

Federal Court



Cour fédérale

Date: 20250401

Docket: IMM-8774-24

Citation: 2025 FC 598

Toronto, Ontario, April 1, 2025

PRESENT: The Honourable Justice Battista

BETWEEN:

**MEHRNOOSH AMIRMAZAHERI
SOHEIL MOTABAR
DORSANA MOTABAR
DORNIKA MOTABAR
PARSINA MOTABAR**

Applicants

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS
(delivered orally from the Bench on April 1, 2025)

[1] The parties agree that this application for judicial review should be granted based on a breach of procedural fairness in the processing of the work permit application of Mehrnoosh Amirmazaheri (the Principal Applicant). They disagree about the remedy.

[2] The Principal Applicant was advised that her application was “initially approved”, and a counterfoil was issued, but this decision was reversed when another officer interviewed the Principal Applicant and then refused the application on the basis that she would not be able to do the work for her Canadian employer.

[3] The parties agree that there was a breach of fairness involving the failure to advise the Principal Applicant why the decision to issue the counterfoil was reopened. In the circumstances of this case, I agree, and the decision will be set aside on that basis.

[4] Regarding the appropriate remedy, the Respondent disagrees with the Applicants’ request that the matter be remitted with a direction that the February 2024 decision to initially approve the application be reinstated.

[5] I agree with the Respondent that the Applicants’ request should be denied. In my view, the Applicants mistake interim decisions to approve work permit applications and issue counterfoils with final decisions to issue work permits. Before the counterfoil was delivered to the Principal Applicant, she was advised that the application was “initially approved” and that “[t]he final decision to issue you a work permit and allow you to enter Canada is made after an examination by an officer in Canada.”

[6] The work permit application process has as its goal the issuance of a work permit. Until that happens, the process is not complete or final.

[7] There are many decisions made during the work permit application process, such as the decision to request further documents, the decision whether to conduct an interview, and the decision to issue a counterfoil. These are not separate applications with separate final decisions. They are a series of decisions that lead to the final decision of whether to issue a work permit.

[8] The decision to issue a counterfoil to the Principal Applicant was an important but not final decision made during the decision-making process in the Principal Applicant's work permit application. That decision was capable of being revisited and reversed because there were other matters in the process still to be determined (*Ali v Canada (Citizenship and Immigration)*, 2012 FC 710 at paras 25, 27-30).

[9] The breach of fairness to the Principal Applicant was not the reopening and reversal of this decision; in these circumstances the breach occurred in the reopening and reversal of this decision without providing any information to the Principal Applicant regarding why this occurred.

[10] The application for judicial review is granted, on consent.

JUDGMENT in IMM-8774-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted, on consent.
2. The decisions dated May 10, 2024, refusing a work permit for the Principal Applicant and refusing associated temporary resident documents for the Principal Applicant's dependent family members are set aside and remitted to a different officer for redetermination.
3. There is no question for certification and no order concerning costs.

"Michael Battista"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8774-24

STYLE OF CAUSE: MEHRNOOSH AMIRMAZAHERI and others
v MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: APRIL 1, 2025

JUDGMENT AND REASONS: BATTISTA J.

DATED: APRIL 1, 2025

APPEARANCES:

Zeynab Ziaie Moayyed	FOR THE APPLICANTS
Jocelyn Espejo-Clarke	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Zeynab Ziaie Moayyed Visa Law Group PC Toronto, Ontario	FOR THE APPLICANTS
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT