

Federal Court



Cour fédérale

**Date: 20230208**

**Docket: IMM-5018-22**

**Citation: 2023 FC 183**

**Ottawa, Ontario, February 8, 2023**

**PRESENT: Madam Justice McDonald**

**BETWEEN:**

**SEYEDMOHAMMAD JAFARI AND  
LEILA REZAEI**

**Applicants**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The primary applicant [Applicant] and his wife seek judicial review of the decision of the visa officer [Officer], dated May 3, 2022 [Decision], refusing the Applicant's request for a study permit. The Officer was not satisfied the Applicant would leave Canada at the end of his studies. For the reasons that follow, this judicial review is granted, as the Decision is lacking in justification, transparency, and intelligibility.

I. Background

[2] The Applicant is a 41-year-old citizen of Iran. Other than his wife, who was going to accompany him to Canada, his family all reside in Iran. He holds a Bachelor of Science in Business Administration from Islamic Azad University in 2010 and has worked as a sales and marketing manager in Iran since 2017. He was offered a promotion with his current employer, Aradorfam Armin Co., upon the completion of his Canadian studies.

[3] He applied to study for a Masters of Administrative Science, with a specialization in Global Leadership and Administration at the Vancouver campus of Fairleigh Dickinson University [FDU]. He received a letter of acceptance on July 8, 2021 and submitted his student visa application shortly thereafter.

A. *Decision Under Review*

[4] The Applicant's study permit was denied as the Officer was not satisfied he would leave Canada at the end of his studies, based on his family ties in Canada and Iran, as well as the purpose of his visit.

II. Issue and Standard of Review

[5] The dispositive issue is the reasonableness of the Decision, based upon the standard of review outlined in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65.

[6] Given my finding that the Decision is not reasonable, I will not address the Applicant's procedural fairness arguments.

III. Analysis

[7] The Applicant argues the Officer provides no intelligible analysis of the evidence and makes factually incorrect inferences on the issues of the purpose of his visit and his establishment and family ties in Iran.

A. *Purpose of his Visit*

[8] Regarding the application for a study visa, the Officer notes as follows in the Global Case Management System [GCMS] notes:

PA is applying for a Masters of Administrative Science Specialization: Global Leadership and Administration. Previous university studies: Business Management [sic]. Currently employed as a Sales & Marketing Manager. Study plan reviewed and considered. Job offer noted. PA provided a generalized explanation and did not provide details on how the proposed studies would benefit PA's career path or why Canadian studies, at a high tuition, were necessary and beneficial. Job offer mentions an approved leave, but there is no mention that obtaining a master's degree or international studies is necessary or required by the employer for such promotion. Also, employer did not explain how or why applicant obtaining schooling in Canada will assist their business, despite losing applicant as an employee for 2 year period.

[9] The Applicant submits he filed detailed evidence on his study plan, confirmation of his admission to FDU, an explanation of the benefit of the program to his career, and proof of his financial ability to study in Canada.

[10] The Applicant submits the study plan he submitted provides extensive rationale for applying for the FDU program and context on how this program fits into his educational and employment plans. The Applicant also provided employment and career prospects upon completion of his studies. The Applicant submits the Officer disregarded substantial, relevant evidence on his proposed studies.

[11] The Applicant also argues that the Officer's treatment of the letter from his employer were unreasonable as the employer's letter confirms he would be promoted by his current employer upon completion of his program in Canada. Where an officer ignores or overlooks relevant evidence, the decision will be unreasonable (*Aghaalikhani v Canada (Citizenship and Immigration)*, 2019 FC 1080 at para 17; *Kheradpazhooh v Canada (Citizenship and Immigration)*, 2018 FC 1097 at para 18).

[12] Furthermore, it can also be unreasonable for the officer to offer their own views and opinions on an applicant's career path or educational background (*Adom v Canada (Citizenship and Immigration)*, 2019 FC 26 at para 16; *Azizi v Canada (Citizenship and Immigration)*, 2022 FC 1530).

[13] Here the Officer erred by seemingly overlooking relevant evidence and by offering opinions on the Applicant's career choices. The Applicant's submissions included a lengthy description of why the program at FDU would benefit him. While the Officer acknowledges the study plan was submitted, the Officer's reasons are not responsive to the content of the submissions. The Officer states the study plan "provided a generalized explanation and did not

provide details on how the proposed studies would benefit PA's career path or why Canadian studies, at a high tuition, were necessary and beneficial". However, the Applicant's submissions state, "such a program is neither provided locally at any of the universities in my country, nor the neighboring countries". The Applicant also directly addressed the Officer's concerns on why he chose a program in Canada with a high tuition by stating, "university tuition fees in Canada are more affordable compared to other English-speaking countries".

[14] The Officer's failure to engage with the content of the study plan and the Officer's insertion of their own views on the Applicant's career path render the Decision unreasonable.

B. *Establishment and Family Ties in Iran*

[15] On this factor, the GCMS notes as follows:

I have reviewed the application. The applicant is married, spouse is accompanying. PA states to have close family ties in their home country, but is not sufficiently established. I am not satisfied that the ties to Iran are sufficiently great to motivate departure from Canada. The ties to Iran are weaken [sic] with the intended travel to Canada by the client as the travel involves their immediate family; the motivation to return will diminish with the applicant's immediate family members residing with them in Canada.

[16] The Applicant provided documents addressing the following establishment factors in Iran:

- His prior education;
- His work experience;

- His strong employment prospects on return to Iran in the form of a promotion;  
and
- His strong financial standing including funds in his bank account and property he owns in Iran.

[17] The Applicant alleges the certified tribunal record shows he has strong family ties to Iran, as his parents and siblings reside in that country. The Applicant's wife's parents and siblings also reside in Iran.

[18] In the Decision, the Officer does not reference any of the evidence on the Applicant's ties to Iran, including the fact that he owns property there. The Officer does not engage with the fact the Applicant has no family or friends in Canada, or his employment prospects and the promotion offer from his current employer when he returns to Iran. The Officer simply states, "[t]he ties to Iran are weaken [sic] with the intended travel to Canada by the client as the travel involves their immediate family; the motivation to return will diminish with the applicant's immediate family members residing with them in Canada".

[19] The logical conclusion from the Officer's reasoning is that no applicant coming to Canada with a spouse or immediate family member would ever have sufficient ties to their home country to be granted a visa in Canada. That is not a reasonable approach.

[20] Having not addressed the key evidence on the Applicant's ties to Iran, the Officer engages in flawed reasoning by assuming that since the Applicant's wife is travelling with him, he will not return to Iran.

IV. Conclusion

[21] In my view, the Officer's treatment of the evidence is unreasonable and the judicial review is granted.

**JUDGMENT IN IMM-5018-22**

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

1. This judicial review is granted and the matter is remitted for redetermination by a different decision-maker; and
2. There is no question for certification.

"Ann Marie McDonald"

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Judge



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

**DOCKET:** IMM-5018-22

**STYLE OF CAUSE:** JAFARI ET AL v MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** JANUARY 30, 2023

**JUDGMENT AND REASONS:** MCDONALD J.

**DATED:** FEBRUARY 8, 2023

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