

Federal Court



Cour fédérale

**Date: 20250923**

**Docket: IMM-7993-24**

**Citation: 2025 FC 1560**

**Ottawa, Ontario, September 23, 2025**

**PRESENT: The Honourable Madam Justice Blackhawk**

**BETWEEN:**

**MARYAM GALESHI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] This is an application for judicial review of a decision of Immigration, Refugees and Citizenship Canada (IRCC) dated March 5, 2024, denying the Applicant's application for permanent residence in the Start-Up Visa Class because the Applicant's spouse is inadmissible under subsection 16(1) and section 41 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (*IRPA*) (Decision).

[2] The Applicant argues that the Decision is unreasonable because the Decision is based upon suspicion and speculation that because the Applicant's spouse attended a police training academy in Iran, that he later worked as a police officer in Iran. Further, the Applicant argues that the explanations and information provided to IRCC were reasonable and demonstrated that the Applicant's spouse had an exemption from military service, did not work in policing, and is an entrepreneur.

[3] The Respondent argues that the Decision was reasonable. The Respondent argued that the Applicant was provided several opportunities to provide information and explanations to the IRCC to address the concerns raised with respect to her spouse's military exemption, the name of the institution where he completed his studies and information with respect to his program of study and his employment history. The Respondent noted that the Applicant provided incomplete and conflicting information. The Respondent argued that the Officer's decision was reasonable in the circumstances.

[4] For the reasons that follow, this application is dismissed.

## II. Background

[5] The Applicant is a citizen of Iran. On April 26, 2021, the Applicant applied for permanent residence under the Start-Up Business Class. The Applicant was part of a group of four people who applied together.

[6] On March 5, 2024, the Applicant's application was denied because the reviewing officer found the Applicant's spouse to be inadmissible pursuant to subsection 16(1) and section 41 of the *IRPA*.

[7] A number of questions were raised by IRCC officers concerning the Applicant's spouse, Mr. Ebrahim Kaviani, and there were multiple requests made for the Applicant to provide information. A summary of these requests is set out in the letter dated March 5, 2024:

On Sept. 22<sup>nd</sup>, 2023, a request letter was sent to you and your spouse to provide an updated version of their Schedule A to reflect any changes that have taken place since applying, as well as additional information on their education and spouse's military service.

The new schedules A were received by IRCC on October 23<sup>rd</sup>, 2023. The form did not reflect the prior information on employment, education and addresses that were provided in the initial schedule A, and in the employment and education information you had provided.

On October 25<sup>th</sup>, 2023, a second request letter was sent with regards to your spouse's military records as it was missing from the IMM5546 form and an explanation on why he was exempted from military service.

On November 8<sup>th</sup>, 2023, the IMM5546 form and explanation were provided along with a new Schedule A. The explanation was provided by your legal representative who indicated that your spouse had paid a specified amount of money to be exempted.

A new request letter was sent on December 19<sup>th</sup>, 2023, to provide a copy of your spouse's diploma and a corrected schedule A – as questions in section 6 were not properly answered. Research was done on the university, based on the information provided, and it clearly indicated that the academy/university is a training center for future police officers.

A PFL was sent on January 22<sup>nd</sup>, 2024 with a request for the provision of additional information by your spouse with respect to his previous employment, and to provide proof that he was never a police officer, including a transcript of his studies.

On February 22<sup>nd</sup>, 2024, his transcript was provided indicating that most of the classes taken were in police sciences and the only proof of employment provided was a statement indicating his salary in December 2023 without indicating the source of the statement.

On February 22<sup>nd</sup>, 2024, a new PFL was sent to the spouse stating that the information provided did not address our concerns, requesting the documents listed in the previous PFL.

On March 1<sup>st</sup>, 2024, your legal representative sent us the same type of employment documents (including Nov. 2008 salary). A new explanation was provided with regards to the spouse's education – this time contradicting the previous claim of military exemption.

[8] The relevant and applicable subsections of the *IRPA* state:

16 (1) A person who makes an application must answer truthfully all questions put to them for the purpose of the examination and must produce a visa and all relevant evidence and documents that the officer reasonably requires.	16 (1) L'auteur d'une demande au titre de la présente loi doit répondre véridiquement aux questions qui lui sont posées lors du contrôle, donner les renseignements et tous éléments de preuve pertinents et présenter les visa et documents requis.
...	[...]
41 A person is inadmissible for failing to comply with this Act	41 S'agissant de l'étranger, emportent interdiction de territoire pour manquement à la présente loi tout fait — acte ou omission — commis directement ou indirectement en contravention avec la présente loi et, s'agissant du résident permanent, le manquement à l'obligation de résidence et aux conditions imposées.
(a) in the case of a foreign national, through an act or omission which contravenes, directly or indirectly, a provision of this Act; and	
(b) in the case of a permanent resident, through failing to comply with	

subsection 27(2) or section 28.

### III. Issues and Standard of Review

[9] The parties submit and I agree that the applicable standard of review in this case is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (*Vavilov*) at paras 25, 86).

[10] Reasonableness review is a deferential standard and requires an evaluation of the administrative decision to determine if the decision is transparent, intelligible, and justified (*Vavilov* at paras 12–15, 95). The starting point for a reasonableness review is the reasons for decision. Pursuant to the *Vavilov* framework, 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” (*Vavilov* at para 85).

[11] To intervene on an application for judicial review, the Court must find an error in the decision that is central or significant to render the decision unreasonable (*Vavilov* at para 100).

### IV. Analysis

[12] The Applicant argues that the Officer’s decision was not reasonable.

[13] The Applicant notes that a letter from the Iranian Social Security Organization concerning the Applicant’s spouse’s employment; specifically, Kaviani Car Group Workshop

paid insurance premiums. However, Schedule A, setting out the employment history of the Applicant's spouse does not list Kaviani Car Group.

[14] Second, the Applicant notes that counsel provided an explanation regarding the education and career path of the Applicant's spouse. The explanation highlights that Mr. Kaviani wanted to avoid military service; however, the documentation indicates that he had an exemption from service. Therefore, it is not clear why he chose to study policing. Further, counsel explains that following his graduation, in October 2008, he founded the Kaviani Car Group. However, as noted above this information conflicts with employment information set out in Schedule A.

[15] Finally, the Applicant argues that the refusal of her application is based on the Officer's improper suspicion, speculation, and conjecture; that because the Applicant's spouse attended a police academy in Iran, he must have worked as a police officer in Iran.

[16] The Respondent argues that the Applicant has not demonstrated an arguable issue, that the Applicant is disagreeing with the Officer's assessment of the evidence and is requesting that this Court reweigh the evidence. The Respondent states that the Officer reasonably found that the Applicant's spouse had not complied with his duty of candor.

[17] I have reviewed the record for this application and the Officer's reasons for decision. I agree with the Respondent that the Officer reasonably concluded that the Applicant's spouse failed to comply with subsection 16(1) and section 41 of the *IRPA*.

[18] A review of the multiple versions of Schedule A submitted set out details of Mr. Kaviani's education and employment, this highlights an evolving and changing narrative concerning the institution and subject of his studies and the nature and place of his employment. It was reasonable and open to the Officer to conclude that the Applicant failed to provide clear information concerning Mr. Kaviani's employment. It was also reasonable and open to the Officer to conclude that the information provided concerning Mr. Kaviani's studies was not compliant with the duty of candor. A review of the Schedule A forms indicates that incorrect, evolving, confusing and conflicting information was provided detailing the nature of the Applicant's spouse's studies, the name of the institution where he studied and his employment.

[19] The Officer's decision is not based on an assumption or speculation, rather this is based on the multiple responses to requests for information and the conflicting information provided by the Applicant and the Applicant's representative. The Officer raised concerns that due to the nature of the Applicant's spouse's education he may have worked in policing, however, a review of the decision confirms, that the Officer did not refuse the application because of this. Rather, the refusal letter and the GCMS notes are clear, the Officer found that the Applicant's spouse did not provide clear, accurate, or complete responses to repeated requests for information regarding the institution where the Applicant's spouse studied, the nature of his studies and his employment history.

[20] The Applicant was given multiple opportunities to explain discrepancies in the information provided in her spouse's Schedule A form. The Applicant failed to adequately explain these discrepancies.

[21] The onus is on an applicant to provide clear, convincing information to support their application for permanent residence and satisfies all the requirements set out in the *IRPA* (*Quing v Canada (Minister of Citizenship and Immigration)*, 2005 FC 1224 at para 16). The Applicant was required to provide sufficient information to ensure that the reviewing Officer could determine if her spouse was admissible, she failed to discharge this burden.

[22] Officers are entitled to considerable deference given the level of expertise that they bring to these matters (*Shoaie v Canada (Citizenship and Immigration)*, 2025 FC 12 at para 14; and *Bui v Canada (Citizenship and Immigration)*, 2010 2019 FC 440 at 23).

#### V. Conclusion

[23] A review of the Officer's reasons demonstrates that the Officer provided transparent, intelligible, and justified reasons for decision. The Applicant has not pointed to any errors that would warrant this Court's intervention.

[24] The parties did not raise questions for certification, and I agree that there are none.



**JUDGMENT in IMM-7993-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. No question is certified.

**"Julie Blackhawk"**

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**Judge**

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-7993-24

**STYLE OF CAUSE:** MARYAM GALESHI v THE MINISTER OF  
IMMIGRATION AND CITIZENSHIP

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** SEPTEMBER 18, 2025

**JUDGMENT AND REASONS:** BLACKHAWK J.

**DATED:** SEPTEMBER 23, 2025

**APPEARANCES:**

Hart Kaminker	FOR THE APPLICANT
Leila Jawando	FOR THE RESPONDENT

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