

Federal Court



Cour fédérale

Date: 20250910

Docket: IMM-13355-24

Citation: 2025 FC 1497

Ottawa, Ontario, September 10, 2025

PRESENT: The Honourable Mr. Justice Gleeson

BETWEEN:

BAHAREH KHANHOSSEINPOOR

Applicant

and

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] In March 2024, the Applicant, a citizen and resident of Iran, submitted an application for an open work permit under the International Mobility Program. In a letter provided with her application, the Applicant states she requests a “spousal visa to reunite” with her husband who was issued an open work permit on January 27, 2024, and currently lives and works in Canada.

[2] In a decision dated May 30, 2024 [Decision], an Officer with Immigration, Refugees and Citizenship Canada [Officer] refused the application. The Officer held the Applicant had not established that she would leave Canada at the end of her stay, as required by paragraph 200(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR], because the purpose of her visit was not consistent with a temporary stay. The Global Case Management System [GCMS] notes, which form part of the reasons for the Decision state:

I have reviewed the application.

I have considered the following factors in my decision.

The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application.

Marriage certificate is not submitted, the relationship with HOF is [sic] Canada cannot be established.

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.

[Emphasis added.]

[3] The Applicant seeks judicial review of the Officer's Decision under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] arguing that the process was unfair and, alternatively, that the Decision is unreasonable. She submits that, contrary to the statement contained in the GCMS notes, she did submit a marriage certificate in support of the application, evidence the Officer either overlooked or ignored. She further submits that in concluding she had not established she would leave Canada the Officer failed to consider her ties to Iran.

[4] For the reasons set out below, I am not persuaded that there has been a breach of fairness or that the Decision is unreasonable. The Application is dismissed.

II. Issues and Standard of Review

[5] The Applicant has identified issues of fairness and reasonableness arising from the Officer's treatment of the evidence and in particular the Officer's failure to consider the Applicant's marriage certificate.

[6] The Respondent submits two issues arise. First, as a preliminary matter, whether the Applicant's inclusion of a marriage certificate as part of the Application Record constitutes new evidence that should be struck. Central to this first issue is the need to consider whether the marriage certificate did form part of the evidence submitted to the Officer. Second, whether the Applicant has established that the Decision is unreasonable.

[7] I have framed the issues as follows:

- A. Was the Applicant's marriage certificate provided in her application?
- B. Was there a breach of procedural fairness?
- C. Was the Decision reasonable?

[8] The standard of review to be applied in considering the Officer's refusal decision is reasonableness (*Espinosa Cotacachi v Canada (Citizenship and Immigration)*, 2024 FC 2081 at para 15). A reasonable decision "is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker."

(*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [Vavilov]). A reviewing court thus assesses whether the decision bears the hallmarks of reasonableness: justification, transparency, and intelligibility (*Vavilov* at para 99).

III. Analysis

[9] The absence of a marriage certificate was determinative of the Officer's decision to refuse the work permit application.

[10] The Applicant maintains that she included the marriage certificate with her application, although the marriage certificate does not form part of the Certified Tribunal Record [CTR]. The Respondent submits the Applicant did not place a marriage certificate before the Officer and the Officer therefore reasonably concluded the Applicant had failed to establish her relationship with her husband.

[11] When a party takes the position that documents not included in the CTR were before a decision-maker but not considered, that party has the onus of demonstrating the documents were in fact before the decision-maker (*Toor v Canada (Citizenship and Immigration)*, 2019 FC 1143 at para 12, citing *Ogbuchi v Canada (Citizenship and Immigration)*, 2016 FC 764 at para 15). In *El Dor v Canada (Citizenship and Immigration)*, 2015 FC 1406, Justice Denis Gascon determined:

[32] Where the Certified Tribunal Record does not contain a document or make any reference to such a document, a bare assertion by the applicant that the document was sent will not suffice to meet this burden (*Singh Khatra* at para. 6; *Adewale v. Canada (Citizenship and Immigration)*, 2007 FC 1190 at para. 11). All the more so when the docket reveals evidence to the contrary

and when several documents allegedly submitted are not even consistent with those the Court has in its file.

[Emphasis added.]

[12] The Applicant primarily relies upon her October 31, 2024 affidavit [Further Affidavit] to satisfy her burden.

[13] Exhibit “A” to the Applicant’s Further Affidavit is a screenshot that she reports shows the list of documents she uploaded and submitted to Immigration, Refugees and Citizenship Canada [IRCC] with her application. She affirms the document identified as “letter.pdf” contains her marriage certificate and was therefore part of her work permit application. The Applicant further affirms that Exhibit “B” of the Further Affidavit reproduces the documents contained in the “letter.pdf” file. Exhibit “B” includes a marriage certificate.

[14] I note that Exhibit “A” is cutoff and incomplete – it does not disclose any uniquely identifying information that ties it to the work permit application. I also note that Exhibit “B” includes other documentation not found in the CTR, yet the Applicant does not address or take issue with this apparent discrepancy.

[15] The Respondent relies on the June 24, 2024 affidavit of Anna Bilich [Bilich Affidavit], an Immigration Officer with IRCC. The Bilich Affidavit reproduces a screenshot of the GCMS “Incoming Correspondence tab” which evidences that the Applicant submitted a single documentary package with the work permit application. Exhibit “B” of the Bilich Affidavit reproduces the contents of that document package; a marriage certificate is not included. The documents contained in Exhibit “B” are all found in the CTR.

[16] The Bilich Affidavit discloses records and documents that were generated or filed in the usual and ordinary course of business. There is no persuasive evidence suggesting those records are incomplete or inaccurate. I therefore prefer and attach greater weight to the Bilich Affidavit.

[17] The Applicant may well have intended to attach proof of relationship documentation with her application, but she has failed to meet her burden of proving that the marriage certificate was before the Officer.

[18] Having found the Applicant has failed to establish the marriage certificate was before the Officer, I am satisfied that there was no breach of procedural fairness and that it was reasonable for the Officer to refuse the Application on this basis alone.

IV. Conclusion

[19] The Application is dismissed. The Parties have not identified any question of general importance, and none arises.

JUDGMENT IN IMM-13355-24

THIS COURT’S JUDGMENT is that:

1. The Application is dismissed.
2. No question is certified.

“Patrick Gleeson”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-13355-24

STYLE OF CAUSE: BAHAREH KHANHOSSEINPOOR v MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: SEPTEMBER 3, 2025

JUDGMENT AND REASONS: GLEESON J.

DATED: SEPTEMBER 10, 2025

APPEARANCES:

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Valeriya Sharypkina	FOR THE RESPONDENT

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