

Federal Court



Cour fédérale

**Date: 20250722**

**Docket: IMM-7882-24**

**Citation: 2025 FC 1304**

**Toronto, Ontario, July 22, 2025**

**PRESENT: Justice Andrew D. Little**

**BETWEEN:**

**EHSAN RAHIMI**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] On this application for judicial review, the applicant asks the Court to set aside a decision dated April 22, 2024, refusing his application for a temporary residence visa (“TRV”) in Canada. The officer was not satisfied that the applicant would leave Canada at the end of his stay. The officer found that the applicant did not have significant family ties outside Canada and that the purpose of his visit to Canada was not consistent with a temporary stay given the details provided.

[2] The applicant is a citizen of Iran. His wife has a multi-entry visa to Canada to visit her sister, who is a Canadian citizen and lives here. His wife has visited her sister once before, but the applicant has never visited or met the sister since marrying his wife in 2022.

[3] The applicant proposed to visit the sister in Canada with his wife for three weeks. He filed a comprehensive application for a TRV that included his own statement, a statement from his sister-in-law in Canada, employment records, financial information, medical information related to the applicant's father-in-law in Iran and other materials.

[4] The visa officer concluded that the applicant had not established that he would leave Canada at the end of his permitted stay under paragraph 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 ("*IRPR*"). Paragraph 179(b) provides that an officer shall issue a temporary resident visa to a foreign national if, following an examination, it is established that the foreign national will leave Canada by the end of the period authorized for their stay.

[5] The officer found that the applicant did not have significant family ties outside Canada and the purpose of the applicant's visit to Canada was not consistent with a temporary stay given the details provided in his application.

[6] The material part of the officer's notes in the Global Case Management System ("GCMS") stated:

The applicant does not have significant family ties outside Canada.  
I note that PA is married, no dependents and has not demonstrated

sufficiently strong ties to their country of residence. PA is traveling with their spouse. I have concerns that the ties to Iran are not sufficiently great to motivate departure from Canada.

[7] The applicant submitted that the TRV decision ignored the facts in his application that all of the applicant's family, including his parents, his three siblings, and his father-in-law, reside in Iran.

[8] The applicant's father-in-law resides in the same building as the applicant and his wife. The applicant's father-in-law had a paragliding accident in 2015 and is paraplegic. The wife's mother died of cancer in 2019. Since then, the applicant's wife has been her father's primary caregiver outside of working hours.

[9] The applicant supported his request for a TRV with a signed letter. His letter that advised the while his wife visited her sister in Canada in April 2023, he remained in Iran working full time and helping to care for his father-in-law. The applicant's letter also stated:

... we intend to return to Iran at the end of our authorized stay because we have strong ties to our home country as evidenced by the enclosed supporting documentation.

**First, our employment obligations are exclusively in Iran** and require our presence here. [...]

**Second, Sadaf and I have strong familial ties in Iran** where our extended family members remain, such as our parents, siblings, uncles and aunts, nephews and nieces.

**Most importantly, my wife remains the sole immediate family member who provides constant care for her paraplegic father and I assist her by doing my share of household chores and responsibilities.** Mr. Jafari Fesharaki was critically injured in a paragliding accident in the summer of 2014 which rendered him paraplegic, and he remains to reside in Iran where he has a comprehensive network of medical professionals in an

environment that he feels comfortable. Sadaf's mother passed away in October 2019, after her battle with cancer.

My wife and I reside in the same building as her father does and he has a full-time caregiver who looks after him while we are at work. Otherwise, we attend to his needs on a constant basis. Please refer to the enclosed documentation confirming my father-in-law's medical situation. Please note that while we are temporarily away visiting my wife's sister Asal and her family in Canada, the arrangements have been put in place for their father to be taken care of by a hired nurse and his sister in our absence.

**Third [...]**

Finally, we confirm that we will comply with any conditions and terms imposed on our temporary stay in Canada including returning to our country of origin because we have **no motivation to stay in Canada illegally after the expiry of our visitor status.** [...]

[Original emphasis.]

[10] On this application, the standard of review is reasonableness, as described in in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, [2019] 4 SCR 653.

[11] A reviewing court may not re-assess or reweigh the evidence: *Vavilov*, at para 125. However, critical aspects of the evidence in the record and the central parts of the parties' submissions may serve as constraints on an administrative decision: *Vavilov*, at paras 85, 90, 99, 101, 125-128; *Mason v. Canada (Citizenship and Immigration)*, 2023 SCC 21, at paras 10, 66, 97, 98, 118.

