

Federal Court



Cour fédérale

Date: 20250820

Docket: IMM-14693-24

Citation: 2025 FC 1395

Toronto, Ontario, August 20, 2025

PRESENT: Mr. Justice Norris

BETWEEN:

**ZIBA MIRRAJABY
AMIRALI SHARIFI RASTEH KENARI**

Applicants

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Ziba Mirrajaby is a citizen of Iran. In July 2024, she applied for a temporary resident (visitor) visa (TRV) so that she could come to Canada for two weeks in August 2024 to visit her husband, who is working here on an open work permit. Ms. Mirrajaby's son Amirali was to accompany her on the trip so he applied for a TRV as well. A visa officer with Immigration, Refugees and Citizenship Canada refused both applications on July 31, 2024.

[2] The reasons given for both refusals are identical. Form letters sent to the applicants state that the officer was not satisfied that they would leave Canada at the end of their authorized stay, that their assets and financial situation were insufficient to support the stated purpose of travel, and that the purpose of their visit to Canada is not consistent with a temporary stay given the details they had provided in their applications.

[3] In their entirety, the officer's Global Case Management System notes concerning each of the visa applications read as follows:

I have reviewed the application. I have considered the following factors in my decision. The applicant's assets and financial situation are insufficient to support the stated purpose of travel for themselves (and any accompanying family member(s), if applicable). The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application. Host obtained OWP [Open Work Permit] under the TPP [Temporary Public Policy]. I am not satisfied that the host is sufficiently established to support family member in Canada. Weighing the factors in this application, I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay. For the reasons above, I have refused this application.

[4] The applicants have applied for judicial review of the refusals. They submit that the decisions are unreasonable and that they were made in breach of the requirements of procedural fairness.

[5] As I will explain, I agree that the decisions are unreasonable and must be set aside. As a result, it is not necessary to address the applicants' procedural fairness submissions.

[6] The officer's reasons for refusing the visa applications consist almost entirely of template or "boilerplate" statements. In and of itself, there is nothing wrong with this, as long as the reasons given, read in their legal and factual context, provide a transparent, intelligible, and justified explanation for the decision: see, among other cases, *Ekpenyong v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 1245 at paras 22-23 and, more generally, *Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 99-100.

[7] In the present case, the reasons state that the officer concluded that the applicants' "assets and financial situation are insufficient to support the stated purpose of travel;" however, they do not shed any light on *why* the officer found that this was the case. Considering the detailed financial information provided in support of the TRV applications, some explanation for why it was judged insufficient to support a brief visit to Canada was required for the decisions to be reasonable. Put another way, the reasons fail to engage with the specific situation of the applicants (*Boukhanfra v Canada (Citizenship and Immigration)*, 2019 FC 4 at para 9). In the absence of any analysis to support it, the finding concerning the insufficiency of the applicants' assets and finances is incomprehensible. Given the centrality of this finding to the refusals, this is a sufficient basis to set aside the decisions.

[8] At the hearing of this application, I raised the question of whether there was any reason to remit the visa applications for reconsideration (as the applicants requested) given that the time for the planned trip to Canada had come and gone. After hearing from counsel for the applicant, I am not persuaded that there is a good reason to do so. More particularly, I am not persuaded that the applicants would be prejudiced if the Court were simply to set aside the flawed decisions.

The applicants are free to submit new TRV applications. If they do so, the applications should be considered by a different visa officer.

[9] Neither party proposed a question for certification under paragraph 74(d) of the *Immigration and Refugee Protection Act*, SC 2001, c 27. I agree that no question arises.

JUDGMENT IN IMM-14693-24

THIS COURT’S JUDGMENT is that

1. The application for judicial review is allowed.
2. The decisions of the visa officer dated July 31, 2024, are set aside.
3. In the event that the applicants submit new Temporary Resident Visa applications, the applications should be determined by a different decision maker.
4. No question is certified for appeal.

“John Norris”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-14693-24

STYLE OF CAUSE: ZIBA MIRRAJABY ET AL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: AUGUST 20, 2025

JUDGMENT AND REASONS: NORRIS J.

DATED: AUGUST 20, 2025

APPEARANCES:

Veys Inci	FOR THE APPLICANTS
Leila Jawando	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Visa Law Group Toronto, Ontario	FOR THE APPLICANTS
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT