

Federal Court



Cour fédérale

**Date: 20240716**

**Docket: IMM-4173-23**

**Citation: 2024 FC 1111**

**Vancouver, British Columbia, July 16, 2024**

**PRESENT: The Honourable Madam Justice Strickland**

**BETWEEN:**

**MASIH SHAHANI  
FAEZEH ARASHK  
SAYAN SHAHANI**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Masih Shahani, the Applicant, seeks judicial review of a decision made by an Immigration Officer [Officer] on February 3, 2023, refusing his study permit application [Decision]. The Officer determined that the Applicant had not satisfied the requirements for a study permit as set out in the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRP Regulations]. The

Officer also refused the related application for a work permit made under the Temporary Foreign Worker Program by the Applicant's accompanying spouse, Faezeh Arashk, and the application for a temporary resident visa submitted on behalf of their child, Sayan Shahani.

[2] The Applicant is a citizen of Iran. He holds a Bachelor of Electrical Engineering obtained in 2007, as well as a Master of Electrical Engineering obtained in 2010, both in Iran. Since 2013, he has worked as an Electrical Maintenance Engineer at Iran Gas Transmission Company [Iran Gas]. He was accepted into a Master of Business Administration at University Canada West in Vancouver, British Columbia [Program].

[3] The Officer refused the study permit application for two reasons. First, they were not satisfied that the Applicant would leave Canada at the end of an authorized stay as required by s 216(1)(b) of the *IRP Regulations*, on the basis that the Applicant has no significant family ties outside of Canada. Second, the Officer was not satisfied that the purpose of the Applicant's stay was consistent with a temporary stay given the details he provided in his application.

[4] The Global Case Management System [GCMS] notes, which form a part of the reasons for the decision, address the factors considered by the Officer in their decision. The Officer found that:

- the Applicant does not have significant family ties outside Canada and is travelling with his spouse and child. The Officer was concerned that the ties to Iran were not sufficiently great to motivate his departure from Canada. The Officer found that ties to Iran will weaken and the motivation to return to Iran will diminish because the intended travel to Canada includes the Applicant's immediate family;

- as to the purpose of the intended visit, the Officer found that the Applicant's previous studies were in an unrelated field and were also at the same academic level as his proposed course of study in Canada. He holds a Master of Science in Electrical Engineering and is currently employed as an Electrical Maintenance Engineer. His previous employment and educational history demonstrated an inconsistent career progression and his explanation letter did not demonstrate to the Officer's satisfaction reasons for which the international study Program would be of benefit. Given the Applicant's previous education and work history, the Officer found that his motivation to pursue studies in Canada did not seem reasonable.

[5] The Officer concluded, weighing the factors, that they were not satisfied that the Applicant will depart Canada at the end of the period authorized for their stay and therefore, refused the application.

### **Issues and standard of review**

[6] The sole issue in this matter is whether the Officer's decision was reasonable. The presumptive standard of review of the merits of a visa officer's decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 23, 85 and 99 [Vavilov]; *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175 at para 14). This is a deferential standard, and requires an evaluation of the administrative decision to determine if the decision is transparent, intelligible, and justified (*Vavilov* at paras 12–15, and 95).

### **The Decision was reasonable**

[7] The Applicant's submissions are lengthy and largely generic. However, the essence of the Applicant's specific submissions is that the Officer made an unfounded generalization that

applicants who do not have significant family ties outside Canada will remain in Canada illegally. On this topic, the Applicant further submits that the Officer erred in fact in finding that the Applicant and his spouse do not have significant family ties outside of Canada, arbitrarily ignoring evidence to the contrary found in the record. The Officer further erred by failing to justify this finding by weighing it against other evidence concerning their family ties and establishment in Iran.

[8] The Applicant also submits that the Officer made a bald statement that the purpose of his visit was not consistent with a temporary stay given the details provided in his application. The Applicant is unaware of which details the Officer was referring to, and submits that this is not clarified by the GCMS notes. As a result, the Applicant argues that the decision is not justified. Further, and contrary to the Officer's finding, the Applicant argues that evidence in the record supports that the Applicant intends to travel to Canada for a temporary period to study. The Applicant also argues that it is not evident why the Officer found that the proposed Program would not be beneficial, as the record suggests that it would benefit his academic achievement, career advancement and personal and professional goals, contradicting the Officer's finding. The Applicant submits that the Officer's finding in this regard was unjustified, unintelligible and unreasonable.

[9] As a preliminary observation, I note that this Court has previously found that, due to the significant pressure on visa officers to review a large volume of student visa applications on a daily basis, officers are not able to provide "extensive reasons" for every matter (*Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 15 [*Patel*]). Accordingly, brief decisions are

reasonable if they are responsive to the evidence (*Patel* at para 15). In other words, an officer's decision "may be concise and simple so long as it is responsive to the evidence" (*Ibekwe v Canada (Citizenship and Immigration)*, 2022 FC 728 at para 28, citing *Patel* at para 17; *Hendabadi v Canada (Citizenship and Immigration)*, 2024 FC 987 at para 19; see also *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 at para 10).

### **Purpose of visit**

[10] The Respondent asserts that the Applicant's reasons for choosing the Program were vague and generic, failing to demonstrate a need for an international education.

[11] I agree that the Applicant's explanation for choosing to study in Canada was somewhat vague. In his study plan, he states:

Nowadays Iranian businesses have begun experiencing challenges due to the substantial increase in competitive pressures, so resource management is crucial to building a thriving business in this highly competitive market. Despite the fact that business management is highly important in growing medium, large-scale, and international businesses, it has not gotten proportionate attention, as business management is a relatively new science in Iran. On the other hand, Canada is one of the most advanced countries based on economic, social, and safety indicators, which is resulted from an effective management system. In addition, the Canadian government practices the policy of multiculturalism in a proper way, which has led to rising popularity for its appreciation of human rights and tolerance in businesses. Thus, I believe Canada is the best option for me as a foreign student not only to improve my knowledge and professional capabilities but also to elevate my understanding of a multicultural community and how to face the challenges of such a society with effective resource management.

[12] The Officer correctly found that the Applicant already holds a degree at the same academic level. While counsel for the Applicant submits that the difference in the two masters degrees is obvious from their titles (electrical v business administration) the Applicant in his submissions to the Officer does not explain how the Program will afford him a different skill set beyond his current educational and work experience. There is no information in the record about the Program, other than its title.

[13] In his study plan, the Applicant does describe his past education and work experience. While pursuing his Master of Electrical Engineering, he worked at Behrad Consultants Engineers Company [Behrad] until December 2010. He then completed 16 months of compulsory military service before returning to Behrad as an Electrical System Supervisor from April 2012 to September 2013. He joined Iran Gas in September 2013 where he has been certified in Integrated Management Systems. He states that, by pursuing academic management studies, he can increase his competency at the management level and obtain higher positions in his career. In his words, “[f]rom another point of view, I received a job offer from Behrad Consultant Engineers Company in the management occupation, so I need to be able to contribute more to the management of the company based on the experience and the knowledge that I plan to gain.”

[14] I note that the Work Certificate provided by Iran Gas states that the Applicant has been employed there since September 2013 and currently holds the position of Electrical Maintenance Engineer. It makes no mention of any requirement for management training. A Job Offer Certificate from Behrad, dated November 6, 2022, states that the company is “very pleased that you have been working successfully with the company for the past five years” and that it is

willing to provide the Applicant with a job offer so he can work in a new job position. The job position offered is “business manager so that you can work in this company after completion of your education in the Master of Business Administration (MBA) at University Canada West.” The Job Offer Certificate further states that the position is offered so that the Applicant will resume working with Behrad after graduation, and that Behrad is confident that the Applicant can play an efficient role in its success using the valuable knowledge he will acquire in an international institute.

[15] Putting aside the fact that the Applicant has not worked with Behrad since 2013 and therefore has not been working successfully for that company for the last five years as stated in the Job Offer Certificate, the offer itself does not, contrary to the Applicant’s submissions, indicate either that it is a promotion or that it is contingent upon the completion of the Program. It also does not describe the duties of the new position, indicate how completing the proposed Program would be necessary, or assist the Applicant in conducting those duties. Nor is a salary mentioned. For his part, in discussing his ties to Iran, the Applicant states that he has a “valuable job offer” so his most significant goal is to continue his progress there “by implementing my academic knowledge and experience simultaneously to obtaining higher achievements.”

[16] The onus is on applicants to convince the reviewing visa officer of the merits of their study plan (see, for example, *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 at para 12 [*Mehrjoo*]). The onus is also on applicants to establish that they will leave Canada by the end of the period authorized. Visa officers have wide discretion in assessing the evidence to

decide whether this requirement is met, and their decisions are entitled to deference (*IRP Regulations* s 216(1)(b)); *Mehrjoo* at para 7).

[17] The Applicant's study plan is general and sparse: he failed to explain with any level of specificity why this particular Program will be beneficial to him or how the content of the Program differs from his current masters level education and his work experience. Indeed the content of the Program is entirely unaddressed in the study plan, as are any new duties that the Applicant might assume in future employment and how the Program would assist the Applicant in meeting those duties. It is also unclear how "resource management" and "business management" as referenced in his study plan may be connected. Given this, as well as the generality of the job offer, it was not unreasonable for the Officer to find that the Applicant had not satisfied them that the Program would be of benefit to the Applicant and, therefore, as to his motivation and whether he would depart Canada at the end of an authorized period.

[18] Based on the record before them, the Officer's finding was not unreasonable. As stated in *Mehrjoo*, the burden is on a visa applicant to provide sufficient information about the benefits of the program they wish to pursue, and a failure to do so risks undermining one's ability to establish the purpose of their visit (*Mehrjoo* at para 15, citing *Rezaali v Canada (Citizenship and Immigration)*, 2023 FC 269 at para 32).

[19] Here, as in that case, the Applicant has failed to do so. In my view, this is determinative. Therefore, it is not necessary to address the remainder of the Applicant's submissions.



**JUDGMENT IN IMM-4173-23**

**THIS COURT'S JUDGMENT is that**

1. The application for judicial review is dismissed;
2. There shall be no order as to costs; and
3. No question of general importance for certification was proposed or arises.

"Cecily Y. Strickland"

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Judge

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

**DOCKET:** IMM-4173-23

**STYLE OF CAUSE:** MASIH SHAHANI, FAEZEH ARASHK, SAYAN  
SHAHANI v THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** VANCOUVER, BRITISH COLUMBIA

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