

Federal Court



Cour fédérale

**Date: 20251001**

**Docket: IMM-15988-24**

**Citation: 2025 FC 1619**

**Ottawa, Ontario, October 1, 2025**

**PRESENT: Madam Justice Conroy**

**BETWEEN:**

**SOMAYEH GHOLAMI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Ms. Somayeh Gholami, seeks judicial review of a decision of an immigration officer [Officer] refusing her application for a temporary resident visa [TRV]. The Applicant, a citizen of Iran, sought a TRV for 10 months so she could accompany her seven-year-old daughter, a Canadian citizen, to primary school in Toronto from August 10, 2024 to June 1, 2025.

[2] For the reasons that follow, the judicial review is granted.

[3] A June 21, 2024 letter from the Officer to the Applicant [Refusal Letter] stated that her application was being refused for two reasons:

- You do not have significant family ties outside Canada.
- The purpose of your visit to Canada is not consistent with a temporary stay given the details you have provided in your application.

[4] The Global Case Management System [GCMS] notes, which form part of the reasons under review, provide as follows:

I have reviewed the application. I am not satisfied that the applicant would leave Canada at the end of their stay as a temporary resident, I note that: Purpose of Travel: Accompanying minor daughter to Canada for duration of her studies Duration: 10 months I note, applicant did not provide proof that minor daughter will be attending school in Canada. I note, applicant's spouse currently holds valid TRV. The purpose of visit does not appear reasonable given the applicant's provided information and therefore I am not satisfied that the applicant would leave Canada at the end of the period of authorized stay. 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.

[5] The Applicant argues the decision was unreasonable on several grounds, and that there was a breach of procedural fairness. I need only address one argument raised by the Applicant.

[6] I conclude that the Officer's determination that the Applicant does not have "significant family ties outside Canada" lacked justification and was unintelligible based on the evidence before them.

[7] The Family Information Form included in the TRV application demonstrates that the Applicant's husband, stepson, parents, and siblings were all located in Iran. This evidence

directly contradicts the conclusion reached by the Officer in the Refusal Letter. The Officer does not reference the evidence of the Applicant's family ties in Iran anywhere in the reasons.

[8] As explained by Justice Lafrenière in *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1718 at paragraph 16, “[w]hile an officer is presumed to have weighed and considered all of the evidence on file, if they ignore relevant evidence pointing to an opposite conclusion and contradicting the officer’s findings, it can be inferred that the officer did not review the evidence or arbitrarily disregarded it.”

[9] As the issue of family ties outside Canada was one of the principal factors supporting the refusal, the absence of any analysis in the reasons on this issue renders the decision unreasonable: *Zoie v Canada (Citizenship and Immigration)*, 2022 FC 1297 at paras 21-22.

[10] The Respondent maintains the Applicant has failed to demonstrate that the family in Iran establishes a sufficient incentive for her to return to her home country. Whatever merit that point might have, it is not a reason given by the Officer.

[11] As instructed by *Vavilov*, courts are to read a decision-maker’s reasons holistically and contextually. However, this exercise does not permit a reviewing court “to provide reasons that were not given, nor is it license to guess what findings might have been made or to speculate as to what the tribunal might have been thinking” (*Vavilov* at para 97, quoting *Komolafe v Canada (Citizenship and Immigration)*, 2013 FC 431 at para 11).

I. Remedy

[12] Given that the dates sought for the TRV have passed, I asked the parties to provide their views on mootness and remedy.

[13] The Respondent confirmed that the Minister does not take the position that this judicial review is moot. He acknowledged a live controversy between the parties remains given the Applicant may seek future TRV's to accompany her daughter while she attends school in Canada.

[14] With respect to remedy, the parties agreed that in the usual course, when a visa application is remitted there is an opportunity to update the dates sought for the TRV. In other words, remitting the matter back for redetermination could serve a useful purpose and would not be futile.

II. Conclusion

[15] For the reasons provided, I grant the application for judicial review and direct the TRV application be remitted to a different decision-maker for reconsideration, with an opportunity for the Applicant to supplement and update their original application package.

[16] The parties agree there is no question for certification.

**THIS COURT'S JUDGMENT is that**

1. The application for judicial review is granted.
2. The application for a temporary resident visa [TRV] shall be remitted to a different decision-maker to determine.
3. The Applicant shall have an opportunity to update the TRV application and provide additional information.
4. There is no question for certification.

"Meaghan M. Conroy"

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Judge

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

**DOCKET:** IMM-15988-24

**STYLE OF CAUSE:** SOMAYEH GHOLAMI v. MCI

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 23, 2025

**JUDGMENT AND REASONS:** CONROY J.

**DATED:** OCTOBER 1, 2025

**APPEARANCES:**

Krystyna Jones	FOR THE APPLICANT
Charles J. Jubenville	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

ZAREI LAW PROFESSIONAL CORPORATION Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT