Federal Court Cour fédérale

Date: 20251007

Docket: IMM-22851-24

Citation: 2025 FC 1658

Toronto, Ontario, October 7, 2025

PRESENT: Mr. Justice Norris

BETWEEN:

SEYED HEMADODDIN JAVAD ZADEH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The applicant is a 41-year-old citizen of Iran who currently resides in Istanbul, Türkiye. He works as a visual artist – a painter and book illustrator.

[2] In 2021, the applicant applied for a permanent resident visa for Canada in the self-employed persons class. The applicant's wife (a co-applicant on the visa application) is a

jewellery designer. The business plan provided in support of the visa application described the applicant's plans to establish himself as a self-employed artist and art teacher in Canada.

[3] In a decision dated October 3, 2024, a Migration Officer with Immigration, Refugees and Citizenship Canada refused the application. The officer was not satisfied that the applicant met the definition of a "self-employed person" set out in subsection 88(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (*IRPR*). This definition requires that the applicant have relevant experience as well as "the intention and ability to be self-employed in Canada and to make a significant contribution to specified economic activities in Canada." These elements are conjunctive and the failure to meet any one of them will result in the refusal of the application (*Azimlou v Canada (Citizenship and Immigration)*, 2022 FC 259 at para 16).

[4] There was no issue that the applicant had relevant experience. However, the officer found that the applicant's business plan, which described the applicant's efforts to contact galleries and publishers in Canada as well as his plans to offer painting courses and workshops and to sell items online, was "lacking in the concrete details pertaining to their specific activities" that were reasonably to be expected from the applicant. Furthermore, the applicant had provided limited evidence of his proficiency in English (he had claimed no proficiency in French) and this left the officer with concerns that the applicant's ability to communicate in English was not sufficient to enable him to be self-employed and to become economically established in Canada. Finally, the officer found that the applicant had not shown how he would make a significant contribution to Canada.

[5] Having concluded that the applicant had not established that he is a member of the self-employed person class, the officer was required to refuse the application: see *IRPR*, subsection 100(2).

[6] The applicant has applied for judicial review of this decision under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (*IRPA*). He submits that the decision is unreasonable because it fails to account for evidence that was contrary to the officer's findings and because it does not identify the "concrete details" that are said to be lacking in the business plan. The applicant also submits that there was no legal basis for the officer to impose such a strict requirement of English competency as was done here. Finally, the applicant submits that the finding that he had not shown how he would make a significant contribution to Canada is not supported by any analysis and, as such, is unreasonable.

[7] As I will explain, I am not persuaded that there is any basis to interfere with the decision. This application for judicial review will, therefore, be dismissed.

[8] The parties agree, as do I, that the officer's decision should be reviewed on a reasonableness standard. While reasonableness review "finds its starting point in the principle of judicial restraint and demonstrates a respect for the distinct role of administrative decision makers," it is nevertheless "a robust form of review" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 12; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 63). 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). When conducting reasonableness review, a reviewing court must take a "reasons first" approach that examines and evaluates the justification the administrative decision maker has given for its decision, always bearing in mind the history of the proceeding and the administrative context in which the decision was made (*Mason*, at paras 58-60). The reviewing court must read the decision maker's reasons "holistically and contextually" (*Vavilov*, at para 97) and in light of "the evidence before the decision maker, the submissions of the parties, publicly available policies or guidelines that informed the decision maker's work, and past decisions of the relevant administrative body" (*Vavilov*, at para 94). Absent exceptional circumstances, it is not the role of a reviewing court to interfere with an administrative decision maker's assessment of the evidence or factual findings (*Vavilov*, at paras 125-126).

[9] Looking first at the officer's assessment of the business plan, I agree with the applicant that it would have been better if the officer had said more about what "concrete details pertaining to [the applicant's] specific activities" were missing from the business plan. Nevertheless, when the decision is read in light of the information in the business plan, the basis for the officer's concerns about the viability of the applicant's plan for self-employment is intelligible and justified.

[10] At best, the applicant's plans were aspirational. He had sent correspondence to various art galleries and book publishers but there was no indication that any had expressed an interest in working with him. Likewise, the applicant stated that he planned "to hold short-term courses and workshops in cooperation with the public and private art and cultural institutions" yet there was

no evidence that any such institutions had expressed an interest in the applicant's offerings. The applicant's statement that there would be a market for his paintings and illustrations here was based on nothing more than his confidence that, "as a painter and illustrator with a focus on Eastern and Iranian identity and culture," his works of art "will be well received in Toronto and other cities of Canada." Notably, while the applicant identified some of the expenses he would incur, he did not provide any financial projections for his proposed undertaking.

[11] The information provided in support of the visa application demonstrated that the applicant is an established and successful artist in Istanbul. While the officer does not refer to this in the decision, it was not necessary for them to do so for the decision to be reasonable. The applicant had to show that he had a viable plan for self-employment in Canada (*Azimlou*, at para 23). The mere fact that he had succeeded in a similar endeavour in Türkiye, while commendable, does not entail that he would also be successful in Canada. It was reasonable for the officer to focus on the applicant's business plan (*Khashaki v Canada (Citizenship and Immigration)*, 2025 FC 269 at paras 16-18). Having regard to that plan, it was open to the officer to conclude that the applicant had not established that he had the intention and the ability to be self-employed here.

[12] This conclusion was also reasonably supported by the officer's concerns about the applicant's proficiency in English. In his business plan, the applicant described his English language skills as follows: "I know English well enough to meet my everyday needs and I am currently learning via intensive courses." Considering that the business plan involved dealings with clients, galleries, publishers, and students, among others, it was not unreasonable for the

officer to expect the applicant to have at least an intermediate level of English. Given the very limited information provided concerning the applicant's English language skills, it was not unreasonable for the officer to conclude that the applicant had not demonstrated a sufficient level of English for his business plan to be viable (see *Kashaki*, at paras 20-22).

[13] Finally, the officer found that the applicant had "failed to sufficiently define and quantify how their contribution would be significant to Canada." As set out above, the definition of "self-employed person" includes having the intention and ability "to make a significant contribution to specified economic activities in Canada." Although the officer does not spell this out, in the applicant's case, cultural activities would be the relevant specified economic activities (see *IRPR*, subsection 88(1) *s.v.* "specified economic activities"). As I understand it, the officer's point was simply that the applicant had not addressed this element of the definition anywhere in his application. This is not only reasonable, it is also correct. No further analysis was required.

[14] In sum, while the applicant's interest in working in Canada is understandable, and while the applicant was no doubt disappointed by the officer's decision, he has not established that the decision is unreasonable. This application will, therefore, be dismissed.

[15] The parties did not suggest any serious questions of general importance for certification under paragraph 74(d) of the *IRPA*. I agree that no question arises.

JUDGMENT IN IMM-22851-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

2. No question of general importance is stated.

"John Norris"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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