Federal Court  Cour fédérale

Date: 20250505

Docket: IMM-641-24

Citation: 2025 FC 809

Montréal, Quebec, May 5, 2025

PRESENT: Mr. Justice Gascon

BETWEEN:

FARHAD TAGHIZADEH

Applicant

and

THE MINISTER CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The applicant, Farhad Taghizadeh, is a citizen of Iran. He seeks judicial review of a decision rendered on January 9, 2024 [Decision] by an immigration officer at the Embassy of Canada in Ankara, Turkey [Officer]. The Decision dismissed Mr. Taghizadeh's application for a temporary resident permit to pursue post-graduate studies in business in Canada [Application]. The Officer found that Mr. Taghizadeh's Application did not meet the requirements set out at

paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR], and that he was not a *bona fide* visitor to Canada. The Officer was not convinced that Mr. Taghizadeh would leave Canada and return to Iran at the end of his studies for two reasons: (i) his lack of significant family ties outside Canada; and (ii) the fact that the purpose of his visit to Canada was inconsistent with a temporary stay given the details he had provided in his Application.

[2] Mr. Taghizadeh submits that the Officer failed to assess the relevant evidence of his Application and that such failure represents a breach of procedural fairness. Among other things, he points out that the Officer did not consider that his parents and two sisters live in Iran. He also argues that the Officer did not engage with the evidence he provided regarding his study plan.

[3] For the reasons that follow, Mr. Taghizadeh's application for judicial review will be granted. I find that the Decision is unreasonable, as the Officer did not meaningfully address the evidence on Mr. Taghizadeh's family ties that directly contradicted their conclusion on this point. This suffices to justify the Court's intervention.

II. Background

A. *The factual context*

[4] Mr. Taghizadeh is a citizen of Iran who holds a Master's degree in Public Management and a Bachelor of Science. He works as a financial manager at a construction company located in Sari, Iran. His parents and two sisters live in Sari as well.

[5] Mr. Taghizadeh was accepted for a post-graduate certificate program in Business Analytics at Seneca College in Toronto. He therefore applied for a temporary resident permit to study in Canada. In support of his Application, Mr. Taghizadeh indicated that, upon return from his studies, he will be promoted to assistant CEO at his company in Iran.

B. *The Decision*

[6] The Decision takes the form of a standard letter where the Officer indicates that they were not satisfied that Mr. Taghizadeh would leave Canada at the end of his stay. In the letter, the Officer identifies two specific reasons for rejecting the Application. First, Mr. Taghizadeh lacked significant family ties outside Canada. Second, the purpose of his visit to Canada was inconsistent with a temporary stay in light of the details in his Application.

[7] The Decision also includes the Officer's notes located in the Global Case Management System [GCMS]. In these notes, the Officer concludes that Mr. Taghizadeh lacks "significant family ties outside Canada," as he is unmarried with no dependents and did not demonstrate that he has "sufficiently strong ties" to Iran. The Officer also concludes that the purpose of Mr. Taghizadeh's visit was inconsistent with a temporary stay for two reasons: (i) he previously studied at a higher academic level than his proposed studies in Canada; and (ii) the letter from his Iranian employer did not explain the need for an international degree or describe the necessary skills for the new position.

[8] In the GCMS notes, the Officer concludes that, "[w]eighing the factors in this application," they are not satisfied that Mr. Taghizadeh will depart Canada at the end of his stay.

C. *Standard of review*

[9] I do not agree with Mr. Taghizadeh that his main arguments relate to procedural fairness. They instead concern the merits of the Officer's refusal and the Officer's alleged failure to consider the evidence.

[10] It is well established that reasonableness applies when reviewing a visa officer's factual assessment of an application for a student visa and an officer's belief that an applicant will not leave Canada at the end of his or her stay (*Khoshfam v Canada (Citizenship and Immigration)*, 2024 FC 961 at para 16 [*Khoshfam*]; *Aghaalikhani v Canada (Citizenship and Immigration)*, 2019 FC 1080 at para 11; *Kavugho-Mission v Canada (Citizenship and Immigration)*, 2018 FC 597 at para 8 [*Kavugho-Mission*]; *Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001 at para 12 [*Penez*]; *Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at paras 12–13). This is confirmed by the Supreme Court of Canada's landmark decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], where the Court established a presumption that the standard of reasonableness is the applicable standard in judicial reviews of the merits of administrative decisions (*Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 7 [*Mason*]). The reasonableness standard expressly applies to the failure to analyze a certain piece of evidence (*Vavilov* at para 126).

