canada (Citizenship and Immigration)*, 2020 FC 294 at para 21; *Masych v Canada (Minister of Citizenship & Immigration)*, 2010 FC 1253 at para 30).

[14] TRV reasons do not need to be extensive but an officer's decision must be transparent, justified and intelligible. There needs to be a "rational chain of analysis" so that a person impacted by the decision can understand the basis for the determination (*Vavilov* at para 103). As

noted by Justice Diner in *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at paragraph 17, “‘reasonableness’ is not synonymous with ‘voluminous reasons’: simple, concise justification will do” (see also *Samra v Canada (Citizenship and Immigration)*, 2020 FC 157 at para 23; *Rodriguez Martinez v Canada (Citizenship and Immigration)*, 2020 FC 293 at paras 13–14).

[15] The Officer does not explain how the series of facts that they have listed leads them to their conclusion that Ms. Ohakwe does not have a legitimate business purpose. For example, the Officer notes that Ms. Ohakwe has not indicated the names of the companies she intends to meet with in Canada. I am left to infer from this comment that this was the basis for the Officer determining that they were not satisfied she had a legitimate business purpose. But I do not know how the Officer weighed this in relation to the other stated intentions for visiting Canada to develop her business, including: meeting with her legal representative in person; attending the Manitoba Provincial Nominee Program information session; and attending the Young Farmers Seminar. The Officer also lists these facts but does not explain how they are considered or weighed in their decision.

[16] More problematic still is deciphering how I am to treat the Officer’s comment that there is “no web presence for company with the exception of a Facebook page with no information on it.” In oral submissions, the Minister argued that there is no evidence that the Officer relied on the lack of web presence to make an adverse finding about Ms. Ohakwe’s business. The Minister’s position was that it was a neutral finding and not the basis for the refusal. Ms. Ohakwe argued that there is no other reason for the Officer to have made such a comment except

to draw a negative inference about the legitimacy of her company. She also argues that there is no basis to distinguish the Officer's wording about lack of web presence from the wording about lack of detail in relation to the companies Ms. Ohakwe was to visit in Canada; both comments form part of the Officer's refusal decision. Ms. Ohakwe's arguments on judicial review are based on an understanding that the Officer was making a negative finding about the legitimacy of her business in commenting about its lack of web presence.

[17] The dispute between the parties over the meaning of the Officer's comment about the company's lack of web presence illustrates a key problem with the Officer's reasons. There is no "rational chain of analysis" between the Officer's comments listing various facts about the application materials and their ultimate conclusion. There need not have been a lengthy description, but without some explanation of the links the Officer is making to reach their conclusion, it is left to parties and the Court to draw inferences about their meaning.

[18] Justice Zinn, in *Groohi v Canada (Citizenship and Immigration)*, 2009 FC 837 at paragraph 14, explained that it is difficult for reviewing courts to evaluate a decision-maker's reasoning where they have only listed a number of considerations and then their ultimate conclusion, without an explanation of how they got there:

It is a trite law that simply listing a series of factors, and stating a conclusion, is generally insufficient to meet the test of reasonableness, the reason being that it is impossible for a reviewing Court to appreciate and assess the train of thought or logical process engaged in by the decision-maker.

[19] The Officer's reasons for refusal consist of a list of facts about Ms. Ohakwe's application and then a conclusion that they are not satisfied that Ms. Ohakwe has a legitimate business

purpose in Canada. Without an explanation for how the various facts are weighed, the inferences that are being drawn about particular facts, or some explanation as to how particular facts lead to the refusal, I find that the Officer's decision is not transparent, intelligible or justified.

[20] Accordingly, the application for judicial review is granted and the matter is referred back to another officer for reconsideration in accordance with these reasons.

[21] The parties have not asked to certify a question and I agree that none arises.



**JUDGMENT IN IMM-1167-20**

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

1. The application is granted;
2. The matter is referred back to a new officer for redetermination;
3. There is no question for certification.

**"Lobat Sadrehashemi"**

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Judge

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

**DOCKET:** IMM-1167-20

**STYLE OF CAUSE:** CHAMPAGNE CHIOMA OHAKWE v THE MINISTER  
OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** MAY 18, 2021

**JUDGMENT AND REASONS:** SADREHASHEMI J.

**DATED:** JULY 30, 2021

**APPEARANCES:**

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