Federal Court  Cour fédérale

Date: 20251030

Docket: IMM-15383-24

Citation: 2025 FC 1750

Ottawa, Ontario, October 30, 2025

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

NAGHMEH RYAHI
REZA MOKARIZADEH

Applicants

and

THE MINISTER OF IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA

Respondent

JUDGMENT AND REASONS

[1] At the conclusion of the hearing, I indicated to counsel that this application would be granted. These reasons explain why.

I. Overview

[2] The Applicants, Ms. Naghmeh Ryahi and her son, Reza Mokarizadeh, seek judicial review of a July 29, 2024, decision in which an Immigration Officer refused their applications

for a temporary resident visa [TRV] to Canada under the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the *Act*].

II. Facts

[3] The Applicants are Iranian nationals. The Principal Applicant, Ms. Ryahi, is employed as a hair transplant technician in Iran. Her son, Mr. Mokarizadeh, is 21 years old and intended to accompany her to Canada. In June 2024, both applied for TRVs to visit Ms. Ryahi's spouse and her son's stepfather, Mr. Omid Dibsaee, who resides and works in Canada under a work permit. The proposed visit was for a period of one month, from August 30, 2024 to September 28, 2024.

[4] In her Family Information Form, Ms. Ryahi noted that her ties to Iran consisted of her widowed mother, Ms. Mahshirin Taheri, and her brother, Mr. Farzad Riyahi. The record also confirms she married Mr. Dibsaee in October 2014.

III. Decision Below

[5] On July 29, 2024, the Officer refused the Applicants' TRV application with a standard form refusal letter. The letter stated that the Applicants did not meet the requirements of the *Immigration and Refugee Protection Act,* SC 2001, c 27 [the *Act*] and the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [the *Regulations*].

[6] Specifically, the Officer was not satisfied that the Applicants would leave Canada at the end of their stay as required by paragraph 179(b) of the *Regulations*. The Officer cited the following two reasons for that conclusion:

- The Applicants had significant family ties in Canada.
- The purpose of the Applicants' visit to Canada was not considered consistent with a temporary stay given the details provided in the application.

[7] The Global Case Management System [GCMS] notes attached to the letter provide the Officer's reasons:

> I have reviewed the application. I have considered the following factors in my decision. The applicant has significant family ties in Canada. The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application. 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.

IV. Issue

[8] The determinative issue is whether it was reasonable the Officer's decision is reasonable. Given the evidence submitted with the application.

V. Standard of Review

[9] On assessing the merits of the decision, I agree with the parties that the standard of review is reasonableness, as articulated by the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*].

[10] The Court must give considerable deference to the decision-maker, recognizing that this entity is empowered by Parliament and equipped with specialized knowledge and understanding

of the “purposes and practical realities of the relevant administrative regime” and “consequences and the operational impact of the decision” that the reviewing court may not be attentive towards: *Vavilov* at para 93. However, as stated by counsel for the Applicants: “Deference ends when justification is absent.”

[11] However, reasonableness review is not a mere “rubber-stamping” process: *Vavilov* at para 13. My task is to assess whether the decision as a whole is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law that constrain the decision-maker: *Vavilov* at para 85.

[12] I agree with the Respondent that reasons on decisions on TRVs need not be extensive for the decision to be reasonable: *Vavilov* at paras 91, 128; *Wardak v Canada (Citizenship and Immigration)*, 2020 FC 582 at para 71. This is because of the “enormous pressures [visa officers] face to produce a large volume of decisions every day:” *Patel v Canada (Citizenship and Immigration)*, 2020 FC 672 at para 10.

VI. Legal Framework

[13] There is a legal presumption that a foreign national seeking to enter Canada is an immigrant, and the onus is on an applicant to rebut the presumption: *Obeng v Canada (Citizenship and Immigration)*, 2008 FC 754 at para 20; *Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 at para 9 [*Chhetri*]; *Rahman v Canada (Citizenship and Immigration)*, 2016 FC 793 at para 16.

[14] Paragraph 20(1)(b) of the *Act* imposes the following obligation on every foreign national seeking to enter or remain in Canada:

Obligation on entry	**Obligation à l'entrée au Canada**
20 (1) Every foreign national, other than a foreign national referred to in section 19, who seeks to enter or remain in Canada must establish,	**20 (1)** L'étranger non visé à l'article 19 qui cherche à entrer au Canada ou à y séjourner est tenu de prouver :
[…]	[…]
(b) to become a temporary resident, that they hold the visa or other document required under the regulations and <u>will leave Canada by the end of the period authorized for their stay</u>.	**(b)** pour devenir un résident temporaire, qu'il détient les visa ou autres documents requis par règlement et <u>aura quitté le Canada à la fin de la période de séjour autorisée</u>.
[emphasis added]	[italiques ajoutés]

[15] Paragraph 179(b) of the *Regulations* requires visa officers assessing TRV applications to be satisfied that foreign nationals will leave Canada at the end of the period authorized for their stay:

