

Federal Court



Cour fédérale

**Date: 20221019**

**Docket: IMM-2260-22**

**Citation: 2022 FC 1417**

**Ottawa, Ontario, October 19, 2022**

**PRESENT: The Honourable Madam Justice Rochester**

**BETWEEN:**

**ZEINAB YAGHOOBI HASANALIDEH**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Background**

[1] The Applicant, Zeinab Yaghoobi Hasanalideh, is an Iranian citizen. She seeks judicial review of a decision rendered by a visa officer of Immigration, Refugees, and Citizenship Canada [Officer] dated February 21, 2022, refusing her application for a study permit [Decision]. The Officer was not satisfied that the Applicant would leave Canada at the end of her stay based on her ties in Canada and in Iran and the purpose of her visit.

[2] The Applicant submits that: (a) the Decision is not reasonable in light of the jurisprudence; (b) the Officer used a bald statement to reverse-engineer a refusal; (c) the Officer failed to grapple with the evidence supporting the Applicant's strong ties and establishment in Iran; (d) the Officer's reasons for refusal exhibit clear logical fallacies; (e) the Officer fettered their discretion and arbitrarily refused the Applicant; (f) there is no rational or intelligible chain of analysis underlying the Officer's conclusions based on the facts; (g) the Officer assumed the role of a career advisor and acted beyond their jurisdiction (h) the Officer failed to account for evidence before them; (i) the Officer was unduly concerned about the disproportionate cost of studying in Canada; and (j) there is no evidence to support the Officer's finding that the Applicant could not be trusted to comply with Canadian law.

[3] For the reasons that follow, this application for judicial review is allowed.

## II. Issue and Standard of Review

[4] The issue before the Court is whether the Decision was reasonable. In conducting a reasonableness review, the Court must determine whether the Decision is "based on an internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 85-86). It is the Applicant who bears the onus of demonstrating that the Decision is unreasonable (*Vavilov* at para 100). For the reviewing court to intervene, the challenging party must satisfy the court that "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility

and transparency”, and that such alleged shortcomings or flaws “must be more than merely superficial or peripheral to the merits of the decision” (*Vavilov* at para 100).

[5] I note that the Applicant’s memorandum listed, “was there a breach of procedural fairness?” as an issue, however, this issue was not developed further in the memorandum. During oral argument, the Applicant was questioned as to what were the alleged breaches of procedural fairness. Based on the response provided, I find that the issue of whether the Decision was reasonable is the only issue presently before the Court.

### III. Analysis

[6] I find the determinative issue to be the Officer’s treatment of the Applicant’s family ties. The refusal letter states: “I am not satisfied that you will leave Canada at the end of your stay, as stipulated in subsection 216(1) of the IRPR, based on your family ties in Canada and in your country of residence.” The Officer’s Global Case Management System [GCMS] notes, which form part of the Decision, state: “The applicant is married, spouse is not accompanying. PA states to have close family ties in their home country, but is not sufficiently established. I have concerns that the ties to Iran are not sufficiently great to motivate departure from Canada.”

[7] As per the record, the Applicant has no family ties in Canada. With respect to her family ties in Iran, the Applicant’s spouse resides in Iran and intends to remain there while she studies in Canada. Her parents reside in Iran and she is an only child. In addition to her family ties in Iran, the Applicant co-owns residential property in Iran and has been employed by the Ministry

of Energy in various roles since April 2015. The Applicant's spouse has been employed by a private entity in an engineering role since December 2016.

[8] While the written reasons given by an administrative body must not be assessed against a standard of perfection (*Vavilov* at para 91), they must nevertheless be intelligible and justified (*Vavilov* at para 96). Given the factual circumstances of this case, the record before the Officer, and the contents of the GCMS notes, I find that the Officer's reliance on the Applicant's "family ties in Canada and in [her] country of residence" as a reason for refusing the study permit to be a reviewable error on the basis that it is neither intelligible nor justified (*Seyedsalehi v Canada (Citizenship and Immigration)*, 2022 FC 1250 at para 10; *Rahmati v Canada (Citizenship and Immigration)*, 2021 FC 778 at para 18).

[9] The Respondent pleads that while the family ties are mentioned in the refusal letter, it is apparent from the GCMS notes that family ties were not central to the Decision. The Respondent relies on *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175, where my colleague Justice Andrew D. Little concluded that one error was not sufficient to render an entire decision unreasonable where an officer had three other reasons why they were not satisfied that an applicant would leave Canada at the end of her study time (at paras 46-48).

[10] Considering the record in the present matter and that family ties was one of only two reasons given, I am not prepared to find that this issue was not sufficiently central to avoid rendering the entire decision unreasonable.

IV. Conclusion

[11] For these reasons, this application for judicial review is allowed. The Decision is set aside, and the case is remitted back to a different officer for reconsideration. No question of general importance was submitted for certification, and I agree that none arise.

**JUDGMENT in IMM-2260-22**

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

1. The Applicant's application for judicial review is allowed;
2. The Decision is set aside and the case is remitted back to a different officer for redetermination; and
3. No question of general importance is certified.

"Vanessa Rochester"

Judge

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

**DOCKET:** IMM-2260-22

**STYLE OF CAUSE:** ZEINAB YAGHOوبي HASANALIDEH v. THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** OCTOBER 6, 2022

**JUDGMENT AND REASONS:** ROCHESTER J.

**DATED:** OCTOBER 19, 2022

**APPEARANCES:**

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