[11] Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on "an internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Vavilov* at para 85; *Mason* at

para 64). The reviewing court must therefore ask whether the "decision bears the hallmarks of reasonableness—justification, transparency and intelligibility" (*Vavilov* at para 99). Both the outcome of the decision and the decision maker's reasoning process must be considered in assessing whether these hallmarks are met (*Vavilov* at paras 15, 95, 136).

[12] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a "reasons first" approach and begin its inquiry by examining the reasons provided with "respectful attention," seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (*Mason* at paras 58, 60; *Vavilov* at para 84). The reviewing court must adopt an attitude of restraint and intervene "only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process" (*Vavilov* at para 13), without "reweighing and reassessing the evidence" before it (*Vavilov* at para 125).

[13] The onus is on the party challenging the decision to prove that it is unreasonable. Flaws must be more than superficial for the reviewing court to overturn an administrative decision. The court must be satisfied that there are "sufficiently serious shortcomings" (*Vavilov* at para 100).

III. Analysis

[14] Mr. Taghizadeh submits that the Officer unreasonably failed to assess the relevant evidence he provided in his Application. With respect to the lack of family ties, he highlights that there is no mention or consideration, in the Officer's reasons, that his parents and two sisters live in Iran. Yet, says Mr. Taghizadeh, it was incumbent on the Officer to engage with this evidence

on his family ties. Regarding the purpose of his visit, Mr. Taghizadeh argues that the Officer had no basis to conclude that his previous studies were at a higher academic level than the postgraduate certificate he plans to obtain at Seneca College, and that the Seneca College certificate was not required for his promotion by his Iranian employer.

[15] The respondent, the Minister of Citizenship and Immigration [Minister], disagrees and is of the view that the Officer properly weighed that Mr. Taghizadeh is single and without any dependents, and reasonably found that he had insufficient family ties outside of Canada. The Minister also submits that the Officer reasonably concluded that Mr. Taghizadeh had not put forth evidence to demonstrate how the intended studies would contribute to his new position.

[16] With respect, I am not convinced by the Minister's submissions. I find that the Officer's conclusion on the lack of family ties outside of Canada is unreasonable. The Officer makes no mention that all of Mr. Taghizadeh's immediate family remains in Iran, i.e., his parents and sisters, and does not attempt to justify this central omission in the Decision. This error suffices to render the Decision unreasonable.

[17] At the hearing of this application, counsel for the Minister hesitated when asked whether such an error would suffice to invalidate the whole Decision. With respect, I disagree with the Minister's position. I underline that, in the Decision, the Officer specifically singled out this factor and that, in the GCMS notes, they expressly stated that they came to their conclusion after weighing the various factors in Mr. Taghizadeh's Application.

A. *The applicable law governing the review of visa officers' decisions*

[18] It is not disputed that study permit applicants bear the burden of satisfying visa officers that they will leave Canada at the end of their authorized stay (*Khoshfam* at para 24; *Penez* at para 10). To this effect, visa officers have a high level of expertise and a wide discretion in assessing the evidence to determine whether this requirement is met, and their decisions are entitled to deference (*Khoshfam* at para 24; *Nimely v Canada (Minister of Citizenship and Immigration)*, 2020 FC 282 at para 7 [*Nimely*]; *Penez* at para 10).

[19] Moreover, visa officers are not required to provide extensive reasons for their decision in view of the large number of decisions they are required to process (*Khoshfam* at para 25; *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at paras 10–11; *Nimely* at para 7).

[20] That said, while visa officers need not spell out each of the details and facets of an issue when making their decision, they cannot act without regard to the evidence. Consequently, a blanket statement that a decision maker has considered all the evidence will not suffice when the evidence omitted from the discussion in their reasons appears to squarely contradict their finding (*Kapenda v Canada (Citizenship and Immigration)*, 2024 FC 821 at para 24 [*Kapenda*]; *Kavugho-Mission* at para 23; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC), [1998] FCJ No 1425 (QL) at para 17).

B. *The Decision is unreasonable*

[21] Regarding the issue of family ties outside Canada, the Officer stated the following in their GCMS notes: “[t]he applicant does not have significant family ties outside Canada. I am not satisfied that the applicant would leave Canada at the end of their stay as a temporary resident, I note that PA is unmarried, no dependents, and has not demonstrated sufficiently strong ties to their country of residence.” The ties to an applicant’s home country, such as family or economic ties, are often assessed against the incentives that might induce a foreign national to overstay in Canada (*Nourani v Canada (Citizenship and Immigration)*, 2023 FC 732 at para 23 [*Nourani*]; *Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 at para 14).

[22] In this case, nowhere in the Decision does the Officer acknowledge that Mr. Taghizadeh indicated in his Application that his parents and sisters — his closest relatives as he is single with no children — live in Iran, in the same city where he resides (Sari). These relatives are explicitly described in his family information form and in his affidavit for his Application. This essential evidence squarely contradicts the Officer’s conclusion regarding the absence of “significant family ties.”

[23] The Officer could not reasonably conclude that Mr. Taghizadeh does not have “significant family ties” outside Canada if they had truly engaged with this evidence. In particular, “[the Officer] was required to provide an analysis explaining why he preferred to put his own conclusions before the evidence before him. He did not do so, and that is sufficient to justify the Court’s intervention. Even though a visa officer can rely on common sense and reason in the exercise of his/her discretionary power, that does not in any way allow him/her to remain

blind to the uncontradicted evidence submitted" (*Kapenda* at para 26, citing *Kavugho-Mission* at para 24). I further point out that there is no evidence of any ties or connections in Canada for Mr. Taghizadeh — whether family of economic, indicating that so-called pull factors to Canada were entirely absent in this case. The Decision is therefore neither intelligible nor reasonable when read in conjunction with the evidence provided (*Gilavan v Canada (Citizenship and Immigration)*, 2022 FC 1698 at paras 16–23).

[24] A similar situation arose in this Court's recent decision in *Shaikh v Canada (Citizenship and Immigration)*, 2024 FC 1365 at paragraphs 6–7:

> [6] With respect to the first ground, Mr. Shaikh's father, mother, and two siblings all live in Pakistan. Mr. Shaikh, who is divorced and has no children, lives with his parents and younger brother in Karachi. Given these facts, the visa officer's boilerplate statement that Mr. Shaikh "does not have significant family ties outside Canada" is unintelligible. It is certainly not explained or justified in either the decision letter or the GCMS notes. I conclude it is unreasonable: *Moradbeigi v Canada (Citizenship and Immigration)*, 2023 FC 1209 at paras 16–22; *Amini v Canada (Citizenship and Immigration)*, 2024 FC 653 at para 7.
>
> [7] The Minister correctly notes that the use of boilerplate statements does not alone render a decision unreasonable: *Safarian v Canada (Citizenship and Immigration)*, 2023 FC 775 at para 3. However, contrary to the Minister's arguments, this is not simply a case where the visa officer's reasons could be more "robust." There is a complete lack of analysis and a statement that is directly contrary to the evidence on one of the two central grounds given for the decision.

[25] I agree with Mr. Taghizadeh that parents and siblings are significant family ties to an unmarried man with no children of his own. This is not a situation like in *Nourani*, where the

applicant's "most important family tie" — her husband — would accompany her in Canada during her studies (see, *a contrario*, *Nourani* at para 24).

[26] Given that the lack of family ties is one of the two factors expressly relied upon by the Officer to deny Mr. Taghizadeh's Application, this error is clearly central to the Decision and amounts to a sufficiently serious shortcoming to render it unreasonable (*Vavilov* at paras 100; *Moradbeigi v Canada (Citizenship and Immigration)*, 2023 FC 1209 at para 16). In other words, my review of the Officer's reasoning on this point causes me "to lose confidence in the outcome reached" by the decision maker (*Vavilov* at para 122). There is therefore no need to substantively discuss the Officer's findings as to the purpose of Mr. Taghizadeh's visit and whether the Officer committed additional errors in the treatment of his contemplated study plan (*Moradbeigi* at para 23).

C. *Procedural fairness*

[27] Even though counsel for Mr. Taghizadeh did not discuss her procedural fairness argument at any length at the hearing before the Court, I will nonetheless briefly address it. Mr. Taghizadeh submits that the Officer made a veiled credibility finding without giving him the opportunity to address their concerns. I agree with the Minister that this argument is meritless.

