

Federal Court



Cour fédérale

Date: 20250402

Docket: IMM-8649-23

Citation: 2025 FC 608

Ottawa, Ontario, April 2, 2025

PRESENT: Mr. Justice McHaffie

BETWEEN:

MEISAM SHARIFIGOOFLI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Meisam Sharifigoofli seeks judicial review of the refusal of his application for a work permit under the Global Skills Strategy program, within the International Mobility Program. For the following reasons, I conclude that the refusal of his application was reasonable and Mr. Sharifigoofli's application for judicial review must be dismissed.

[2] Mr. Sharifigoofli, who is trained as a civil engineer, is currently the Senior Executive Manager of a business that designs, manufactures and sells custom tiles and ceramics in Iran. The Iranian business is owned by Mr. Sharifigoofli's father and two of his business associates. Mr. Sharifigoofli proposes to work in Canada as the Chief Executive Officer of an affiliate of the Iranian business, to be established as a startup company in Vancouver, owned by the same three owners of the Iranian company.

[3] Mr. Sharifigoofli's application presented information about the Iranian company, as well as corporate documents and a business plan for the new Canadian company. The business plan describes a business in which luxury custom-made ceramic, tile, and stone products are designed in Iran and manufactured in Canada at a workshop to be established in British Columbia. It proposes to offer its services and products to commercial, industrial, governmental, and residential property owners.

[4] The business plan includes, among other things, a proposed organizational chart, payroll projections, marketing plans and budgets, and sales forecasts. The organizational chart and payroll projections indicate that the new Canadian business would have a Chief Executive Officer (Mr. Sharifigoofli), a Chief Technology Officer, a Chief Operating Officer, a Chief Marketing Officer, an installation expert, and a marketing expert. The marketing plan sets an objective of becoming one of the top 10 brands in the Canadian interior design industry within three years. The sales forecasts anticipated sales of almost a million dollars in the first year, with growth thereafter.

[5] The visa that Mr. Sharifigoofli was applying for required him to show that he would be performing work that “would create or maintain significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents”: *Immigration and Refugee Protection Regulations*, SOR/2002-227, s 205(a). Determining whether this has been established by an applicant falls to visa officers, who undertake, among other things, an assessment of the adequacy of the business plan put forward by the applicant: *Shams v Canada (Citizenship and Immigration)*, 2023 FC 1300 at para 23.

[6] Immigration, Refugees and Citizenship Canada [IRCC] publishes guidelines to assist applicants in preparing their applications and visa officers in assessing them. The parties agree that at the relevant time, the applicable guideline to Mr. Sharifigoofli’s application was “International Mobility Program: Canadian interests – Significant benefit – Intra-company transferees – General requirements [R205(a)] (exemption code C12)” [IRCC Guideline]. The IRCC Guideline notes that applicants seeking to start a branch or affiliate must, among other things, furnish realistic plans to staff the new operation, and have the financial ability to commence business in Canada and compensate employees.

[7] An IRCC officer refused Mr. Sharifigoofli’s work permit application by letter dated May 9, 2023. The officer’s reasons for the refusal are reflected in notes in the Global Case Management System [GCMS] maintained by IRCC. As is clear from those notes, the officer found that Mr. Sharifigoofli’s intended employment in Canada did not appear reasonable since (a) the business plan did not show that the new business would offer goods or services that are unique or significantly different from existing competitors in the region; (b) it was unclear why

the business required so many executive and senior management positions; (c) the proposed salaries for the executives were well below the median salaries for the positions in Vancouver, such that it was unlikely that the business would be able to staff the positions for the salaries indicated; (d) it was unclear why Mr. Sharifigoofli, as an employee of the parent company in Iran who is not an owner, would invest his own funds for the startup business costs of the company's Canadian affiliate; (e) there was insufficient information to show the company had the financial ability to commence business in Canada and compensate its employees; and (f) while the business plan indicated that two operating locations would be required, no lease agreement or other proof of premises had been provided for either location. The officer concluded that they were not satisfied that the business would be of significant benefit to Canada, that the business had a realistic staffing plan, and that Mr. Sharifigoofli would depart Canada at the end of his authorized stay.

[8] Mr. Sharifigoofli challenges the officer's refusal of his application, and in particular their assessment of the business plan for the new Canadian company. There is no dispute that this Court reviews the decisions of visa officers on the reasonableness standard: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25; *Shams* at para 13. In applying this standard, the Court does not undertake its own assessment of the evidence to determine how it would decide the matter. Rather, it is limited to reviewing the decision and the underlying record to determine whether the decision is internally coherent, transparent, intelligible, and justified in relation to the relevant factual and legal constraints: *Vavilov* at paras 83–86, 99–101.

[9] In particular, this Court has recognized that visa officers are entitled to deference in their assessment of the viability of business plans put forward by applicants: *Raveshi v Canada (Citizenship and Immigration)*, 2024 FC 15 at para 14; *Babalou v Canada (Citizenship and Immigration)*, 2024 FC 549 at paras 35–36; *Shams* at para 23.

