ENGLOBE LLP

IMMIGRATION LAW NEWSLETTER | OCTOBER 2026

STUDY PERMIT REFUSALS AND PROCESSING DELAYS

OCTOBER 29, 2026

READING TIME 8 MINUTE READ

Federal Court decisions from July to September 2026

A study permit application should explain why the chosen program fits the applicant's plans and establish how the studies will be financed. The refusals reviewed in this issue show both the limits of an officer's assessment and the consequences of gaps in the evidence. Two mandamus decisions also illustrate why a delay claim depends on the record supporting it.

The five decisions at a glance

Decision	Reasons issued	Result
Chukwudi, 2026 FC 930	July 10	Dismissed.
Malekiazar, 2026 FC 1007	July 28	Refusal set aside.
Anokye, 2026 FC 1179	September 21	Dismissed.
Roghangar, 2026 FC 987	July 22	Mandamus granted
Samiei, 2026 FC 1090	August 24	Mandamus dismissed

These five decisions were the only study permit-related decisions issued by the Federal Court in July, August, and September 2026.

The legal framework

Applicants generally must satisfy the officer that they will leave Canada when their authorized stay ends. They must also establish sufficient and available resources for tuition, maintenance and travel without relying on work in Canada, subject to the regulatory exceptions.[1]

On judicial review, the Court assesses whether the refusal is reasonable in light of the law, the evidence and the officer's reasons. Short or templated reasons can be sufficient, but they must explain the result and address the application's central points. A disagreement with the outcome, by itself, will not establish a reviewable error.[2]

Malekiazar illustrates the need to engage with a supported study plan; ***Anokye*** shows why the explanation must match the actual program. Where a permanent-residence objective also exists, IRPA recognizes dual intent, provided the officer is satisfied the applicant will leave when required.[3]

Obtain legal advice promptly about any court challenge. IRPA generally requires filing and service within 15 days for a matter arising in Canada, or 60 days for a matter arising outside Canada, after the day the applicant is notified of or otherwise becomes aware of it. The Court may extend time for special reasons. Do not defer that assessment while preparing a new application.[4]

---

[1] *Immigration and Refugee Protection Regulations* [IRPR], SOR/2002-227, ss. 216(1)(b), 216(2); *IRPR*, s. 220.

[2] *Anokye v. Canada (Citizenship and Immigration)*, 2026 FC 1179 at paras. 5–6; *Malekiazar v. Canada (Citizenship and Immigration)*, 2026 FC 1007 at paras. 16–18.

[3] *Malekiazar*, 2026 FC 1007 at paras. 23–25; *Anokye*, 2026 FC 1179 at paras. 11–12; *Immigration and Refugee Protection Act* [IRPA], SC 2001, c. 27, s. 22(2).

[4] IRPA, ss. 72(1), 72(2)(b)–(c).

Study plans and career progression

Malekiazar and the limits of career assessment

Malekiazar v. Canada (Citizenship and Immigration), 2026 FC 1007 concerned an Iranian engineer seeking a second master's degree, this time in environmental engineering at Lakehead University. His employer supported a two-year leave and identified an opportunity to supervise its environmental assessment department. His wife would remain in Iran, where he also had parents, a sister, property and financial resources. The officer nevertheless questioned the need for further study and the benefit to his career.[5]

Justice Duchesne set the refusal aside. The reasons concentrated on the perceived redundancy of the degree without meaningfully considering the evidence favouring a return to Iran. The officer also failed to explain why the applicant's stated professional objectives and employer support were insufficient. An applicant can seek advancement with an existing employer or develop expertise related to, but distinct from, earlier studies.[6]

The Court rejected the suggestion that the program had to be strictly necessary for a promotion, salary increase or other career milestone. It also found nothing inherently suspicious about leave matching the program's duration. The officer's disagreement with the employer's assessment of the value of the degree lacked a basis in the record. The application was returned to a different officer, with an opportunity to provide updated documents; the Court did not order a study permit to be issued.[7]

Practice point. For applicants pursuing a second degree or a related field, explain the additional knowledge sought and connect it to actual professional plans. Employer letters should describe the business need, proposed responsibilities and leave arrangements with supporting particulars. Identify the evidence of family, employment and financial ties expressly so that its relevance to temporary intent is clear.

Anokye and an unexplained program choice

Anokye v. Canada (Citizenship and Immigration), 2026 FC 1179 involved a senior midwife from Ghana seeking to complete UBC's Internationally Educated Midwives Bridging Program. She had completed its online component and prepaid a substantial part of the fees. She proposed to take unpaid leave and use the training when she returned to work in Ghana.[8]

Justice Norris upheld the refusal. The program was designed to prepare internationally educated midwives for practice in Canada. It was non-credit and did not issue academic transcripts or attendance records; completion was reported to the provincial regulator for registration purposes. The applicant did not directly explain how that design fit her stated plans in Ghana. There was also little evidence that the program taught many of the skills she said she wanted, or how it would add meaningfully to her existing training and experience. This reasoning turns on the application record and does not establish a general bar on Canadian licensing programs.[9]

Practice point. Check the study plan against the institution's actual program materials. Where an applicant relies on benefits to a home-country career, identify the relevant courses or clinical skills and substantiate that connection. Acceptance, advance tuition payments and prior participation do not resolve an unexplained mismatch between the program and the applicant's stated objectives.

---

5 *Malekiazar*, 2026 FC 1007 at paras. 4–12.

6 *Malekiazar*, 2026 FC 1007 at paras. 21–24.

7 *Malekiazar*, 2026 FC 1007 at paras. 24–28 and judgment.

8 *Anokye*, 2026 FC 1179 at paras. 1–3, 8–9.

