

Federal Court



Cour fédérale

Date: 20250627

Docket: IMM-12168-24

Citation: 2025 FC 1161

Ottawa, Ontario, June 27, 2025

PRESENT: The Honourable Mr. Justice Manson

BETWEEN:

SHAYAN AMINIAN

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Introduction

[1] This is an application for judicial review of a decision (the “Decision”) by a visa officer (the “Officer”) refusing a request for a study permit.

II. Background

[2] The Applicant, Mr. Shayan Aminian, is a citizen of Iran. He has a bachelor's degree in financial management from Tehran Islamic Azad University and obtained a master's degree in financial management from Rodehen Islamic Azad University in 2021. He has worked at the Bank of Industry and Mine Securities since 2015, including as an administrative manager in the human resources department since 2019.

[3] In 2023, he applied to study in Canada to complete a master's program in human resource management at the University of Regina. His initial application was refused, and the Applicant applied for judicial review of that refusal. The Applicant's study permit was reconsidered as part of the settlement agreement of that judicial review.

III. The Decision

[4] On July 3, 2024, the Officer refused the reconsideration of the Applicant's study permit application for two reasons. First, they were not satisfied that the Applicant had significant family ties outside Canada. Second, the Officer was not satisfied that the purpose of his visit to Canada was consistent with a temporary stay given the details he provided in his application.

[5] The Global Case Management System ("GCMS") notes, which form part of the reasons for the Decision, include the following:

Applicant is a single, 27 year old Iranian National coming to Canada for the purpose of studying Master of Human Resource Management at University of Regina. Applicant is currently

employed as a supervisor of investment funds with Bank of Industry & Mine Securities CO since 2015. Motivation to pursue studies in Canada does not seem reasonable with the provided updated document(s). The applicant does not demonstrate to my satisfaction sufficient reasons for which the international educational program would be of benefit to their current career. In addition, chosen program at such expense appears illogical in light of the applicant's reported scholarly history and employment history. I have reviewed and noted the applicant's travel history. Applicant has limited travel history. The purpose of visit does not appear reasonable given the applicant's provided updated/additional information and therefore I am not satisfied that the applicant would leave Canada at the end of the period of authorized stay should their application decision be within their favour. Based on the information provided and thoroughly reviewed. I am not satisfied that the applicant has sufficient pull factor back in home country to satisfy me that the applicant is a genuine visitor that would leave Canada at the end of their duration of authorized stay.

IV. Issue

[6] Was the Decision reasonable?

V. Analysis

[7] The standard of review with respect to the Officer's substantive findings is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 25).

[8] The Applicant asserts that the Officer made a number of errors that render the Decision unreasonable. First, the Officer erred in misstating that the Applicant is "currently employed as a supervisor of investment funds with the Bank of Industry & Mine Securities Co. since 2015" because he served as an accounting officer from June 2016 to July 2019 and administrative

manager from July 2019 to present. Second, the Officer erred in finding that the Applicant's motivation to pursue studies did not appear reasonable as the Officer was not satisfied that the intended study program would benefit the Applicant's current career, and given its expense, was illogical considering his academic and employment history. The Applicant asserts that this is not reasonable in light of the explicit connection between the Applicant's career aspirations and promotion to HR Manager and the proposed studies. Lastly, the Applicant takes issue with the Officer's finding that the Applicant does not have significant ties and pull factors to Iran, arguing that he has familial, financial, and professional ties to Iran, especially with respect to his mother, who is currently undergoing treatment for breast cancer.

[9] The Respondent asserts that the Officer's reference to the job title of "supervisor" was provided by the Applicant in a previous application and that it is not unreasonable for the Officer to refer to previous submissions made by the Applicant. The Respondent asserts that the offer of promotion received by the Applicant does not explain why the course of study is required for the promotion (referring to *Shahani v Canada (Citizenship and Immigration)*, 2024 FC 1111 [Shahani] at para 15). Lastly, the Respondent argues that the Applicant's arguments on judicial review go further in explaining his choice of program and his ties to Iran than what was before the Officer.

[10] The Decision was unreasonable.

[11] With respect to the first issue raised by the Applicant, while the misstatement of the job title is not necessarily fatal to the reasonableness of a decision, here, where the Applicant's

current and potential future job title is directly connected to the proposed study, such misstatement calls into question the rational chain of analysis of the Decision.

[12] This case is distinguishable from *Shahani*, which the Respondent relies upon. In *Shahani*, the Court took issue with the fact the applicant in that case did not provide any information about the proposed program and how it would afford him different skills beyond his current educational and work experience, additionally, his offer of employment did not indicate that it was a promotion or that it was contingent upon the completion of the program, nor did it provide any information as to how completing the proposed program was necessary. The Court found the applicant failed to meet their burden of providing sufficient information about the benefits of the program (*Shahani* at paras 18-19).

[13] Unlike the case of *Shahani*, the Applicant has met his burden of providing sufficient information about the benefits of the program. The Applicant's offer of employment is entitled "Job Promotion Agreement", and states that the company has approved unpaid leave for the Applicant to pursue a master's degree in human resources at the University of Regina and has offered him a promotion to human resource manager as well as 50% tuition reimbursement upon his return to the company. The letter states that "upon successful completion of the master's degree program and the Employee's return to the Company, the Employee shall assume the position of Human Resource Manager." The Applicant asserts that the job promotion is contingent on the successful completion of his studies in human resource management. Additionally, the Applicant provided submissions on why he wanted to pursue this master's degree despite already having a master's degree, the importance of obtaining an international

degree for his career at his current employer, and his interest in studying in Canada and the chosen program.

[14] While the Applicant could have provided more specific information with respect to the proposed program, the Officer's failure to address any of the evidence above renders the Decision unreasonable. A visa officer's reasons may be brief, but they must be reasonable and responsive to the evidence (*Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 15). Here, the Officer's reasons fail to be responsive to the evidence before them.

[15] Finally, with respect to the pull factors back to Iran, the Officer provided no explanation for their lack of satisfaction that sufficient pull factors exist for the Applicant to return to Iran. The Applicant's parents and sister live in Iran, and he has no relatives living in Canada. Further, the Applicant's mother was diagnosed with breast cancer, and the Applicant has assumed responsibility for coordinating her care. While his sister is available to take over these tasks while he is away, in my view, I fail to see how this diminishes the value of his familial ties as pull factors to return to Iran. The Officer's conclusion in this regard is also unreasonable (*Taghizadeh v Canada (Citizenship and Immigration)*, 2025 FC 809 at paras 23-25).

VI. Conclusion

[16] This application for judicial review is allowed.

[17] The matter is referred back for redetermination by a different officer.

JUDGMENT in IMM-12168-24

THIS COURT'S JUDGMENT is that:

1. This application is allowed and the matter is remitted to a different officer for reconsideration.
2. There is no question for certification.

"Michael D. Manson"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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CITIZENSHIP AND IMMIGRATION

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