

Federal Court



Cour fédérale

Date: 20240619

Docket: IMM-12005-23

Citation: 2024 FC 957

Vancouver, British Columbia, June 19, 2024

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

**MONA BAHRAMI AND
MOHAMMAD AKBARI**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Ms. Bahrami, a citizen of Iran, was refused a permit to pursue studies leading to an MA of Leadership at Trinity Western University. Her husband, Mr. Akbari, was also refused an open work permit. The visa officer noted that Ms. Bahrami's ties to Iran would be weakened because her husband would accompany her in Canada. They also noted that she failed to show that the proposed studies would benefit her career.

[2] Ms. Bahrami now seeks judicial review of the visa officer's decision. Her most fundamental submission is that the officer's reasons are insufficient. Relying on *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paragraph 86, [2019] 4 SCR 653, she argues that the decision must be justified, not only justifiable. Yet, the officer would have failed to address significant evidence in Ms. Bahrami's favour.

[3] Nevertheless, it is trite law that visa officers must deal with a considerable volume of applications and cannot be expected to produce lengthy reasons. It would not be realistic, for example, to require visa officers to analyze explicitly each piece of evidence and assign it positive or negative weight, like in decisions on applications for humanitarian and compassionate relief. Rather, visa officers are presumed to have considered all the evidence before them, even though they do not explicitly mention it. This is true even when officers must weigh the evidence on both sides of certain issues. In this context, justifying the decision simply requires officers to highlight the determinative factor that led them to find against the applicant.

[4] More precisely, Ms. Bahrami challenges the officer's treatment of her family ties. On this front, the officer simply noted, using boilerplate language with the usual grammatical mistake, that her ties to Iran would be "weaken[ed]" because her husband would travel with her. As explained in *Nourani v Canada (Citizenship and Immigration)*, 2023 FC 732 at paragraphs 23–26, it is reasonable for an officer to consider this factor, even though it may not be a sufficient stand-alone reason to deny a permit. I would add that the officer in this case did not state that Ms. Bahrami had no family ties in her country of residence, so we may presume that they considered the family ties as submitted in her application.

[5] Ms. Bahrami also takes issue with the officer's treatment of her study plan and the finding that the proposed program would not benefit her. In this regard, the officer noted that

[Ms. Bahrami] does not demonstrate to my satisfaction reasons for which such an educational program would be of benefit. In light of [Ms. Bahrami's] previous study and current career, their motivation to pursue studies in Canada at this point does not seem reasonable. With regard to [Ms. Bahrami's] job offer, employment letter only mentions a promotion and an approved leave for 2 years. Employer did not explain why an international degree is required for the new position.

[6] After reviewing the record and listening to counsel's able submissions on both sides, I find that the officer's decision is reasonable. In particular, the employer's bald statement that Ms. Bahrami "must complete a specialized course in one of the prestigious Canadian universities" is not substantiated. If anything, the employer's letter suggests that Ms. Bahrami already possesses the qualifications for a school principal position. It is also unclear how a business degree would prepare Ms. Bahrami to become a school principal, and she provided very little information regarding her plan to establish her own school.

[7] Lastly, Ms. Bahrami argues that the officer breached procedural fairness by failing to give "an opportunity to respond to contradictory findings". However, it is well established that visa applications attract a low degree of procedural fairness and that, barring credibility concerns, officers are not required to give notice of concerns that arise from the materials submitted with the application. Here, the officer's concerns regarding the offer of employment are not related to credibility or authenticity. They did not trigger a duty to give notice.

[8] For these reasons, the application for judicial review will be dismissed.

JUDGMENT in IMM-12005-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12005-23

STYLE OF CAUSE: MONA BAHRAMI AND MOHAMMAD AKBARI v
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: JUNE 19, 2024

JUDGMENT AND REASONS: GRAMMOND J.

DATED: JUNE 19, 2024

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