

Federal Court



Cour fédérale

**Date: 20260415**

**Docket: IMM-3335-25**

**Citation: 2026 FC 503**

**Toronto, Ontario, April 15, 2026**

**PRESENT: Madam Justice Whyte Nowak**

**BETWEEN:**

**AHMAD REZA NAROUNI ESFAHAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Applicant, Ahmad Reza Narouni Esfahan [the Applicant], seeks judicial review of a decision dated December 16, 2024 [Decision], of an officer [Officer] of Immigration, Refugees and Citizenship Canada [IRCC] refusing the Applicant's application for permanent residence under the Start-up Business Class [SUB Class].

[2] Contrary to the Applicant's submissions, the Applicant's application was reasonably refused pursuant to a straightforward application of paragraph 98.01(2)(a) and subsection 98.08(2) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*Regulations*]. Accordingly, this application is dismissed.

## II. Facts

[3] The Applicant is an Iranian citizen who is one of five essential team members [Initial Members] of Healda Inc., which began its participation in the Start-up Visa Program with Manitoba Technology Accelerator [the Designated Entity] in May 2021, based on commitment certificates and letters of support dated October 18, 2021. There were changes to the Initial Members, which were supported by the Designated Entity and reflected in updated commitment certificates submitted to the IRCC on August 9, 2022, and October 1, 2023.

[4] The Applicant submitted his permanent residence application on September 26, 2021. The other Initial Members submitted permanent residence applications between September 24, 2021, and August 11, 2023.

[5] On September 10, 2024, one of the Initial Members who had been identified as essential to the business in the original commitment certificate was refused a permanent resident visa.

[6] On December 16, 2024, the Applicant was advised that his application was refused as he did not meet the requirements under the SUB Class category to be granted a permanent resident visa pursuant to subsections 98.01(2) and 98.08(2) of the *Regulations*. The Decision states:

Another applicant in respect to the same business as yours, identified as essential to the business in the commitment, has been refused a permanent resident visa. Therefore, you have not met the requirements of subsection 98.01(2), as described in subsection 98.08(2) of IRPR. You are therefore not a member of the Start-up Business Class, and your application for permanent residence in Canada is refused.

### III. Issues and Standard of Review

[7] The only issue raised by the Applicant on this application is whether the Officer's determination that the Applicant does not meet requirements for membership in the SUB Class is reasonable.

[8] I agree with the parties that the standard of review for issues going to the merits of the Decision is reasonableness as articulated in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paragraphs 16-17 [*Vavilov*]. This Court must consider whether the Decision, including both its rationale and its outcome, falls within a range of possible outcomes when read in light of the history and context of the proceedings (*Vavilov* at paras 83, 94). A reasonable decision is justifiable, transparent and intelligible (*Vavilov* at para 99).

### IV. Analysis

[9] The Applicant submits that the Decision is unreasonable as the Officer focused on the start-up's original commitment certificate and disregarded the changes to the team, reflected in the updated commitment certificates.

[10] The Respondent submits that the Applicant's arguments reflect a misunderstanding of the governing legal framework for the SUB Class and the Decision merely reflects a straightforward application of paragraph 98.01(2)(a) and subsection 98.08(2) of the *Regulations*, which provide that:

**Member of class**

**98.01(2)** A foreign national is a member of the start-up business class if

(a) they have obtained a commitment that is made by one or more entities designated under subsection 98.03(1), that is less than six months old on the date on which their application for a permanent resident visa is made and that meets the requirements of section 98.04;

[...]

**Multiple applicants**

**98.08(2)** If there is more than one applicant in respect of the same business and one of the applicants who was identified in the commitment as being essential to the business is refused a permanent resident visa for any reason or withdraws their application, the other applicants must be considered not to have met the requirements of subsection 98.01(2) and their permanent resident visa must also be refused.

**Qualité**

**98.01(2)** Appartient à la catégorie « démarrage d'entreprise » l'étranger qui satisfait aux exigences suivantes :

a) il a obtenu d'une ou de plusieurs entités désignées en vertu du paragraphe 98.03(1) un engagement qui date de moins de six mois au moment où la demande de visa de résident permanent est faite et qui satisfait aux exigences de l'article 98.04;

[...]

