

Federal Court



Cour fédérale

Date: 20250402

Docket: IMM-12545-23

Citation: 2025 FC 615

Ottawa, Ontario, April 2, 2025

PRESENT: The Honourable Mr. Justice Favel

BETWEEN:

**FARRIN FARZADNIYA ET AL
(SEYEDMOHAMMAD VATANIKHATIBI
AND SEYEDARAZ VATANIKHATIBI)**

Applicants

and

**THE MINISTER OF IMMIGRATION,
REFUGEES AND CITIZENSHIP**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Farrin Farzadniya [Applicant], her husband, Seyedmohammad Vatanikhatibi and their minor child, Seyedaraz Vatanikhatibi, [collectively Applicants] seek judicial review of the August 9, 2023 decision [Decision] of an immigration officer [Officer], refusing: her study permit; her husband's work permit; and, their minor child's study permit. The Officer denied the

applications stating the Applicant had not established that she will leave Canada since she has significant family ties in Canada, and the purpose of her visit is inconsistent with a temporary stay.

[2] This application for judicial review is allowed.

II. Background

[3] The Applicant has a master's degree in Agricultural Engineering and has been working as a Technical and Quality Control Supervisor at NANSA Azarbaijan Food Industry company [Employer] in Iran since March 2018. The Applicant applied for a master's degree program in Chemical and Biochemical Engineering at Western University.

[4] The Applicant had previously been refused a visa and sought to judicially review the matter; however, settlement was reached, and the application was remitted for redetermination. The Applicant was permitted to provide new and updated documents pertaining to her study permit application. The Applicant submitted: evidence that she was able to financially support herself and her family during her studies; a letter of offer for return to a senior position with her Employer upon completion of her studies; a house title deed; documentation about her husband's woodworking business; and policy certificates.

III. The Decision

[5] The Applicant's study permit was once again refused. The Officer was not satisfied the Applicant would leave Canada at the end of her stay. The Officer again determined the Applicant

has significant family ties in Canada, and her purpose for visit was inconsistent with a temporary stay. The Officer noted the Applicant had already attained similar level of education, and her study plan was vague, failing to outline a clear career/educational path. The Officer further considered her family ties, travel history, and funds available, weighing these factors against the current economic and security situation in Iran.

IV. Preliminary Matter – Admissibility of Evidence

(1) Respondent's Position – Preliminary Matter

[6] The Respondent submits there is additional detail in the Applicant's affidavit which was not before the Officer, detailing her intentions regarding the proposed studies. These paragraphs do not fall under any exception in the law (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at paras 19-20 [*Access Copyright*]). The Applicant may re-apply for a study permit with this additional detail.

(2) Applicant's Position – Preliminary Matter

[7] The Applicant submits that the contested information was set out in her study plan which was before the Officer.

(3) Conclusion – Preliminary Matter

[8] Upon reviewing the paragraphs in question, they speak to: the Applicant's explanations for choosing the specific course of study; perceived benefits; distinctions between the previous degree and sought program; previous work experience; potential career advancement and

aspirations; potential impacts on the industry locally; and, perceived academic distinction globally.

[9] These basic statements are present in the Applicant's Study Plan documents before the Officer, however, the expanded logic is not. The expanded logic was not adequately canvassed in evidence, and therefore fails to meet the principles established in *Access Copyright* (at paras 19-20).

[10] I decline to accept this evidence.

V. Issue and Standard of Review

[11] The only issue for determination is whether the Decision is reasonable.

[12] The Applicant and Respondent agree the standard of review is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]). I agree. This case does not engage one of the exceptions set out by the Supreme Court of Canada in *Vavilov*, therefore, the presumption of reasonableness is not rebutted (at paras 16-17).

[13] Though brief, the reasons must be: responsive to the evidence (*Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 15 [Patel]); and must be reasonable, revealing their thought process intelligibly, and addressing evidence that contradicts important findings of fact (*Ekpenyong v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 1245 at para 23 [Ekpenyong]; *Afuah v Canada (Citizenship and Immigration)*, 2021 FC 596 at paras 9-10 [Afuah]).

VI. Analysis

(1) Applicant's Position

[14] Officers operate under institutional constraints, therefore the requirements of fairness, and the need to give reasons, are typically minimal (*Canada v Khan (Minister of Citizenship and Immigration)*, 2001 FCA 345 at para 32; *Ekpenyong* at para 22; *Afuah* at para 9). However, the reasons must also be responsive to the evidence (*Patel* at para 15).

[15] Refusal based on purpose of visit is reasonable where the applicant's explanations are abstract, vague, or not founded on objective evidence (*Kheradpazhooh v Canada (Citizenship and Immigration)*, 2018 FC 1097 at para 5). However, if the officer's chain of reasoning is not intelligibly articulated to support such a conclusion, the decision is unreasonable (*Fallahi v Canada (Citizenship and Immigration)*, 2022 FC 506, at para 17 [*Fallahi*]).

