

Federal Court



Cour fédérale

Date: 20240508

Docket: IMM-10895-22

Citation: 2024 FC 708

Ottawa, Ontario, May 8, 2024

PRESENT: Madam Justice McDonald

BETWEEN:

AKRAM MAHINDEHGHAN

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is a judicial review application of a Visa Officer's decision of October 31, 2022 denying the Applicant's application for a study permit and temporary resident status.

[2] The Applicant is a 38-year-old citizen of Iran who was accepted at the British Columbia Institute of Technology [BCIT] in the International Student Entry Program [ISEP] to study English with the intention to then enroll in the BCIT Business Management Diploma program.

[3] In 2021, the Applicant earned a Master's Degree in Business Administration. Since 2005 the Applicant has operated her own tailoring and dressmaking business in Iran. She also works as a designer consultant for a textile manufacturing company.

[4] The Applicant's husband and children will not accompany her to Canada.

I. Issues

[5] The only issue that arises is the reasonableness of the Visa Officer's decision.

[6] In reviewing the Visa Officer's decision, the Court will assess if the decision bears the hallmarks of reasonableness—justification, transparency, and intelligibility—and if the decision is justified in relation to the relevant factual and legal constraints that bear on it (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99 [*Vavilov*]).

II. Analysis

[7] The Applicant argues that the Visa Officer erred in failing to address the reasons she provided in wanting to pursue the program of study at BCIT. Specifically, she argues that the Visa Officer did not reference why a diploma from BCIT would improve her prospects in Iran.

[8] The Visa Officer notes the following in the GCMS notes:

I note that proposed studies in Canada are at a lower academic level than their studies which they have already completed. In light of the PA's previous studies the intended program does not appear to be a logical progression in their career path. It is unclear why client would pursue the selected program at a high international cost in Canada when weighed against the potential career/employment benefits after completion. Study plan submitted is not strongly documented. I am not satisfied that sufficient explanation has been given to demonstrate how the sought educational program would be of benefit or how chosen course will improve job prospects back home. Given applicant is already employed in field they intend to study in Canada, I am not satisfied the proposed program of study is a reasonable expense.

[9] Here, the Visa Officer reasonably noted that the proposed studies were at a lower level than already achieved by the Applicant and did not appear to be a logical next step in her career path. Further, the Visa Officer found that the Applicant's study plan was "not strongly documented."

[10] In my view, the findings of the Visa Officer here are different from the findings made in *Soltaninejad v Canada (Citizenship and Immigration)*, 2022 FC 1343, where the visa officer felt the applicant was making a "mistake" (*Soltaninejad* at para 21). The Visa Officer is not passing judgment on the Applicant's education choices but rather cannot reconcile how the proposed studies are logical considering the education level she has already attained. By considering that the Applicant already holds an MBA degree, it was reasonable for the Visa Officer to question how a proposed diploma level Business Management program was a logical progression in her education.

[11] In the circumstances where the program of study is at a lower level, it is reasonable for the Visa Officer to expect a logical explanation for the proposed study. As noted in *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 [*Mehrjoo*], the officer found that the applicant's intended program of study "is redundant and is not a logical progression in light of the Applicant's current career and previous studies is unreasonable" (*Mehrjoo* at para 13).

[12] Based on these facts, the Visa Officer reached a reasonable and responsive conclusion. Additionally, the Visa Officer noted that the study plan was not strongly documented.

[13] I am satisfied that the Visa Officer considered the Applicant's evidence. Although the Applicant might prefer more detailed reasons, the obligation of visa officers to provide reasons for their decisions is circumscribed by the operational realities of their work, which involve the need to process a high volume of applications (*Sharafeddin v Canada (Citizenship and Immigration)*, 2022 FC 1269 at para 26).

[14] In this case, the Visa Officer explained the reasons for refusing the Applicant's application. The Applicant's submissions seek to have the Court reweigh the evidence, which is not its role on judicial review (*Vavilov* at para 125).

III. Conclusion

[15] This judicial review is dismissed. There is no question for certification.

JUDGMENT IN IMM-10895-22

THIS COURT'S JUDGMENT is that:

1. This judicial review is dismissed.
2. There is no question for certification.

"Ann Marie McDonald"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-10895-22

STYLE OF CAUSE: MAHINDEGHAN V THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

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