

Federal Court



Cour fédérale

Date: 20251106

Docket: IMM-21414-24

Citation: 2025 FC 1790

Ottawa, Ontario, November 6, 2025

PRESENT: The Honourable Mr. Justice Régimbald

BETWEEN:

**SHIRIN ASGARI, et al.
(PAYAM MOKHTARZADEHSHARABIANI)**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Principal Applicant, Shirin Asgari [PA] and her spouse, Payam Mokhtarzadehsharabiani [the Applicants], seek judicial review of a visa officer's [Officer] refusal to grant them a temporary resident visa [TRV] for a one-month stay in Canada. The Applicants are Iranian citizens who applied for a TRV to visit the PA's uncle, a Canadian citizen.

[2] On February 12, 2024, the Applicants' TRV was refused on the basis that they did not have significant family ties outside of Canada and that the purpose of their visit was not consistent with a temporary stay. After filing an application for judicial review of the Officer's decision, the Respondent offered to settle the matter with the Applicants and to reassign their application for a TRV to another decision maker, on June 26, 2024.

[3] On September 25, 2024, their TRV was refused again, on the following grounds:

- They are not satisfied that the Applicants will leave Canada at the end of their stay;
- The Applicants do not have significant family ties outside Canada;
- The purpose of the Applicants' visit to Canada is not consistent with a temporary stay given the details they provided in their application;
- The Applicants' assets and financial situation are insufficient to support the stated purpose of travel for the PA (and any accompanying family member(s), if applicable);

[4] The Global Case Management System notes reveal the following:

- The ties to their home country are weakened with the intended travel to Canada involving their immediate family;
- The banking transaction (Ayandeh Bank) history shows pre-existing low balances, lump-sum deposits and fluctuating transactions with total deductions often equalling/exceeding the total deposits. Little evidence on file to demonstrate the history of funds accumulation;
- The presence of the lump-sum deposit does not provide satisfactory evidence that the applicant will have access to the funds provided in support of the application;
- It appears that the bank accounts have been inflated for the visa application and were required to do so to demonstrate financial establishment.

[5] The main issue in this case is whether the Officer’s decision is reasonable. 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” (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 8 [Mason]). To avoid judicial intervention, the decision must bear the hallmarks of reasonableness, namely justification, transparency and intelligibility (*Vavilov* at para 99; *Mason* at para 59). A decision may be unreasonable if the decision maker misapprehended the evidence before it (*Vavilov* at paras 125–126; *Mason* at para 73).

[6] In this case, the Applicants submit that the Officer failed to consider:

- a) the evidence that demonstrated their overall financial capability including their assets and that their host had offered to pay for their expenses;
- b) the evidence of the PA’s parents and siblings residing in Iran along with her spouse’s parents, and that they require medical attention;
- c) that the Applicants are themselves professionals with important jobs in Iran;
- d) that the Applicants travelled around the world have always returned to Iran.

[7] For the reasons outlined below, I agree with the Applicants.

[8] While visa officers are not required to provide exhaustive reasons on each factor, this does not relieve them from the need to address evidence that contradicts important aspects of their decision (*Mahdavi v Canada (Citizenship and Immigration)*, 2024 FC 629 at para 19; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC), [1998] FCJ No 1425; *Rezaei v Canada (Citizenship and Immigration)*, 2025 FC 462 at para 9).

[9] First, on the issue of their significant ties in Iran, the Officer failed to engage with contradictory evidence which demonstrates that the Applicants' family members, except for the uncle they wish to visit in Canada, reside in Iran. Moreover, the PA is the primary caregiver for her mother who suffers from some medical issues. Other evidence also demonstrates ties to the country such as the fact that the Applicants hold the positions of Commercial Controlling Manager and Chief Executive Officer in their respective employment in Iran.

[10] While the Officer is entitled to weigh the evidence, the Officer must balance the "push and pull factors" relating to what factors would encourage them to remain in Canada and what factors might pull them back to their home country, in order for the Court to be satisfied that the Officer's reasoning "adds up" (*Akhoondian v Canada (Citizenship and Immigration)*, 2025 FC 1181 at paras 11-14; *Munzhurov v Canada (Citizenship and Immigration)*, 2023 FC 657 at para 21-23).

[11] Second, on the issue of the Applicants' income, assets and accounts, the Officer failed to consider the uncle's letter of support (where they would reside in Canada) and whether that evidence, combined with their bank statements and other assets, demonstrated that the Applicants had sufficient funding for a one-month stay in Canada. Specifically, the Officer identified issues with the Applicants' financial evidence contained in the Ayandeh Bank accounts, which on its own is not unreasonable, but failed to consider the Applicants' other bank accounts on file.

[12] Finally, the Officer failed to consider the Applicants travelling history. Travel history is a relevant consideration and can be a positive consideration when an applicant demonstrates a history of leaving and returning to their country of residence (*Kermanizadeh c Canada (Citizenship and Immigration)*, 2025 CF 625 at para 25; *Rodriguez Zambrano c Canada (Citizenship and Immigration)*, 2023 CF 1583 at para 30; *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at para 17; *Donkor v Canada (Citizenship and Immigration)*, 2011 FC 141, at para 9; *Dhanoa v Canada (Citizenship and Immigration)*, 2009 FC 729 at para 12).

[13] The Officer provided no reasoning to justify why the additional evidence was insufficient for the Applicants to meet their burden of demonstrating that they had sufficient funds and that their ties to Iran were sufficiently significant, such that they would return to Iran at the end of their stay. By failing to explain why the Applicants did not meet the burden, the Officer failed to account for the evidence presented and therefore made an unreasonable decision (*Vavilov* at para 126).

[14] For the reasons stated, the Applicants' application for judicial review is granted.

[15] There is no question of general importance for certification.

JUDGMENT in IMM-21414-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted
2. There is no question of general importance.

"Guy Régimbald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-21414-24

STYLE OF CAUSE: SHIRIN ASGARI, ET AL. v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

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JUDGMENT AND REASONS: RÉGIMBALD J.

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APPEARANCES:

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