

Federal Court



Cour fédérale

Date: 20250721

Docket: IMM-13685-24

Citation: 2025 FC 1295

Toronto, Ontario, July 21, 2025

PRESENT: Madam Justice Go

BETWEEN:

SETAREH RABIEI

Applicant

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Setareh Rabiei [Applicant], a citizen of Iran, applied for a visitor's visa to Canada to visit her husband, who is currently residing and working in Canada on a work permit.

[2] The immigration officer assigned to the case [Officer] refused the Applicant's visa application because they were not satisfied the Applicant would leave Canada at the end of her

stay, for two reasons: a) the Applicant's assets and financial situation are insufficient to support the stated purpose of travel; and b) the Applicant does not have significant family ties outside Canada.

[3] The Applicant seeks judicial review of the Decision. For the reasons set out below, I grant the application.

II. Analysis

[4] The Applicant raises several issues to challenge the reasonableness of the Decision. The Applicant also argues the Officer breached procedural fairness by making adverse findings about the Applicant's credibility without offering her a chance to respond.

[5] I find the determinative issue is the reasonableness of the Decision. Specifically, I agree with the Applicant that in finding that she lacks significant family ties outside Canada, the officer used a boilerplate statement without regard to the evidence before them.

[6] The Applicant submitted a Family Information Form listing her parents and siblings, none of whom would accompany her to Canada.

[7] The Applicant submits the Officer's conclusion is problematic for two reasons. First, in relying on a boilerplate statement, the Officer failed to engage with or meaningfully consider the evidence put forth by the Applicant in support of her application. Second, the Officer's finding was contradicted by the documentary evidence the Applicant submitted. The Applicant points to

a series of Federal Court decisions, including *Azizi Rostami v Canada (Citizenship and Immigration)*, 2025 FC 920 [*Azizi Rostami*] and *Shaeri v Canada (Citizenship and Immigration)*, 2023 FC 1596 that emphasize the unreasonableness of ignoring clear family ties when rendering such conclusions.

[8] The Officer's reasons are found in the Global Case Management System [GCMC] notes.

[9] Of note, while the Officer provided relatively detailed reasons concerning their assessment of the Applicant's and her spouse's financial situation, the Officer devoted only one brief sentence in the GCMS notes with regard to the Applicant's family ties. The Officer stated, briefly: "The applicant does not have significant family ties outside Canada."

[10] While the cases cited by the Applicant may not all be on point, the error in this case is similar to that in *Shaeri* where the Court took issue with the visa officer's statement in the refusal letter that the primary applicant does not have "significant family ties outside Canada" as the "primary applicant's mother and brother were to remain in Iran." The Court also found that while the GCMS notes elaborate somewhat on the visa officer's reasoning, they do not address the apparent conflict between two immediate family members remaining in Iran and the statement that the primary applicant does not have "significant family ties outside Canada." *Shaeri* at para 8.

[11] At least in *Shaeri*, the GCMS notes appeared to have provided some explanation. Here, the GCMS notes provided no further elaboration about the “apparent conflict” between the Officer’s finding and the evidence before them: *Shaeri* at para 8.

[12] At the hearing before me, the Respondent urged the Court to find that the Officer reasonably concluded that the Applicant does not have significant ties outside of Canada because her spouse is in Canada. The Respondent argued that the Applicant’s spouse, being part of her nuclear family, is her closest family member. The Respondent went as far as to suggest that while parents can be immediate family members, as one becomes an adult, it is generally accepted that one’s strongest family tie is her spouse, which is what the Officer clearly and reasonably found in the Decision.

[13] I reject the Respondent’s argument for several reasons.

[14] First, I reject the Respondent’s submission that one’s spouse is always, by definition, going to be a person’s strongest family tie. This submission has no foundation in the evidence before the Court. I also question the legitimacy of this argument in view of the ever-evolving nature of family, and the different notions of family that exist among the various cultures and traditions across the globe and within Canada.

