

Federal Court



Cour fédérale

**Date: 20260116**

**Docket: IMM-19020-24**

**Citation: 2026 FC 69**

**Ottawa, Ontario, January 16, 2026**

**PRESENT: Madam Justice Azmudeh**

**BETWEEN:**

**EHSAN ATAOLLAHI**

**Applicant**

**and**

**MINISTER OF IMMIGRATION  
AND CITIZENSHIP**

**Respondent**

**JUDGMENT AND REASONS**

**I. I. Overview**

[1] For the following reasons, I dismiss the judicial review of an IRCC officer's (Officer) decision to refuse Ehsan Ataollahi's (Applicant) temporary resident visa (TRV or visitor visa) application to Canada.

[2] The Applicant is a 35-year-old single man. He had provided evidence that his sister, a Canadian citizen, lived in Canada and had invited their father to visit Canada. For medical

reasons, the father would be more comfortable if the Applicant accompanied him. The application stated that the Applicant's mother would remain in Iran during the proposed trip.

[3] In refusing the application, the Officer based their decision on a determinative issue, the absence of significant family ties outside Canada.

## II. Preliminary Issues

[4] There are two preliminary issues in this case. First, the Applicant's counsel was absent at the hearing. Second, the Applicant relied on a document not before the Officer in their written arguments.

### A. *Applicant's Counsel was absent at the hearing*

[5] At the start of the judicial review, the Applicant's counsel was absent. Counsel did not signal any potential problems with their presence to the Court. The Court's attempts to reach counsel were also unsuccessful. Out of an abundance of caution, the Court started the hearing 15 minutes late and was prepared to allow the counsel at any time during the proceedings, but counsel did not show up.

[6] The file confirms that the date and time of the hearing were duly communicated to both parties, and that the Applicant's counsel confirmed receipt on November 4, 2025.

[7] Rule 38 provides in what circumstances the Court may proceed in the absence of a party (*Federal Courts Rules*, SOR/98-106 [Rules]):

**38.** Where a party fails to appear at a hearing, the Court may proceed in the absence of the party if the Court is satisfied that notice of the hearing was given to that party in accordance with these Rules.

[8] Given the circumstances, I held the hearing and relied on the Applicant's written submissions.

B. *The Statutory Declaration in the Applicant's Record was not before the Officer*

[9] I agree with the Respondent that in an application for judicial review, the Court's role is to examine the record before the decision-maker to determine whether the decision of the administrative decision-maker was reached in a reasonable and procedurally fair manner considering the legal and factual context before the decision-maker. Therefore, unless exceptional circumstances exist, documents that were not available to the decision-maker are not admissible on judicial review, and the Court should not consider them (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency*, 2012 FCA 22, at paras 19–20 [Access Copyright]; *Ganesh v Canada (Attorney General)*, 2023 FC 1405 at para 17).

[10] In his Applicant's Record and as an exhibit to his affidavit, the Applicant provided an invitation statutory declaration his sister swore. She stated that the Applicant had sufficient ties to return to Iran, notably because his mother, who is attached to him, remains in Iran.

[11] This is a different invitation statutory declaration than the one before the Officer in the CTR which does not contain this detail. The Officer swore an affidavit that stated the discrepancy. The Applicant never cross-examined the Officer and did not argue why or how exceptional circumstances, as contemplated by *Access Copyright*, exist that would allow the disclosure of documents not before the Officer.

[12] I therefore do not consider the invitation letter to have been before the Officer.

### III. Legal Issue and Framework

[13] The only issue before me is whether the decision to refuse the visa application was reasonable. Reasonableness review is a deferential and disciplined evaluation of whether an administrative decision is transparent, intelligible and justified (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, at paras 12-13 and 15 [*Vavilov*]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at paras 8 and 63 [*Mason*]).

[14] For a decision relating to a temporary resident visa, reasons will normally be brief because of the large volume of requests being made (*Hajiyeva v Canada (Citizenship and Immigration)*, 2020 FC 71 at para 6; *Lingepo v Canada (Citizenship and Immigration)*, 2021 FC 552 at para 13). In such a context, the decision must be read in light of the record that was before the decision maker, including the evidence and the arguments of the parties.

[15] The *IRPR* place a positive obligation on TRV applicants to establish, among other things, that they will leave Canada by the end of the period authorized for their stay (*Immigration and*

*Refugee Protection Regulations*, SOR/2002-227, s 183(1) [IRPR]). In evaluating visa applications, the presence of family ties outside Canada may be a relevant indicator as to whether an individual has met that obligation.

[16] In this context, it was open to the Officer to find that the Applicant would not have significant family ties outside Canada. The Officer knew from the application that the mother would remain in Iran. The Applicant wanted to visit his sister together with one of their parents, and the only other member of his family left in Iran was his mother. However, the Officer had no information on the nature of the relationship, with or without the inadmissible statutory declaration. It is not an error for an officer to consider both strong family connections to Canada and the absence of evidence concerning one's significant family ties outside Canada as a reason that an Applicant might remain in Canada (*Gomes v Canada (Citizenship and Immigration)*, 2020 FC 451 at para 18; *Anand v Canada (Citizenship and Immigration)*, 2019 FC 372 at para 30; *Bahmani v Canada (Citizenship and Immigration)*, 2025 FC 1254 at para 11). In *Dhaliwal*, this Court found reasonable a visa refusal that occurred because the Applicant's evidence showed their family ties were mostly in Canada (*Dhaliwal v Canada (Citizenship and Immigration)*, 2025 FC 1286 at para 7 [*Dhaliwal*]). There, as here, family ties were the determinative issue for the officer.

[17] It was reasonable for the Officer not to view the Applicant and his family's visitor visa application as not having discharged the Applicant's burden. There is a presumption that visa applicants intend to immigrate to Canada. As a result, a foreign national who seeks temporary entry into Canada bears the burden to satisfy the officer that they will leave Canada at the end of

the authorized period (*Pastor v Canada (Citizenship and Immigration)*, 2021 FC 1263 at para 16; *Singh Hundal v Canada (Citizenship and Immigration)*, 2023 FC 197 at para 11; *Kaleka v Canada (Citizenship and Immigration)*, 2024 FC 1457 at para 30).

[18] The Officer's decision is reasonable. It exhibits the requisite degree of justification, intelligibility, and transparency. The application for judicial review is therefore dismissed.

[19] Neither party proposed a question for certification, and I agree that none arises.

**JUDGMENT IN IMM-19020-24**

**THIS COURT'S JUDGMENT is that**

1. The Judicial Review is dismissed without costs.
2. There are no questions to be certified.

"Negar Azmudeh"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-19020-24

**STYLE OF CAUSE:** EHSAN ATAOLLAHI v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** VIA VIDEOCONFERENCE

**DATE OF HEARING:** JANUARY 14, 2026

**REASONS FOR JUDGMENT  
AND JUDGMENT:** AZMUDEH J.

**DATED:** JANUARY 16, 2026

**APPEARANCES:**

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