

Federal Court



Cour fédérale

Date: 20260323

Docket: IMM-23951-24

Citation: 2026 FC 390

Montreal, Quebec, March 23, 2026

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

**PEYMAN FARAJOLLAHI
AREZOO FARAJOLLAHI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicants, a father and his minor child, seek judicial review of decisions made by an officer of Immigration, Refugees and Citizenship Canada [the Officer] on December 5, 2024 [the Decisions], refusing their applications for a temporary resident visa [TRV].

[2] The Applicants have demonstrated that the Decisions are unreasonable, and their application is therefore granted.

[3] The Applicants shall be referred to throughout this judgment by their given names for ease of reference only, and not out of any disrespect to either of them.

I. **Background**

[4] The Applicants had applied for TRVs to visit Peyman's sister and sibling-in-law in Canada for a limited period of time and then return to their home country of Iran. The other immediate members of their family, Peyman's spouse Leila Ataie Fashtami [Leila] and their eldest son Ardeshir, also applied for TRVs for the same family visit to Canada.

[5] Peyman is plastic surgeon who practices in his own private clinic in Tehran, Iran, as well as in several hospitals in Tehran where he is a shareholder or partner. Leila is also a doctor, a dermatologist and full-time faculty member of the Department of Regenerative Medicine at the Royan Institute for Stem Cell Biology and Technology, also in Tehran. Ardeshir is autistic, was a music student at the Conservatory in Tehran at the time of the TRV applications and relies on Peyman and Leila's constant support to lead what Peyman has described in his affidavit as a normal life. Arezoo was a fifth grader enrolled in school in Tehran at the time of her TRV application.

[6] Peyman disclosed in his TRV application that he has two sisters. One sister resides in Tehran, while his other sister, who he and his family wished to visit, resides in Toronto.

[7] Peyman's parents, Arezoo's grandparents, also reside in Tehran. Peyman's TRV application reflects that his parents reside in the residential unit immediately adjacent to Peyman and Leila's residence in Tehran.

[8] Peyman also provided his recent travel history in his TRV application. Among his 15 listed trips were three family visits to Canada in 2007, 2016 and 2018. Peyman, Leila, Ardeshir and Arezoo returned to Tehran at the end of each of their previous visits to Canada.

II. The Decisions

[9] The Decisions are identical in their content and reasoning. The Applicants' applications were refused because the Officer found that the Applicants would not leave Canada at the end of their visit. The Officer so concluded because the Applicants:

- have significant family ties in Canada,
- do not have significant family ties outside of Canada, and;
- the purpose of their visit is not consistent with a temporary stay given the details provided in their application.

[10] The Global Case Management System [GCMS] notes produced in the record form part of the Decision (*De Hoedt Daniel v Canada (Citizenship and Immigration)*, 2012 FC 1391 at para 51; *Afridi v Canada (Citizenship and Immigration)*, 2014 FC 193 at para 20; *Muthui v Canada (Citizenship and Immigration)*, 2014 FC 105 at para 3) and read as follows:

I have reviewed the application. I have considered the following factors in my decision. The applicant has significant family ties in Canada. The applicant does not have significant family ties outside

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.

III. **Preliminary Matters**

[11] The Respondent has raised as a preliminary matter that the style of cause in this application has identified different applicants in different documents. The Applicants are Peyman Farajollahi and his minor daughter Arezoo Farajollahi, as indicated in the Applicants' application for leave and for judicial review. This judgment shall therefore include an order whereby the style of cause inscribed on the various documents filed in this proceeding shall all be deemed amended to reflect the style of cause in this judgment.

[12] Although it has not been raised by either party, the Applicants are contesting both the decision that rejected Peyman's TRV application and the decision that rejected Arezoo's TRV application in this proceeding. The TRV applications are identical save for the applicant's personal information and travel history. The facts, the bases of refusal, and the content of the Decisions are common to both Peyman and Arezoo's applications. This judgment shall therefore include an order authorizing the Applicants to challenge the December 5, 2024, decision that refused Peyman's TRV application as well as the December 5, 2024, decision that refused Arezoo's TRV application.

IV. **Issue and Standard of Review**

[13] The sole issue before the court is whether the Decisions are reasonable.

[14] The parties agree, and I with them, that the applicable standard of review is the standard of reasonableness as discussed in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*].

