

Federal Court



Cour fédérale

Date: 20251001

**Dockets: IMM-17681-24
IMM-17691-24**

Citation: 2025 FC 1616

Toronto, Ontario, October 1, 2025

PRESENT: The Honourable Justice Battista

Docket: IMM-17681-24

BETWEEN:

KAMRAN HOSSEINZADEH BAKHTOURI

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

Docket: IMM-17691-24

AND BETWEEN:

RAZIEH SIRAT DOOST HALIM

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS
(delivered orally from the bench on October 1, 2025)

[1] The Applicants challenge the refusals of their temporary resident visa applications. Kamran Bakhtouri, the Principal Applicant, applied for a work permit as an intra-company transferee and his spouse, the Associated Applicant, applied for a spousal open work permit dependent on the success of the Principal Applicant's application.

[2] In the business plan submitted in support of the application, the Applicant described eight ways in which his employment in Canada would result in a significant benefit pursuant to paragraph 205(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227, and policy instructions. The Principal Applicant's proposed benefits included Canadian job creation, enhanced trade facilitation, global market access, and economic stimulus.

[3] The application's refusal was based solely on the Officer's staffing concerns for Year 1 in the Applicant's five-year business plan. However, the Officer's concerns incorrectly stated that the Principal Applicant provided no clarification whether the employees will be working full-time. In fact, the Principal Applicant's business plan specified that full-time employees would be hired.

[4] Therefore, the Officer focused on one aspect of the Principal Applicant's "significant benefit" submissions to justify the refusal, then fundamentally misapprehended the evidence underlying the submission. It is not the role of the Court to speculate regarding whether the outcome would have been the same or different if the Officer had not misapprehended the evidence, and therefore the decision is unreasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 125-126).

JUDGMENT in IMM-17681-24 and IMM-17691-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted, the decisions made on the Applicants' applications are set aside, and the matter is remitted to a different officer for redetermination.
2. There is no question for certification and no order regarding costs.

"Michael Battista"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-17681-24

STYLE OF CAUSE: KAMRAN HOSSEINZADEH BAKHTOURI v THE
MINISTER OF CITIZENSHIP AND
IMMIGRATION

DOCKET: IMM-17691-24

STYLE OF CAUSE: RAZIEH SIRAT DOOST HALIM v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 1, 2025

JUDGMENT AND REASONS: BATTISTA J.

DATED: OCTOBER 1, 2025

APPEARANCES:

Sean Alexander Yauk	FOR THE APPLICANTS
Nicole John	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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