Issuance	**Obligation à l'entrée au Canada**
179 An officer shall issue a temporary resident visa to a foreign national if, following an examination, it is established that the foreign national	179 L'agent délivre un visa de résident temporaire à l'étranger si, à l'issue d'un contrôle, les éléments suivants sont établis :
[…]	[…]
(b) will leave Canada by the end of the period authorized for their stay under Division 2;	**(b)** il quittera le Canada à la fin de la période de séjour autorisée qui lui est applicable au titre de la section 2;

VII. Analysis

[16] While the Applicants raise multiple issues, the determinative one is the Officer's failure to demonstrate consideration was made to the Applicants' family ties in Iran. That alone is sufficient to find this decision unreasonable.

[17] This Court has long recognized that a decision-maker is presumed to have considered all of the evidence before it: *Chatrath v Canada (Citizenship and Immigration)*, 2024 FC 958 at para 35, citing *Florea v Canada (Minister of Employment and Immigration)*, [1993] FCJ No 598 (FCA) at para 1; *Ayala Alvarez v Canada (Minister of Citizenship and Immigration)*, 2012 FC 703 at para 10.

[18] However, this must also be read alongside the well-established requirement that, when determining whether an applicant will leave Canada at the end of their authorized stay, a visa officer must assess both sides of what this Court has described as the "push/pull" analysis; that is, the factors drawing the applicant toward Canada and those anchoring them to their country of residence: *Shaeri v Canada (Citizenship and Immigration)*, 2023 FC 1596 at para 10; *Vahdati v Canada (Citizenship and Immigration)*, 2022 FC 1083 at para 10; *Seyedsalehi v Canada (Citizenship and Immigration)*, 2022 FC 1250 at paras 9–10; *Yameogo v Canada (Citizenship and Immigration)*, 2023 FC 667 at para 9, citing *Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 at para 14 and *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175 at para 23.

[19] Where, as here, the Officer cites the Applicants' family ties in Canada as the sole reason for concluding they would not depart at the end of their stay, the absence of any analysis of their

family ties in Iran is concerning. By restricting the assessment to connections pulling the Applicants toward Canada, the Officer considered only one side of the "push/pull" equation. Simply noting that the Applicants have significant family ties in Canada, without reference to countervailing ties in Iran, leaves this Court unable to understand the logical reasoning that led to the conclusion: *Groohi v Canada (Citizenship and Immigration)*, 2009 FC 837 at para 14.

[20] This concern was also recognized in *Zoie v Canada (Citizenship and Immigration)*, 2022 FC 1297. At paragraph 21, Justice Furlanetto held:

> I note that while there was no affidavit evidence relating to the principal Applicant's relationship to family members in Iran, the many family members that reside in Iran were clearly identified in the application material filed. In my view, there was an obligation on the Officer to demonstrate that he had considered the Applicants' family in Iran, and to explain how he weighed the relationships in Canada against the family that was still present in Iran. This is particularly so as the Officer indicates in the decision letter that the principal Applicant's family ties in both Canada and in Iran were a basis for determining that the principal Applicant would not leave Canada at the end of his stay. [emphasis added]

[21] A similar conclusion was reached in *Seyedsalehi v Canada (Citizenship and Immigration)*, 2022 FC 1250. Justice Fuhrer found that the failure to address family ties in the applicant's country of residence rendered the decision unreasonable. At paragraphs 9–10, she wrote:

> [9] The Officer's Global Case Management System [GCMS] notes, which form part of the Decision, do not discuss the Applicant's family ties at all in connection with the Officer's consideration of the Applicant's establishment in or ties to her "country of residence/citizenship."
> […]
> [10] In the circumstances, and paraphrasing my colleague Justice Walker, I find that the Officer's reliance of the Applicant's family ties in Canada and in her country of residence as a reason for

> refusal of the study permit is a reviewable error because it is neither intelligible nor justified: *Rahmati v Canada (Citizenship and Immigration)*, 2021 FC 778 at para 18.

[22] It may well be that the Applicants' ties in Canada outweigh those in Iran. However, while the Officer states that the factors were weighed, the reasons do not demonstrate that this weighing exercise occurred. As Justice McHaffie observed, "[e]ven where the obligation to give reasons is minimal, the Court cannot be left to speculate as to the reasons for a decision, or attempt to fill in those reasons on behalf of a decision-maker where they are not clear from the decision read in light of the record": *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at para 17.

[23] In the absence of an intelligible explanation demonstrating that both sides of the push/pull analysis were considered, the decision cannot be said to be intelligible or justified.

VIII. Conclusion

[24] The application is allowed, and no question will be certified.

JUDGMENT in IMM-15383-24

THIS COURT'S JUDGMENT is that the application is allowed; the TRV applications are to be reconsidered by a different decision-maker; and no question is certified.

"Russel W. Zinn"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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