[15] Mr. Justice William F. Pentney neatly summarized some of the dynamics involved in a reasonableness review of a TRV decision in *Kashefi v Canada (Citizenship and Immigration)*, 2024 FC 856 at paras 13–14 as follows:

[13] A core underlying objective of the *Vavilov* framework of judicial review is to encourage administrative decision-makers, like the Visa Officer, to justify their decisions with reasons that demonstrate an engagement with the particular circumstances of each case, considered in light of the legal framework that applies. The Supreme Court of Canada speaks about a “culture of justification.” In my view, the Officer’s decision in this case falls short because it does not show an actual engagement with the specific situation of these particular Applicants.

[14] In finding the decision unreasonable, I want to underline several points. First, the context for the decision is important. This Court has often acknowledged that reasons in TRV cases can be brief, because Officers face a deluge of cases and in view of the interests of the individuals affected by such decisions. Second, in making such decisions, Officers can bring their expertise concerning country conditions and many other factors to bear in exercising the wide discretion afforded to them by the law. It would have been reasonable for the Officer’s assessment of the socio-economic situation of the Applicants to be informed by such knowledge; but that needed to be explained, if even briefly. Finally, visa officers exercise broad discretion under the law, and the onus lies with the Applicants to demonstrate that they will leave Canada at the end of their authorized stay. Decisions on TRV applications deserve deference in view of the breadth of the Officer’s discretion. My decision in this case should not be interpreted as questioning any of these principles.

[16] As was observed by Madam Justice Phuong T.V. Ngo in *Akhoondian v Canada (Citizenship and Immigration)*, 2025 FC 1181 at paras 11–13:

[11] (...) Family connections in Canada and the country of origin are obviously relevant to this assessment (*Kashefi v Canada (Citizenship and Immigration)*, 2024 FC 856 at para 9 [*Kashefi*]). However, to be reasonable, a decision needs to demonstrate an engagement with the specific facts of the case and provide sufficient detail to justify the result. Short, focused and clear reasons will be sufficient, and not every detail needs to be addressed. (*Kashefi* at paras 14-15).

[...]

[13] In some cases, boilerplate language, read with the record holistically, can allow the Court to understand the decision under review. However, when boilerplate reasons read along with the record do not allow the Court to assess whether the proper criteria were applied, do not satisfy the Court that the reasoning “adds up”, or do not provide insight into an officer’s reasoning process, it can lack the requisite justification, intelligibility and transparency to avoid judicial interference (*Munzhurov v Canada (Citizenship and Immigration)*, 2023 FC 657 at para 21-23, other citations omitted). Even where the obligation to give reasons is minimal, as with TRV applications, 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 when 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).

[17] Finally, while the following comments by Mr. Justice Denis Gascon in *Taghizadeh v Canada (Citizenship and Immigration)*, 2025 FC 809 at paras 18–20 [*Taghizadeh*], were made in the context of a study permit application, in my view they apply with equal force in the context of a TRV application:

[18] It is not disputed that study permit applicants bear the burden of satisfying visa officers that they will leave Canada at the end of their authorized stay (*Khoshfam* at para 24; *Penez* at para 10). To this effect, visa officers have a high level of expertise and a wide discretion in assessing the evidence to determine whether this requirement is met, and their decisions are entitled to deference

(*Khoshfam* at para 24; *Nimely v Canada (Minister of Citizenship and Immigration)*, 2020 FC 282 at para 7 [*Nimely*]; *Penez* at para 10).

[19] Moreover, visa officers are not required to provide extensive reasons for their decision in view of the large number of decisions they are required to process (*Khoshfam* at para 25; *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at paras 10–11; *Nimely* at para 7).

[20] That said, while visa officers need not spell out each of the details and facets of an issue when making their decision, they cannot act without regard to the evidence. Consequently, a blanket statement that a decision maker has considered all the evidence will not suffice when the evidence omitted from the discussion in their reasons appears to squarely contradict their finding (*Kapenda v Canada (Citizenship and Immigration)*, 2024 FC 821 at para 24 [*Kapenda*]; *Kavugho-Mission* at para 23; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC), [1998] FCJ No 1425 (QL) at para 17).

[18] Visa officers such as the Officer at issue here must also consider the “push” and “pull” factors that could lead an applicant to overstay their visa and stay in Canada, or that would encourage them to return to their home country (*Chhetri v Canada (Citizenship and Immigration)*, 2011 FC 872 at para 14; *Rahman v Canada (Citizenship and Immigration)*, 2016 FC 793 at para 12; *Aghaalikhani v Canada (Citizenship and Immigration)*, 2019 FC 1080 at para 19; *Nesarzadeh v Canada (Citizenship and Immigration)*, 2023 FC 568 at para 9; *Rahim v Canada (Citizenship and Immigration)*, 2022 FC 486; *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175 at para 23; *Safarian v Canada (Citizenship and Immigration)*, 2023 FC 775 at para 2).