[12] The Court may intervene if the decision maker has fundamentally misapprehended the evidence before it, ignored critical evidence, or failed to account for evidence before it that ran counter to its conclusion: *Vavilov*, at para 126; *Maritime Employers Association v. Syndicat des*

*débardeurs (Canadian Union of Public Employees, Local 375)*, 2023 FCA 93, at paras 116-117; *Ozdemir v. Canada (Citizenship and Immigration)*, 2001 FCA 331, at paras 7 and 9-11; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1999] 1 F.C. D-53, [1998] FCJ No 1425, at paras 14-17.

[13] Justice Pentney set out the administrative context and requirements for a TRV decision in *Motahari v. Canada (Citizenship and Immigration)*, 2025 FC 395, at paragraph 7 (adopted and summarized in *Khan v. Canada (Citizenship and Immigration)*, 2025 FC 758, at paras 6-7).

While visa officers “face a deluge of applications, and their reasons do not need to be lengthy or detailed [...] reasons must show an actual engagement with the specific situation of the applicant”: *Motahari*, at para 7 (quoted in *Singh v. Canada (Citizenship and Immigration)*, 2025 FC 976, at para 2).

[14] In this case, I agree with the applicant that the officer’s conclusion on this issue was unreasonable. The officer did not engage with material facts in the record related to the applicant’s ties to Iran that ran counter to the officer’s conclusion.

[15] As is clear from the application letter, it was central to the applicant’s TRV request that the applicant had numerous ties to Iran that supported a return there at the end of his stay in Canada. The officer’s reasons, found in the GCMS notes, did not address what the applicant characterized as the most important tie that would pull him back from Canada to Iran: the need to care for his father-in-law. The record before the officer, which included medical evidence about the father-in-law’s condition and the applicant’s express statements in his letter confirming that

he intended to return to Iran and was not motivated to remain in Canada, ran directly against the officer's findings in the GCMS notes and overall conclusion. In my view, that circumstance required the officer to provide an adequate explanation (if brief) to support a decision to refuse the request for a TRV.

[16] It is true that the applicant's spouse is her father's primary caregiver, not the applicant. However, the premise of the officer's reasoning was that the applicant proposed to come to Canada with his wife. The GCMS notes stated that applicant was "travelling with their spouse. I have concerns that the ties to Iran are not sufficiently great to motivate departure from Canada". The officer's concern about the couple remaining together in Canada beyond the permitted stay in his visa only reinforced the requirement for the officer to address the evidence about care for the father-in-law in Iran as a "pull" factor away from Canada: see *Nesarzadeh v. Canada (Citizenship and Immigration)*, 2023 FC 568, at para 9.

[17] The respondent submitted that the officer's decision was reasonable because it contained an independent reason to refuse the TRV application: the officer was not satisfied that the applicant had sufficient funds for the proposed stay in Canada. The officer found that the applicant's bank statements did not include a history of transactions. Because the officer could not track the providence of the available funds, the officer found that the funds were not sufficient and cited concerns that the applicant may be seeking entry to Canada for "reasons other than temporary".

[18] I do not accept the respondent's argument in this case, for two reasons. First, the officer's findings, relating to both family ties to Iran and the purpose of the applicant's stay due to insufficient funds, led to a single conclusion grounded in the *IRPR* concerning whether the applicant would leave Canada at the end of his authorized stay. In the circumstances, an unreasonable finding on the family ties was of sufficient importance to undermine the overall decision: *Vavilov*, at paragraph 100. See similarly, *Shaeri v. Canada (Citizenship and Immigration)*, 2023 FC 1596, at para 11; *Moradbeigi v. Canada (Citizenship and Immigration)*, 2023 FC 1209, at para 22. The officer's findings in this case were different from *Pjetracaj v. Canada (Citizenship and Immigration)*, 2025 FC 103, at paras 3, 32-33.

[19] I also have doubts about the reasonableness of the officer's conclusion on insufficient funds. The officer did not mention other material information about the sources of funds (including the applicant's employment and the rental property) nor the sister's support letter confirming that the applicant and his wife would reside with her during their stay and that she would provide accommodation for them and cover food expenses during the proposed three-week visit. The sister provided financial documents in support. See, similarly, *Ahmadalinezhad v. Canada (Citizenship and Immigration)*, 2025 FC 145, at paras 9-10. However, given the rest of the analysis above, I do not need to reach a conclusion on whether the officer's decision contained a reviewable error on this issue.

[20] The application must therefore be allowed. There is no question to certify for appeal.

**JUDGMENT in IMM-7882-24**

1. The application is allowed. The decision dated April 22, 2024, is set aside and the matter is remitted for redetermination by another officer.
2. No question is certified for appeal under paragraph 74(d) of the *Immigration and Refugee Protection Act*.

“Andrew D. Little”

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Judge

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

**DOCKET:** IMM-7882-24

**STYLE OF CAUSE:** EHSAN RAHIMI v MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JUNE 16, 2025

**REASONS FOR JUDGMENT AND JUDGMENT:** A.D. LITTLE J.

**DATED:** JULY 22, 2025

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