[10] Mr. Sharifigoofli contends that the officer’s decision is unreasonable for essentially four reasons.

[11] First, Mr. Sharifigoofli argues it was unreasonable for the officer to assert that the business plan presented did not show that the new Canadian company would offer goods or services that were unique or significantly different than those already available in the region from existing competitors. He contends that the new business would be “the only provider of modern western to traditional, Asian, and Islamic patterns” of tiles and ceramics. However, while Mr. Sharifigoofli asserts on this application that the new business would be “the only provider” of such tiles and ceramics, the business plan filed with IRCC did not demonstrate, and indeed did not even mention, this asserted fact. Indeed, while the business plan identifies certain competitors, it does not purport to distinguish the goods and services of the proposed business from those of existing competitors. The reasonableness of the officer’s reasons must be assessed in light of the record before them: *Vavilov* at paras 103, 125–126. Read in this light, the officer’s conclusions regarding the business plan’s treatment of the competitive landscape are reasonable.

[12] Second, Mr. Sharifigoofli argues that the officer’s observations regarding median salaries was unreasonable. He asserts that since the proposed business is a startup, executive level titles

are frequently used, but that individuals filling those roles would expect to have different responsibilities than might be expected for the title, with compensation fixed accordingly. Again, Mr. Sharifigoofli looks to present a characterization of the new business that was not put before the officer. While the new Canadian business was described as a startup, and various tasks to be performed by each of the executives was described, the business plan gives no information as to why the business believed it could hire, for example, a CTO or COO at half the median salary for such a position. The officer's conclusion that it does not appear likely that the business would be able to staff the positions for the salaries indicated is reasonable on the record before them.

[13] It is perhaps worth noting that while the business plan provided for four executives, an installation expert, and a marketing expert, it showed no plan for hiring anyone to actually manufacture the tiles and ceramics that were said to be the core of the proposed business. The business plan indicates that tiles and ceramics would be designed in Iran, but then fabricated, cut, and assembled "with the most recent technology and knowledge in Canada." It further states that the fabrication process would be done in the company's workshop "by application of professional labor and high-tech machinery." supervised by the CTO, but the business plan shows no personnel cost associated with this fabrication. In this context, the officer's conclusion that they were not satisfied that there was a realistic business plan proffered by Mr. Sharifigoofli is entirely understandable and reasonable.

[14] Third, Mr. Sharifigoofli challenges the officer's findings regarding the proof of available funds and the financial structure of the new Canadian company. Again, I conclude that the officer's findings and assessment of the financial aspects of the business plan were reasonable.

The officer was reasonably concerned about the evidence of funds of the parent company, the business plan that would have an employee of a parent company investing more than his entire first year salary in a startup company he would not own in whole or in part, and the financial viability of the company and their ability to commence business and pay employees in Canada. While Mr. Sharifigoofli contends that the proposed business is viable and that the funds he is investing would be sufficient, this amounts to no more than a disagreement with the officer's conclusions. It does not demonstrate that those conclusions are unreasonable.

[15] Finally, Mr. Sharifigoofli argues that it was unreasonable for the officer to note that no proof of physical business premises had been provided for either the office or manufacturing facility described in the business plan. Mr. Sharifigoofli notes that the IRCC Guideline permits an applicant to use counsel's address pending purchase or lease of premises. He argues that the business plan put forward the address of an immigration consultant as a temporary address, with premises to be established at one of a number of office buildings in Burnaby, British Columbia, and that this should have been considered acceptable in keeping with the IRCC Guideline.

[16] I disagree. It is to be noted that Mr. Sharifigoofli's business plan did not state that the business address was that of his immigration consultant. To the contrary, only the Montreal address of the immigration consultant is given, while the business plan states that the address given in British Columbia would be used "for operational and administrative purposes, which will be open during regular business days and hours." No information was provided showing an ability to use this address for such purposes (such as a lease or other documents), or for the

identification and leasing of a workshop. The officer was entitled to consider this as a factor in their assessment of the viability and adequacy of the business plan: *Shams* at para 21.

[17] I therefore conclude that Mr. Sharifigooqli has not established that the officer's assessment of the business plan put forward or their resulting refusal of his visa application was unreasonable. The application for judicial review must therefore be dismissed.

[18] Neither party proposed a question for certification, and I agree that none arises in the matter.

JUDGMENT IN IMM-8649-23

THIS COURT’S JUDGMENT is that

1. The application for judicial review is dismissed.

“Nicholas McHaffie”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8649-23

STYLE OF CAUSE: MEISAM SHARIFIGOOFLI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTREAL, QUEBEC

DATE OF HEARING: OCTOBER 10, 2024

JUDGMENT AND REASONS: MCHAFFIE J.

DATED: APRIL 2, 2025

APPEARANCES:

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