

Federal Court



Cour fédérale

Date: 20250130

Docket: IMM-10633-23

Citation: 2025 FC 198

Ottawa, Ontario, January 30, 2025

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

KAMRAN GHOLAMI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

(Delivered orally from the bench on January 30, 2025, and subject to stylistic, editorial, and syntax edits, as well as reference to jurisprudence and legal citations)

[1] The Applicant seeks judicial review of a visa officer’s decision to refuse his application for permanent residence under the Canadian Experience Class (“CEC”), pursuant to section 87.1 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 and section 11.2 of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[2] The Applicant is a citizen of Iran. In October 2020, he applied for permanent residence in the CEC Class, relying on his Canadian work experience at Concrete Art Features and United Gulf Consulting.

[3] In January 2023, the officer sent the Applicant a procedural fairness letter. The officer noted that United Gulf Consulting had no website or social media presence. The reported address of this business was the site of a Currency Exchange. The Applicant's record of employment for United Gulf Consulting was undated, and appeared to have been written by the same individual who wrote his record of employment for Concrete Art Features. During a verification interview, the Applicant's employer at United Gulf Consulting, Amin Jamchi ("Mr. Jamchi"), stated he and the Applicant were co-owners of the company. Mr. Jamchi also stated the Applicant was a Marketing Accountant, rather than a Marketing Consultant.

[4] In February 2023, the Applicant responded to the procedural fairness letter. He explained that United Gulf Consulting was an online business with no physical address. The mailing address simply indicated where Mr. Jamchi, who currently works at the Currency Exchange, could be reached. The Applicant denied being a co-owner of this business, providing Articles of Incorporation from 2018 listing his father as co-owner along with Mr. Jamchi. The Applicant stated that he was a Marketing Coordinator, but did some accounting work for the company. The Applicant also stated that, although created using the same accounting service, the records of employment were authentically signed by the managers of his workplaces.

[5] In June 2023, the officer refused the Applicant's application. The officer found the Applicant's response insufficient to "[demonstrate] that [he was] working for the employer as claimed," "in the capacity declared," and "for the period of time declared."

[6] The issues raised in this application are whether the officer's decision is reasonable and was made in a procedurally fair manner.

[7] As a preliminary issue, the Applicant's new evidence is not accepted. The Applicant sought to adduce a letter from Mr. Jamchi. I agree with the Respondent that this evidence is hearsay, as it was attached to an affidavit affirmed by the Applicant (*Alameddine v Canada (Citizenship and Immigration)*, 2019 FC 1285 at paras 20, 22). This evidence is therefore inadmissible and will not be considered by the Court (*Federal Courts Rules*, SOR/98-106, s 81; *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22, s 12(1); *Zaman v Canada (Minister of Citizenship and Immigration)*, 1997 CanLII 16394 (FC)).

[8] Turning to procedural fairness, I do not find the Applicant's procedural rights were infringed. The Applicant argues that the officer failed to disclose "two concerns" during the verification interview that "played a large role in the visa officer's reasoning process." These concerns related to the Applicant's salary and how the Applicant met Mr. Jamchi. However, these concerns are not mentioned in the refusal letter, the procedural fairness letter, or the officer's assessment dated June 24, 2023 in the Global Case Management System notes. They had no bearing on the decision at issue. The officer was therefore not obliged to disclose them (*Hasi v Canada (Citizenship and Immigration)*, 2013 FC 1115 at para 49 [citations omitted]).

[9] Furthermore, the officer's decision is reasonable. In his response to the procedural fairness letter, the Applicant did not explain why his record of employment was undated. He did not present the officer with a statement from Mr. Jamchi about alleged misunderstandings concerning the Applicant's role at United Gulf Consulting. The procedural fairness letter clearly stated, "the onus is on [the Applicant] to demonstrate that [he was] working for the employer as claimed," "in the capacity declared," and "for the period of time declared." The officer reasonably determined that the Applicant failed to do so. The Court will not reweigh the evidence in the Applicant's favour under reasonableness review (*Vavilov* at para 125).

[10] For these reasons, this application for judicial review is dismissed. No question is certified.

JUDGMENT in IMM-10633-23

THIS COURT’S JUDGMENT is that:

1. This application for judicial review is dismissed.
2. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-10633-23

STYLE OF CAUSE: KAMRAN GHOLAMI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: BY VIDEOCONFERENCE

DATE OF HEARING: JANUARY 30, 2025

JUDGMENT AND REASONS: AHMED J.

DATED: JANUARY 30, 2025

APPEARANCES:

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Giancarlo Volpe	FOR THE RESPONDENT

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