[28] In *Nourani*, I dismissed the very same argument submitted here by Mr. Taghizadeh (*Nourani* at paras 49–53). I reproduce below the reasoning I used at the time.

[29] It is well accepted that, in the context of applications for study permits, procedural fairness obligations lay at the low end of the spectrum (*Patel v Canada (Citizenship and Immigration)*, 2020 FC 517 at para 12 [*Patel*]). Generally, an officer "is not under any obligation to seek out additional information from an applicant to assuage concerns that arise on the face of the application" (*Patel* at para 12). Visa officers have no duty to provide an applicant with an opportunity to respond to their concerns unless credibility, accuracy, or genuine nature of information submitted is at issue (*Hassani v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1283 at para 24).

[30] In visa applications, the Court has also distinguished between findings based on the sufficiency of evidence, which do not trigger a duty to inform an applicant, and adverse credibility findings, which require that a visa officer provides the applicant with an opportunity to respond (*Perez Pena v Canada (Citizenship and Immigration)*, 2021 FC 491 at para 35). Perceived inconsistency in information provided by an applicant engages a procedural fairness obligation only if it results in the visa officer losing confidence in the applicant's reliability (*Thedchanamoorthy v Canada (Citizenship and Immigration)*, 2018 FC 690 at para 27). I acknowledge that the line between an insufficiency of evidence and a veiled credibility finding is sometimes difficult to draw and that "[t]he reference to a *bona fide* concern in the [d]ecision must not be conflated with a credibility concern" (*Abbas v Canada (Citizenship and Immigration)*, 2022 FC 378 at para 22 [*Abbas*], citing *D'Almeida v Canada (Citizenship and Immigration)*, 2019 FC 308 at para 65 and *Patel* at para 14).

[31] Here, nothing in the GCMS notes suggests that the Officer was concerned with inconsistencies in the evidence of Mr. Taghizadeh or doubted the credibility or the veracity of his

statements. I can detect no inherent contradiction in Mr. Taghizadeh's evidence that could have prompted the Officer to prefer some part of his evidence over another. In fact, Mr. Taghizadeh was unable to identify any specific credibility issue raised by the Officer with respect to his evidence. Further to my review of the record and the GCMS notes, I find that the Officer's determinations, while unreasonable for the reasons outlined above, were nonetheless based on Mr. Taghizadeh's perceived failure to meet his positive obligation to provide sufficiently convincing evidence in accordance with the statutory requirements (*Abbas* at para 21).

[32] Accordingly, since the Officer made no veiled credibility finding, the Officer did not have a procedural fairness duty to alert Mr. Taghizadeh of their concerns.

IV. Conclusion

[33] For the reasons set forth above, Mr. Taghizadeh's application for judicial review is granted. The Officer's refusal to issue a study permit to Mr. Taghizadeh does not constitute a reasonable outcome in light of their omission to address evidence directly contradicting their central conclusion on family ties. Under the standard of reasonableness, the Court must intervene if the decision being reviewed is not justified, transparent, and intelligible having regard to the evidence and to the legal and factual constraints to which the decision maker is subject. Here, the Officer's conclusions on Mr. Taghizadeh's family ties do not constitute a reasonable outcome and the matter must therefore be referred back to a new visa officer for redetermination.

[34] There are no questions of general importance to be certified.

JUDGMENT in IMM-641-24

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is granted, without costs.

2. The January 9, 2024 decision of the visa officer denying Mr. Farhad Taghizadeh's study permit application is set aside.

3. The matter is referred back to Immigration, Refugees and Citizenship Canada for redetermination on the merits by a different visa officer.

4. There is no question of general importance to be certified.

"Denis Gascon"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-641-24
STYLE OF CAUSE:	FARHAD TAGHIZADEH v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	HELD BY VIDEOCONFERENCE
DATE OF HEARING:	MAY 1, 2025
JUDGMENT AND REASONS:	GASCON J.
DATED:	MAY 5, 2025

APPEARANCES:

Carrie-Lynn E. Barkley	FOR THE APPLICANT
Valeriya Sharypkina	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Carrie-Lynn E. Barkley Barrister and Solicitor Ottawa, Ontario	FOR THE APPLICANT
Attorney General of Canada Ottawa, Ontario	FOR THE RESPONDENT