Federal Court  Cour fédérale

Date: 20260130

Docket: IMM-3486-25

Citation: 2026 FC 146

Ottawa, Ontario, January 30, 2026

PRESENT: The Honourable Madam Justice Tsimberis

BETWEEN:

ALIREZA ALIPOURMONAZAH
ADRIEN ALIPOUR MONAZAH

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Principal Applicant, Mr. Alireza Alipourmonazah [PA], and his minor son, the Associate Applicant, Adrien Alipour Monazah, are citizens of Iran. Mr. Alipourmonazah seeks judicial review of an Immigration Officer's decision dated February 14, 2025 refusing his work permit application [Decision] under the International Mobility Start-up Business Class Program and the linked visitor permit application filed by Adrien, who had planned to accompany his parents to Canada. As confirmed during the hearing, this Application for Leave and for Judicial

Review does not address the Officer's decision refusing Mr. Alipourmonazah's spouse/Adrien's mother's work permit application.

[2] The Officer refused Mr. Alipourmonazah's application for two reasons. First, the Officer was not satisfied that Mr. Alipourmonazah demonstrated that his business would create or maintain significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents, as required by section 205(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR]. Second, the Officer found that the purpose of the visit to Canada was not consistent with a temporary stay, given that Mr. Alipourmonazah did not have significant family ties outside Canada, with the ties to his home country being weakened and his motivation to return to Iran being diminished by the fact that he intended to travel to Canada with his immediate family, namely his spouse and child.

[3] The only issue raised in this application for judicial review is whether the Officer's Decision to refuse Mr. Alipourmonazah's work permit is reasonable.

[4] Mr. Alipourmonazah submits the Decision is unreasonable for two reasons. First, Mr. Alipourmonazah argues the Officer failed to explain why the evidence was insufficient to conclude the start-up business met the requirements of s. 205(a) of the IRPR. Second, Mr. Alipourmonazah argues the Officer failed to grapple with the positive incentives that would attract him back to his home country.

[5] In response, the Minister of Immigration and Citizenship [Minister] submits that the Decision is reasonable. The Minister argues that Mr. Alipourmonazah does not point to any evidence that contradicts the Officer's Decision and that the findings are reasonably drawn from the limited evidence put forward by Mr. Alipourmonazah.

[6] For the reasons that follow, this Court allows this application for judicial review.

I. Decision Under Review

[7] By letter dated February 14, 2025, the Officer informed Mr. Alipourmonazah that his application was refused because they were not satisfied that the application sufficiently demonstrated section 205(a) of the IRPR, indicating that the business plan does not mention how the company will create significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents. The Officer further concluded that the purpose of Mr. Alipourmonazah's visit to Canada was not consistent with a temporary stay given the details provided in his application, adding that Mr. Alipourmonazah does not have significant family ties outside Canada.

[8] The Officer's Decision is further explained in the Global Case Management System [GCMS] notes, which are part of the Decision, as per *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at para 44, and are reproduced below:

> File re-opened and refusal letter corrected:
>
> JR case - Chinook was not used for this file's re-assessment/re-determination. Additional and previous document submissions

> reviewed. I am not satisfied that the applicant is a genuine worker who will depart Canada at the end of the period authorized for their stay.
>
> Applicant intends launch a startup in Canada. Company is a block chain investment platform - property purchase based on shares.
>
> I am not satisfied that the PA sufficiently demonstrates R205(a). I have reviewed the business plan. It is not clear how the company will create viable business that will benefit Canadian or permanent resident workers and/or provide significant social, cultural or economic benefits or opportunities.
>
> PA will be accompanied by spouse and children. The ties to their home country are weakened with the intended travel to Canada involving their immediate family, as the motivation to return will diminish with these family members residing in Canada.
>
> For these reasons, I have refused this application.
>
> [GCMS notes dated February 14, 2025, CTR at 4.]

II. Standard of Review

[9] The presumptive standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 10, 25. To avoid intervention on judicial review, the decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility: *Vavilov* at para 99.

[10] The Court must avoid reassessing and reweighing the evidence before the decision-maker; a decision may be unreasonable, however, if the decision-maker "fundamentally misapprehended or failed to account for the evidence before it": *Vavilov* at paras 125-126.

III. Analysis

A. *The Officer's Section 205(a) Finding Is Unreasonable*

[11] I acknowledge the long line of jurisprudence from this Court that visa officers are presumed to have considered the whole of the evidence and are not required to provide exhaustive reasons given the pressure that they face to produce a large volume of decisions and the nature of the interests affected by these decisions: *Jassal v Canada (Citizenship and Immigration)*, 2025 FC 701 at paras 17-21*; Iriekpen v Canada (Citizenship and Immigration)*, 2021 FC 1276 at para 7; *Khan v Canada (Citizenship and Immigration)*, 2023 FC 52 at paras 13-17; *Patel v Canada (Citizenship and Immigration)*, 2020 FC 672 at paras 9-10; *Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at para 7; *Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at paras 31-32; *Wang v Canada (Citizenship and Immigration)*, 2021 FC 1002 at para 32.

[12] However, in my view, the Decision is unreasonable as the Officer failed to properly justify their conclusion that the proposed business would not be viable or create a significant benefit within the meaning of section 205(a) of the IRPR. The Officer simply concludes that "it is not clear how the company will create viable business that would benefit" and then cut and pasted the language of section 205(a) of the IRPR without any indication as to why the Officer came to that conclusion.

