Federal Court  Cour fédérale

Date: 20241024

Docket: IMM-12200-23

Citation: 2024 FC 1690

Toronto, Ontario, October 24, 2024

PRESENT: The Honourable Mr. Justice Pentney

BETWEEN:

VICTOR OLANREWAJU OYEWOLE

Applicant

and

THE MINISTER OF CITIZENSHIPAND IMMIGRATION

Respondent

(Delivered from the Bench at Toronto, Ontario on October 23, 2024)

JUDGMENT AND REASONS

[1] The Applicant, Victor Olanrewaju Oyewole, is seeking judicial review of a negative study permit decision. He is a citizen of Nigeria, who wanted to come to Canada to enrol in a postgraduate program in Global Business Management at Georgian College in Ontario.

[2] The key reasons for the Visa Officer's (the "Officer") refusal are that:

- The Applicant's assets and financial situation were insufficient to support the stated purpose of travel.

- A lack of documentation was provided to substantiate the relationship between the Applicant and his financial sponsor, his uncle.

- The Officer's concerns that third party funds provided by the Applicant's uncle would not be available for the proposed studies.

[3] Based on these considerations, the Officer was not satisfied that the Applicant would depart Canada at the end of his authorized stay.

[4] 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*].

[5] 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.

[6] Applying the principles set out above, I find the decision to be reasonable.

[7] In this case, the Officer's reasons meet the minimum standard of responsive justification because:

- The Applicant's studies in Canada were to be paid for by his uncle.

- The Applicant and the uncle do not share a family name, and the only proof of their relationship, or of the uncle's prior financial support for the Applicant's studies since secondary school, is the Applicant's statement in his application letter and the following statement by the uncle:

> I have been financially responsible for Victor Olanrewaju Oyewole's education from time immemorial since his secondary school. I have provided him with the necessary support and resources to ensure that he receives quality education and opportunities for personal growth.

- No other documentation was provided to substantiate this narrative. Although the uncle's statement is contained in an affidavit, which itself is entitled to the presumption of truth, that in itself does not mean that the Officer's finding that the totality of the evidence was insufficient is unreasonable, in the circumstances of this case.

- The Officer found the evidence on the relationship between the Applicant and the Sponsor to be insufficient. This involved a weighing of the evidence, and it is not my

role on judicial review to repeat that task. Parliament has assigned that responsibility to Visa Officers.

- I am not persuaded that the Officer made any veiled credibility finding, or denied the Applicant procedural fairness. The onus was on the Applicant to satisfy the Officer that he would depart Canada at the end of his authorized stay, and the Officer found the evidence that was filed to be insufficient. The Officer did not rely on any extrinsic considerations, but rather evaluated the evidence submitted by the Applicant. There was no duty to apprise the Applicant of the Officer's concerns about the availability of funds to support his studies.

[8] For the reasons set out above, I find the *decision* is reasonable. The application for judicial review is dismissed.

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

JUDGMENT in IMM-12200-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. There is no question of general importance for certification.

"William F. Pentney"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-12200-23
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