Federal Court  Cour fédérale

Date: 20250929

Docket: IMM-5584-24

Citation: 2025 FC 1601

Ottawa, Ontario, September 29, 2025

PRESENT: The Honourable Justice Thorne

BETWEEN:

VENOUS HAGHIGHIKAFASH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Venous Haghighikafash, seeks judicial review of a decision by Immigration, Refugees and Citizenship Canada [“IRCC”] that refused their Labour Market Impact Assessment-exempt work permit application. This application was submitted under the C11 LMIA Exemption for Entrepreneurs or Self-employed category pursuant to the “Canadian Interests” subsection 205(a) of *the Immigration and Refugee Protection Regulations* (SOR/2002-227) [the “Regulations”]. The Applicant, an Iranian citizen and temporary resident of Canada, submitted the application from within Canada.

[2] IRCC refused the Application, holding that they were not satisfied that the Applicant's proposed business would produce a "significant benefit" to Canada, as required by the Regulations. The Applicant alleges that the IRCC's decision was unreasonable, as it provided no explanation of the decision maker's reasoning and failed to take into account certain information in their application.

[3] For the reasons that follow, I grant the application and return the decision to IRCC for redetermination.

II. Background

[4] The Applicant, an Iranian citizen and certified lawyer, states that she sought the work permit to establish and operate a legal services business in Ontario that would serve the Iranian-Canadian community with their Iranian law matters. To this end, she incorporated a company in Ontario in November 2023 and submitted her Application on February 28, 2024. This included a 75-page business plan and financial and bank documents, such as: translated financial statements of the "Venous Haghighikafash Law Institute" from 2020 to 2023, a TD Canada Trust bank statement pertaining to her Canadian joint account and an Iranian Refah Bank Account Statement, along with documents related to her ownership of land and residential apartment properties in Iran. The Application also included a Financial Support Documents section, wherein she indicated that her Iranian bank statement shows an equivalent of $75,702.24 CAD, and noted that her TD Canada Trust Bank Statement reflected a balance of $24,831 CAD.

[5] In a March 20, 2024, letter, an IRCC officer [the "Officer"] refused the Applicant's application [the "Decision"]. The Decision stated that the Officer was not satisfied that the business would generate significant benefits for Canadian citizens or permanent residents, pursuant to the requirements of the Regulations, after asserting that the Applicant had failed to provide supporting bank statements indicating the funds available from Canadian banks in Canada. The Decision letter specifically stated:

> Foreign nationals applying to work for themselves or to operate their own business on a temporary basis must demonstrate that their admission to Canada to operate their business would generate significant economic, social or cultural benefits or opportunities for Canadian citizens or permanent residents. You have not demonstrated that you meet the requirements of C11 Canadian Interests – Significant Benefit – Entrepreneurs/self-employed candidate seeking only temporary residence to operate a business within the meaning described in section 205(a) of the Regulations.

[6] The reasoning behind the Decision was recorded in the IRCC Global Case Management System [the "GCMS"] notes. These comprise part of the decision and, in their entirety, read as follows:

> Client is requesting work permit under Entrepreneurs temporary residence – [R205(a) – C11] . client would like to create a company that will provide legal consultation, documentation and review, mediation, dispute resolution, and other legal services under the Iranian legal system to Iranians residing in Canada on their legal matters in Iran. According to business plan" Mrs HAGHIGHIKAFASH owns land and residential properties in Iran with a collective value of more than $5 000000. I have the equivalent of 75,702.24 CAD in my account. My TD Bank statement also shows I have 24,831 CAD in my account." $24,831 CAD deposit in the TD Bank account and all other liquid and non-cash assets,." The representative makes the argument that her client is committed to Canada and that the Canadian economy and social and culture, the company and her client would suffer if application refused". client failed to provide supporting bank statements indicating the funds available from Canadian banks in Canada. Client failed to demonstrate that her business would

> generate significant economic, social, or cultural benefits or opportunities for Canadian citizens or permanent residents pursuant to paragraph R205(a). Based on the evidence provided. I do not believe the business will result in economic stimulus or advancement of the Canadian economy. The application is not clear and compelling enough to justify C11 issuance. Therefore, application refused and advised client for the status. [*sic*]

III. Issue and standard of review

[7] The issue in this matter is whether the decision under review is reasonable.

[8] The standard of review of the merits of a decision is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 25 [*Vavilov*]. In undertaking reasonableness review, the Court must assess whether the decision bears the hallmarks of reasonableness, namely justification, transparency and intelligibility: *Vavilov* at para 99. In particular, when reviewing a decision on this standard, "a court must consider the outcome of the administrative decision in light of its underlying rationale in order to ensure that the decision as a whole is transparent, intelligible and justified": *Vavilov* at para 15. Ultimately, a reasonable decision is one which is "based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law": *Vavilov* at para 85.

IV. Analysis

A. *The Decision is unreasonable*

[9] I have little difficulty finding that the Decision was not reasonable.