**Demandeurs multiples**

**98.08(2)** S'il y a plus d'un demandeur relativement à la même entreprise et que l'un d'entre eux, qui est indispensable à l'entreprise selon l'engagement, se voit refuser la délivrance d'un visa de résident permanent pour quelque raison que ce soit ou retire sa demande, les autres demandeurs sont considérés comme ne satisfaisant pas aux exigences prévues au paragraphe 98.01(2) et ne peuvent se voir délivrer un visa de résident permanent.

[11] As the Respondent notes, based on the wording of these provisions, the validity of the date of a commitment certificate is tied to the date an application for permanent residence is submitted (not decided), and an officer is statutorily required to refuse an application where a co-applicant identified by the designated entity as essential withdraws, or has been removed or refused. As the Respondent argues, to permit essential members who withdraw from the business to simply get dropped from an amended version of an original commitment certificate would circumvent the purpose of subsection 98.08(2) of the *Regulations*.

[12] The reasonableness of the Respondent's interpretation was confirmed in Justice Aylen's decision in *Tan v Canada (Citizenship and Immigration)*, 2024 FC 1986 [*Tan*], in which she held:

[16] The crux of the Applicant's argument is that a proper interpretation of the *IRPR* allows a Designated Entity to amend a Commitment Certificate after an application for permanent residence is submitted but before a decision on such application is made.

[17] I reject the Applicant's argument. Paragraph 98.01(2)(a) requires that an applicant have obtained a Commitment Certificate from a Designated Entity that is less than six months old on the date on which their application for a permanent residence visa is submitted. In this case, the original Commitment Certificate (issued November 6, 2020) was replaced with the Amended Commitment Certificate (issued July 15, 2022). The Amended Commitment Certificate was not less than six months old on the date on which the Applicant's application was submitted (November 16, 2020).

[Emphasis in original]

[13] The Applicant has made a number of arguments as to why this interpretation is unreasonable and the Court should not follow *Tan*.

[14] First, the Applicant suggests that this interpretation requires the Officer to ignore the updated commitment certificates, which led the Officer to illogically refuse his application on the basis of the application of a person who was not a member of the final start-up team supported by the Designated Entity.

[15] Second, the Applicant submits that the Officer's reasons illogically suggest that once permanent residence applications are submitted, the structure of the team cannot change, yet the *Regulations* do not prohibit changes to the team structure and the IRCC's own conduct reflects its acceptance of changes to the Initial Members based on the updated commitment certificates.

[16] Finally, the Applicant suggests that the conduct of the IRCC in accepting amended commitment certificates created a legitimate expectation that the applications would not be rejected for changes in team members thereby entitling him to have his application assessed based on the most recent commitment certificate (citing *Saeedy v Canada (Citizenship and Immigration)*, 2025 FC 354 at para 35).

[17] The decision in *Tan* is good authority, and the Applicant has not provided a sound basis for not following it.

[18] Nor do I find the Decision to be illogical. None of the Applicant's arguments address the timing requirement in paragraph 98.01(2)(a) of the *Regulations*. As the Respondent points out, there is no problem with making changes to a SUB Class team or in obtaining amended

commitment certificates; however, in order to rely upon the updated commitment certificates, the Applicant simply needed to submit a new application.

[19] The parties have not raised an issue of general importance, and I agree that none arise.

V. Conclusion

[20] The Applicant has not met his onus of showing that the Decision is unreasonable.

Accordingly, this application is dismissed.

**JUDGMENT in IMM-3335-25**

**THIS COURT'S JUDGMENT is that:**

1. The Application for judicial review is dismissed; and
2. No question of general importance is certified.

“Allyson Whyte Nowak”

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Judge

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

**DOCKET:** IMM-3335-25

**STYLE OF CAUSE:** AHMAD REZA NAROUNI ESFAHAN v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

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