

Federal Court



Cour fédérale

Date: 20251002

Docket: IMM-20246-24

Citation: 2025 FC 1628

Toronto, Ontario, October 2, 2025

PRESENT: The Honourable Justice Battista

BETWEEN:

NIMA NAMAVARI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(delivered from the bench on October 2, 2025)

[1] This application challenges the refusal made on the Applicant’s temporary resident visa application. A previous refusal was made in November 2023, but the matter was reopened for redetermination after litigation was settled in this Court.

[2] The first reason for the application’s refusal was the Officer’s conclusion that there was insufficient evidence of “pull” factors motivating the Applicant to return to Iran. The Officer was

also concerned that the presence of the Applicant's immediate family members in Canada would lessen his motivation to return to Iran.

[3] In fact, the Officer's conclusion on the lack of evidence of "pull" factors to Iran ignored a range of evidence of "pull" factors presented by the Applicant. The Applicant provided evidence of his full-time, long-term employment, his property ownership, and his financial assets in Iran. The Applicant also presented a history of recent travel to Australia, Europe, England and other countries in the Middle East, and his return to Iran from those travels.

[4] The Officer's conclusion failed to account for relevant evidence pointing to the opposite of that conclusion and is therefore unreasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (*Vavilov*) at para 126; *Aghaalikhani v Canada (Citizenship and Immigration)*, 2019 FC 1080 at para 24).

[5] The Officer's second reason for refusal was that the purpose of the Applicant's visit did not appear reasonable. This conclusion was unexplained and contradicted by the Officer's previous finding that the Applicant was motivated to come to Canada to be with his family. This finding is unreasonable due to its incoherence (*Vavilov* at paras 102-103).

[6] The application for judicial review is therefore granted, and at the Applicant's request, a redetermination is directed to proceed on a priority basis.

JUDGMENT in IMM-20246-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted, the decision rendered on the Applicant's application for a temporary resident visa is set aside, and that matter is remitted to a different officer for redetermination on a priority basis.
2. There is no question for certification and no order regarding costs.

"Michael Battista"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-20246-24

STYLE OF CAUSE: NIMA NAMAVARI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 2, 2025

JUDGMENT AND REASONS: BATTISTA J.

DATED: OCTOBER 2, 2025

APPEARANCES:

James Feliks Morrison	FOR THE APPLICANT
Hillary Adams	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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