[10] The arguments of the Applicant are straightforward. She asserts that the Officer wrongly concluded that she failed to provide supporting bank statements indicating the funds she had

available to her from Canadian banks located in Canada, as her TD Canada Trust bank statement did exactly this. She also submits that in addition to the Officer missing evidence of the funds available to her, he had also concluded, apparently without reviewing the Application, that the business would not result in economic stimulus or advancement of the Canadian economy. She states that the Decision said almost nothing, but instead merely recited certain of the financial information that she had provided before somehow concluding that her business would not generate significant economic, social, or cultural benefits. She argued that there was no explanation of how this conclusion was reached and no mention or indication that the Officer had engaged with any of the relevant evidence in her application, such as her business plan, which pertained to this issue. As such, she asserts that in failing to explain why the Application did not meet the criteria for the program, the Decision was unreasonable.

[11] The Respondent contends that the Applicant failed to satisfy the Officer, through the evidence provided, that the business would generate the benefits to Canadian citizens required by the Regulations. They state generally that deference should be extended by the Court to such decisions. They assert that looking at the information provided as a whole, the Officer was not convinced that the business would generate significant economic or other stimulus and that, given the brevity of the Applicant's submission with respect to the business plan, that plan was not compelling in this regard. They also argue that the evidence did not show that sufficient funds were available within Canada in relation to the business, as there was no evidence that the Applicant's Iranian funds were available to her in Canada, and that the Canadian bank account funds were "a drop in the bucket," and insufficient to help establish the business. As such, the

Respondent submits it was reasonable for the Officer to find that the Applicant's application failed to demonstrate that her venture would generate the benefits required by the Regulations.

[12] With respect, I do not find these arguments persuasive.

[13] The Respondent is correct that reasons need not be extensive and that deference is owed to the factual findings made by such officers. However, ultimately a logical chain of analysis indicating why the Officer reached their decision must be discernable from the reasons provided. Here, that simply is not the case. It is in no way clear from the decision why the Officer concluded that the Applicant had failed to establish that her venture would generate the benefits required by the Regulations. It is also not clear how the recitation of the Applicant's financial information in the decision leads to this conclusion. Further, the Decision's declaration that the Applicant "failed to provide supporting bank statements indicating the funds available from Canadian banks in Canada" is inaccurate, as the TD Canada Trust bank statement in evidence did exactly this. Given this, though the reasons need not address every piece of evidence, it is simply not clear whether the Officer had engaged with this evidence at all, and thus grappled with what the Decision appears to identify as one of the central issues in this application: *Vavilov* at paras 127 to 128. In any event, the Officer clearly erred in holding that such evidence was not submitted.

[14] At the hearing, counsel for the Respondent stated that perhaps the financial documentation put forward by the Applicant was not compelling to the officer, as the funds it identified comprised a "drop in the bucket" of what would be needed to establish the business, or

because the Officer had been concerned that there was no evidence that the Applicant would be able to access her Iranian funds in Canada. In their materials, the Respondent also stated that the Officer concluded the business plan was not compelling, perhaps due to the brevity of the submissions relating to the venture's projected benefit to Canada. I agree that such considerations might indeed have been valid reasons to have concluded that the Applicant's proposed business would not generate the benefits required by the Regulations - had the Officer actually said this, or given any indication of such reasoning in the Decision.

[15] In lieu of this, I must reject the Respondent's speculation as to the reasoning underlying the Officer's conclusions. The Decision cannot be buttressed in this fashion, after the fact, through speculation about a potential line of analysis by the Officer that is simply not apparent in the Decision itself. I cannot agree that the wording of the Decision reasonably leads to the conclusion that any of the Respondent's characterizations reflected the Officer's line of thought. In any event, the jurisprudence is clear that reasonableness review does not permit this Court to entertain supplemental reasons beyond those issued in the decision under review: see e.g. *Alexion Pharmaceuticals Inc. v Canada (Attorney General)*, 2021 FCA 157 at paras 8, 15, citing *Vavilov* at para 97, *Rezaei v Canada (Immigration, Refugees and Citizenship)*, 2020 FC 444 at para 28. A reasonable path to the decision rendered cannot be followed where it simply does not exist.

[16] As it is not possible to glean the reasoning or discern the chain of logic which led the Officer to the conclusion reached in the Decision, I agree with the Applicant that the Officer's reasons did not demonstrate regard to the evidence, and lacked the requisite hallmarks of

justification, transparency and intelligibility: *Vavilov* at para 99. As such, the Decision is unreasonable.

V. Conclusion

[17] For these reasons, the Decision is set aside and the matter is returned for redetermination by a different IRCC Officer.

[18] The parties proposed no question for certification, and I agree that none arises.

JUDGMENT IN IMM-5584-24

THIS COURT'S JUDGMENT is that:

1. The judicial review application is granted.
2. The decision of the Officer dated March 20, 2024, is set aside and the matter is returned for redetermination by a different IRCC Officer.
3. No question of general importance is certified.

"Darren R. Thorne"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-5584-24
STYLE OF CAUSE:	VENOUS HAGHIGHIKAFASH v. MCI
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	SEPTEMBER 9, 2025
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