[15] Second, when asked by the Court to cite the relevant case law to support their position, the only case the Respondent pointed to was *Chaudhary v Canada (Citizenship and*

Immigration), 2024 FC 102 [*Chaudhary*] at para 60. However, *Chaudhary* does not stand for the proposition that the Respondent attempted to put forward.

[16] In *Chaudhary*, the principal applicant applied to come to Canada on a work permit with their spouse and all of their children. The applicants argued that the officer's decision regarding "family ties in Canada" was unexplained. In rejecting this argument, the Court found that on arrival, the principal applicant, his spouse and children would have all their immediate family in Canada. The Court noted it required no further explanation that this would result in weakened/limited ties to Saudi Arabia for all five applicants. It is worth noting that the Court in *Chaudhary* did not mention who were the family members left in Saudi Arabia. Nor did the Court find that one type of family members (e.g., spouse and children) is by definition closer than other types of family members (e.g. parents and siblings.) Instead, the Court found that it was reasonable for the officer in that case to conclude there were weakened family ties due to the lack of evidence or explanation about the nature of family relationships abroad that would compel the applicants' return: *Chaudhary* at para 60.

[17] Third, the Respondent's submission is inconsistent with the case law that has developed over the past several years, as the Court begins to scrutinize more closely visa officers' assessment of "family ties" in the context of TRV and other temporary visa applications. If the Court were to accept the Respondent's argument, then any time an applicant is applying for a visa to visit a spouse in Canada, there would be no need for the visa officer – or the Court – to consider the applicant's family ties in their home country as presumably their closest family ties are only to be found in Canada. Yet the evolving jurisprudence seems to suggest otherwise.

[18] For instance, in *Shirazi v Canada (Citizenship and Immigration)*, 2024 FC 822 [*Shirazi*], the applicant, accompanied by her spouse and children, was applying for a study permit. In determining that the decision was unreasonable, the Court found in part, that the officer did not analyze contradictory evidence on the family ties, including the principal's parents and brother, as well as the spouse's mother and two siblings. At para 17, the Court in *Shirazi* concluded: "By not engaging with the contrary evidence in any way, the Officer made an arbitrary decision (*Seyedsalehi v Canada (Citizenship and Immigration)*, 2022 FC 1250)."

[19] Likewise, in *Azizi Rostami*, the applicant has elderly parents in Iran and the applicant was their only daughter remaining in Iran. The Court found the Officer failed to consider this fact in concluding that the applicant has no significant family relationships outside Canada. At para 19, the Court continued: "It may, of course, be that the Officer did not consider the Applicant's Iranian parents to constitute 'significant family relationships' in the context of a TRV application, however, nowhere in the decision or GCMS notes is there such reasoning. In the absence of such a finding, I will not presume this to be the Officer's rationale."

[20] I draw the same conclusion in the case at bar. The Officer provided no reasons to explain why they did not consider the Applicant's parents and siblings constitute "significant family ties." The Respondent's argument that the Officer found the Applicant's spouse to be her strongest family tie that weakened her family ties in Iran is mere conjecture.

[21] Applying the reasonableness standard as set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], I conclude that the Officer's finding with

respect to family ties fails to bear the requisite hallmarks of justification, transparency, and intelligibility: *Vavilov* at para 99.

III. Conclusion

[22] The application for judicial review is granted.

[23] There is no question for certification.

JUDGMENT in IMM-13685-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted and the matter sent back for redetermination by a different officer.
2. There is no question for certification.

"Avvy Yao-Yao Go"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-13685-24

STYLE OF CAUSE: SETAREH RABIEI v MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: HELD VIA VIDECONFERENCE

DATE OF HEARING: JULY 17, 2025]

JUDGMENT AND REASONS: GO J.

DATED: JULY 21, 2025

APPEARANCES:

Zeynab Ziaie Moayyed FOR THE APPLICANT

Pavel Filatov FOR THE RESPONDENT

SOLICITORS OF RECORD:

Visa Law Group PC FOR THE APPLICANT
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT
Toronto, Ontario