[19] Visa officers must justify their reasoning, and it is unreasonable for them to infer that an applicant will remain in Canada illegally simply because an applicant has strong family ties in

Canada (*Bteich v Canada (Citizenship and Immigration)*), 2019 FC 1230 at para 34; *Barril v Canada (Citizenship and Immigration)*, 2022 FC 400 at para 20).

[20] Similarly, visa officers must justify their conclusions when they weigh evidence of family ties inside and outside Canada and then find that one or the other is more significant than any other. A failure to do so may be sufficiently central to the visa officer's determinations to render the decision unreasonable (*Akinremi v Canada (Citizenship and Immigration)*, 2024 FC 723 at paras 4–7; *Moradbeigi v Canada (Citizenship and Immigration)*, 2023 FC 1209 at para 16; *Taghizadeh* at para 26; *Shaikh v Canada (Citizenship and Immigration)*, 2024 FC 1365 at paras 6–7).

V. Analysis

[21] The general legislative scheme applicable to foreign nationals who wants to visit someone in Canada is set out in subsection 11(1) and paragraph 20(1)(b) of the *Immigration and Refugee Protection Act*, SC 2001, c 27, along with sections 179, 191, and 192 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. Foreign nationals are required to apply for the issuance of a TRV. While there are several requirements to be met by a TRV applicant before the visa may be issued, one of the key requirements is that they must show that they will leave Canada by the end of the period authorized for their stay.

[22] The parties raise a number of specific arguments regarding whether the Decisions are reasonable. I need not consider these arguments in any detail considering that it is apparent that the Decisions lack the hallmarks of reasonableness.

[23] The Officer's determination that Peyman and Arezoo have significant family ties in Canada but do not have significant family ties outside of Canada is not justified by any consideration of the information in the record. The Officer does not explain how they determined that Peyman and Arezoo's family members residing in Tehran (Peyman's parents and sister) are not a significant family connection outside of Canada while Peyman's sister and his sibling-in-law residing in Canada is a significant family connection in Canada. The Officer's failure to explain their reasoning in light of the information regarding the Applicants' family members locus of residence is significant and, in my view, makes both Decisions unreasonable.

[24] The Respondent argues that the Officer considered that the letters of invitation from Peyman's sister and sibling-in-law justified their determination of greater significance in family ties in Canada. There is no indication of the Officer's reasoning in this regard in the record.

[25] The Decisions are otherwise unreasonable and unintelligible due to the Officer's failure to engage with any of the other pull factors such as economic and social links that might pull the Applicants back to Tehran. There is no justification offered for the conclusion that Peyman's visit with his sister or sibling-in-law is inconsistent with a temporary stay in Canada despite that Peyman's professional and economic life as set out in his TRV application is grounded in his work as a doctor, private practice physician, and hospital surgeon in Tehran. There is similarly no discussion of Peyman's history of returning to Tehran after three previous family visits to Canada and why that repeated past conduct would not be followed. There is similarly no consideration of Arezoo's circumstances to justify the conclusion reached.

[26] The Officer's failures of justification are significant and central to the Decisions. The Applicants' application is granted.

JUDGMENT in IMM-23951-24

THIS COURT'S JUDGMENT is that:

1. The styles of cause inscribed on the various documents filed in this proceeding shall all be deemed amended to reflect the style of cause as it appears in this judgment.
2. The Applicants are authorized to challenge the two December 5, 2024, decisions that refused their respective TRV applications in this single proceeding.
3. The Applicants' application for judicial review is granted.
4. This matter shall be remitted for a redetermination by a visa officer who was not previously involved in this matter.
5. The Applicants shall be provided with a reasonable opportunity to submit additional documents and to update their applications prior to their applications being reconsidered.
6. There is no question of general importance to be certified.
7. No costs are awarded to any party.

"Benoit M. Duchesne"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-23951-24

STYLE OF CAUSE: PEYMAN FARAJOLLAHI, AREZOO FARAJOLLAHI
v. MCI

PLACE OF HEARING: VIDEOCONFERENCE

DATE OF HEARING: MARCH 18, 2026

JUDGMENT AND REASONS: DUCHESNE, J.

DATED: MARCH 23, 2026

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