[13] This does not satisfy the *Vavilov* hallmarks of reasonableness as there is no justification provided for the Decision and there is no path that I can follow to understand the reasoning why

it is not clear how the company will create viable business benefitting Canadian or permanent resident workers. At a minimum, the Officer needed to briefly state a basis for such a finding, which is missing from the Decision and GCMS notes. Reasons for a decision must not only be justifiable but must be justified. 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 considering the record: *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at para 17; *Vavilov* at paras 86 and 95-98.

[14] The Officer failed to engage with the evidence in the 70-page business plan and to provide any justification as to why the evidence before them would not create a viable business that would satisfy the requirement of section 205(a) of the IRPR.

B. *The Officer's Conclusion Regarding Mr. Alipourmonazah's Family Ties is Unreasonable*

[15] The Minister states that his immediate family accompanying Mr. Alipourmonazah to Canada is simply an additional factor that the Officer was entitled to consider in assessing the overall merits of the application. The Minister submits the Officer found that Mr. Alipourmonazah's spouse and child would be travelling with him would weaken their ties to Iran and relies on: *Zaeri v Canada (Citizenship and Immigration)*, 2024 FC 638, at para 4, citing *Sayyar v Canada (Minister of Citizenship and Immigration)*, 2023 FC 494, at para 15 [*Sayyar*]; *Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 at para 31; *Roodafshani v Canada (Immigration, Refugees and Citizenship,)*2024 FC 595, at para 6.

[16] While the Court agrees with the Minister that it may have been open and reasonable for the Officer to weigh Mr. Alipourmonazah's ties to his spouse and son accompanying him to Canada as more likely to pull him towards staying in Canada, the Officer must also weigh this against the evidence in the record indicating that the PA has family ties in Iran pushing them to returning to Iran. Instead, the Officer considered the pull towards staying in Canada but did not consider the push factors towards returning to Iran. The Officer stopped its analysis at the accompanying spouse and son that they term "immediate family" and did not complete the weighing analysis of his parents remaining in Iran.

[17] I agree with Mr. Alipourmonazah who argues that by failing to weigh the fact that his spouse and son would accompany him to Canada against other mitigating factors that demonstrated Mr. Alipourmonazah had other ties to Iran (e.g. his widowed mother and his professional ties), the Officer committed a reviewable error: *Ahadi v Canada (Citizenship and Immigration)*, 2023 FC 25 at paras 17-19. Mr. Alipourmonazah submits the Officer ought to have weighed his spouse and son accompanying him against the fact that his parents would remain in Iran, and the fact that he has no family or friends in Canada: *Vahdati v Canada (Citizenship and Immigration)*, 2022 FC 1083 [*Vahdati*] at para 10.

[18] The Officer appears to have treated Mr. Alipourmonazah's spouse and child accompanying him to Canada as being determinative of the issue when the Officer held that "PA will be accompanied by spouse and children. The ties to their home country are weakened with the intended travel to Canada involving their immediate family, as the motivation to return will diminish with these family members residing in Canada." While it would have been reasonable

to find this fact reduces Mr. Alipourmonazah's "pull factor," it is unreasonable in this case to treat it as being fully determinative. In the similar case of *Vahdati*, Justice Strickland found the decision before her under judicial review was unreasonable because the Visa Officer ended their analysis at the spouse accompanying the applicant to Canada and failed to weigh the other "pull factors" against the fact the applicant's spouse was accompanying him and simply applied a broad generalization: *Vahdati* at para 10.

[19] As Justice Pamel stated in *Sayyar*, "the assertion that the presence of a spouse would reduce the pull factors for returning to one's country of origin must be assessed in context as, again, just one element in the overall assessment by the visa officer": *Sayyar* at para 16. This conclusion is further supported by Justice McDonald's decision in *Jafari v Canada (Citizenship and Immigration)*, 2023 FC 183 at para 19 [*Jafari*]: "The logical conclusion from the Officer's reasoning is that no applicant coming to Canada with a spouse or immediate family member would ever have sufficient ties to their home country to be granted a visa in Canada. That is not a reasonable approach."

[20] More recently in *Amlashi v Canada (Citizenship and Immigration)*, 2024 FC 1363, our then Chief Justice Crampton followed *Vahdati* and *Jafari* when he held:

> [26] It was also unreasonable for the Officer to have treated the family's plans to travel to Canada together as a decisive adverse factor in the Decision: *Vahdati v Canada (Citizenship and Immigration)*, 2022 FC 1083, at para 10; *Jafari*, at para19. Common experience suggests that Canadians who pursue studies abroad often travel there with their spouse and young children, and then return to this country. Taken alone, a foreign national's plans to do the same here do not provide a reasonable basis for concluding that they are unlikely to leave Canada at the end of their study period. This is particularly so given that the study

> permit regime specifically contemplates that applicants may bring multiple family members with them to Canada.
>
> [Emphasis added.]

[21] Similarly, in the case before me, the Officer makes no mention of Mr. Alipourmonazah's other family in Iran like his parents, or his lack of other family ties in Canada. In the GCMS Notes, the Officer's only reference to family ties is "PA will be accompanied by spouse and children." As such, the Officer's Decision that the PA does "not have significant family ties outside Canada" is not justified in light of the factual record and is unreasonable as it lacks a rational chain of analysis: *Vavilov* at paras 125-126.

IV. Conclusion

[22] The application for judicial review is allowed. The matter involving Mr. Alipourmonazah's work permit application will be remitted for redetermination by a visa officer not previously involved in this matter. As the Decision before me is set aside, the related visitor permit visa application of Adrien should also be redetermined by a different visa officer.

JUDGMENT in IMM-3486-25

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed.
2. The matters will be remitted for redetermination by an Immigration Officer not previously involved in this matter.
3. There is no question for certification.

"Ekaterina Tsimberis"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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