9 *Anokye*, 2026 FC 1179 at paras. 11–12.

Financial evidence must explain the funds

Chukwudi and undocumented family support

Chukwudi v. Canada (Citizenship and Immigration), 2026 FC 930 concerned a Nigerian aviation student who had paid 75 per cent of the stated $107,575 tuition and held a $21,700 guaranteed investment certificate. He also relied on approximately $27,836 described as family support. The evidence did not adequately identify several depositors or explain their relationship to him and the payments.[10]

Justice McDonald upheld the refusal. The officer could examine the funds' source, nature and stability. The disputed money represented approximately 38 per cent of the claimed resources and was significant to financing the two-year program. A general assertion of family support did not establish availability.[11]

The procedural fairness argument also failed. The Court distinguished an unclear source of funds, concerning evidentiary sufficiency, from a conclusion that financial evidence was inflated to mislead the officer, which requires an opportunity to respond. Here, the officer identified insufficient proof rather than making a veiled credibility finding, and was not required to invite a response before refusing.[12]

Anokye and the financial picture presented

Anokye reinforces this point. The applicant relied on a joint account, Eurobonds and Treasury bills without establishing the source of a significant portion of those assets. Her husband promised support without evidence showing how he could provide it, including whether he was employed. Her own employment income was also undocumented.[13]

Arguing later that the joint account alone was sufficient did not undermine the refusal. The application had relied on all the assets, which the officer could scrutinize. Evidence of regular family expenses was also missing. Present and support the financial case as it is intended to be assessed.[14]

Practice point. A useful financial package should let the officer trace material funds and understand what will remain available for study. Depending on the circumstances, include:

- An explanation of significant deposits, supported by transfer records and evidence identifying the contributor and their relationship to the applicant.
- Evidence of a sponsor's income or assets, the source of the contribution, and whether the support is a gift, loan or continuing commitment.
- A reconciled budget showing tuition already paid, the remaining costs, accessible funds and relevant family commitments. Explain investment liquidity and avoid counting the same funds twice.

Choosing the response to a refusal

Compare the refusal and Global Case Management System (GCMS) notes with the application record. Missing evidence may be best addressed through a revised application. Judicial review may be appropriate where the officer ignored central evidence or imposed an unsupported requirement. ***Anokye*** expressly recognizes the option to reapply and address the concerns.[15]

10 *Chukwudi v. Canada (Citizenship and Immigration)*, 2026 FC 930 at paras. 1, 3–6, 9.

11 *Chukwudi*, 2026 FC 930 at paras. 7–11.

12 *Chukwudi*, 2026 FC 930 at paras. 12–13.

13 *Anokye*, 2026 FC 1179 at paras. 9, 13.

14 *Anokye*, 2026 FC 1179 at para. 14.

15 *Malekiazar*, 2026 FC 1007 at paras. 21–28; *Anokye*, 2026 FC 1179 at para. 15.

Processing delays and mandamus

Mandamus can require Immigration, Refugees and Citizenship Canada (IRCC) to decide an application. It does not direct approval. The full test must be met, including a duty owed to the applicant, a clear right to performance, a prior demand and reasonable opportunity to respond, and no adequate alternative remedy. For delay, the applicant must first establish that the wait is longer than the process reasonably requires and that the applicant or counsel did not cause it. IRCC must then justify the delay with evidence specific to the file.[16]

Roghangar and an inadequately explained delay

Roghangar v. Canada (Citizenship and Immigration), 2026 FC 987 involved a study permit application pending for about three and a half years. The applicant had responded to a military-records request, repeatedly sought updates and sent a demand letter. The delay cost him a specific research opportunity. The Court compared the wait with the 60-day service standard in evidence, while recognizing that a service standard is a relevant benchmark rather than a binding deadline.[17]

The Minister's evidence did not adequately explain the delay. The relevant GCMS entries recorded steps taken years earlier, with no evidence of the additional work required or its likely duration. General assertions about security screening and workload were insufficient. The Court ordered a decision within 45 days of the order pronounced from the bench, by July 31, 2026. It also awarded $1,000 in costs, applying the requirement for special reasons under the immigration rules.[18]

Samiei and the applicant's evidentiary burden

Samiei v. Canada (Citizenship and Immigration), 2026 FC 1090 reached the opposite result. The applicant relied on an asserted 15-month delay and processing expected to take weeks, but supplied no evidence of the applicable service standard or processing timeline. Justice Go would not determine that benchmark in an evidentiary vacuum.[19]

The Court also accepted the documented security-screening activity as a reasonable explanation for at least part of the processing time. IRCC had sought military records in April 2025, which the applicant provided in May. The applicant did not reply to the Minister's submissions. Mandamus was dismissed. Justice Go acknowledged that the Court has not taken a uniform approach to security-screening justifications, particularly where the evidence is absent or dated.[20]

Practice point. These cases do not establish a fixed number of months after which mandamus will succeed. Before referring a delayed file for litigation, preserve the applicable service-standard and processing-time evidence, a dated chronology of requests and responses, the demand for a decision, and concrete evidence of the impact of delay. Address any outstanding applicant obligations and the explanation IRCC actually gives. Published benchmarks, delay length and security-screening evidence must be assessed together.

---

16 *Roghangar v. Canada (Citizenship and Immigration)*, 2026 FC 987 at paras. 10–15; *Samiei v. Canada (Citizenship and Immigration)*, 2026 FC 1090 at paras. 4–6.

17 *Roghangar*, 2026 FC 987 at paras. 3–8, 16–24.

18 *Roghangar*, 2026 FC 987 at paras. 25–33, 37–41.

19 *Samiei*, 2026 FC 1090 at paras. 8–12.

20 *Samiei*, 2026 FC 1090 at paras. 13–20.