[16] The Officer unreasonably assumed the role of a career counselor rather than observing the facts and clarifications provided by the Applicant (*Asghari v Canada (Citizenship and Immigration)* 2023 FC 606 at para 21). It is unreasonable for an officer to offer their opinion on an applicant's career path or educational background (*Jafari v Canada (Citizenship and Immigration)*, 2023 FC 183 at para 12).

[17] The Officer notes the study plan does not sufficiently demonstrate how the additional master's degree would be of benefit. However, applicants need not have a compelling reason to visit Canada, and must only submit some information supporting their reasons (*Agidi v. Canada (Citizenship and Immigration)*, 2013 FC 691 at para 7).

[18] The study plan and supporting documents establish a strategic, well-founded decision aligning with the Applicant's long-term objectives. The overlap in academic study is intentional, and particularly relevant.

[19] Though related, the proposed master's degree is not equivalent to the Applicant's previous studies. The program logically and strategically allows the Applicant to transition from her current role to a more advanced position, a necessary step toward achieving her professional objectives. Additionally, the international recognition of a highly ranked, Canadian university sets the Applicant apart from her peers professionally.

[20] The Applicant's previous professional journey has deepened her understanding and highlighted the need for advanced knowledge to further excel in her career. This progression is crucial for advancing her expertise in areas which she has already established a professional background.

[21] As in *Ahadi v. Canada (Citizenship and Immigration)*, 2023 FC 25 at para 15 [*Ahadi*], the Employer's letter provided the Applicant with a leave of absence to pursue her studies, and noted a promotion would be available to her upon return to Iran. It was not appropriate for the Officer to comment on the benefit of the program.

[22] The Officer did not intelligibly articulate a rational chain of reasoning explaining the conclusion that the study plan is unreasonable (*Fallahi at para 17*). The Applicant provided reasonable explanations. The Officer gave no reasons to doubt the Applicant's genuine intentions

(*Carin v Canada (Citizenship and Immigration)*, 2020 FC 740 at paras 8-9). Therefore, the Decision is unreasonable.

[23] Though the Officer is not required to accept the Applicant's purpose of study, they must explain why it was found insufficient (*Singh v Canada (Citizenship and Immigration)*, 2023 FC 199 at para 21). An officer should refrain from imposing "stringent and special conditions" on study permit applicants, as excessively high standards unfairly restrict access to Canadian Study Permits. This is especially true when no such limitations are outlined in the pertinent regulations, policies, or guidelines (*Naghianfesharaki v Canada (Citizenship and Immigration)*, 2023 FC 1489 at paras 14-16).

[24] The Officer's findings are based on a superficial and unreasonably inaccurate review of the submitted documents. The Officer failed to base their assumptions on evidence that could reasonably prove the Applicants did not plan to leave Canada. Having considered these issues, the Officer's assumption that the Applicants might not depart Canada, and that their "purpose of travel is not consistent with a temporary stay", was unreasonable.

[25] Concerning the Applicant's lack of ties, both the Applicant and her husband have parents and siblings in Iran. Such arguments, without further analyzation of the evidence before the Officer, is a *de facto* refusal of all applicants who have a family member accompanying them to Canada (*Ahadi* at para 18). It is reasonable for the Applicant to be accompanied by her husband and child.

[26] A purported lack of significant family ties outside Canada is one of two reasons the Officer found the Applicant would not leave. This Decision is not justified in light of the factual record. The immediate family members of each spouse are in Iran, indicating the Applicant has significant family ties outside Canada. In this regard, the Decision lacks a rational chain of analysis and is therefore, unreasonable (*Moradbeigi v Canada (Citizenship and Immigration)*, 2023 FC 1209 at paras 19-22).

[27] In *Zoie v Canada (Citizenship and Immigration)*, 2022 FC 1297 (at para 21), even absent affidavit evidence demonstrating relationship to family, many family members were clearly identified, requiring more in the officer's reasons:

“[T]here was an obligation on the Officer to demonstrate that he had considered the Applicants' family in Iran, and to explain how he weighed the relationships in Canada against the family that was still present in Iran. This is particularly so as the Officer indicates in the decision letter that the principal Applicant's family ties in both Canada and in Iran were a basis for determining that the principal Applicant would not leave Canada at the end of his stay”.

[28] The Applicant has no family ties in Canada, other than her accompanying family, and no future plans in Canada. All other family members live in Iran and have no intention of visiting Canada (*Hassani v Canada (Citizenship and Immigration)*, 2023 FC 734 at paras 21 and 22). In addition to relational ties, the Applicant demonstrated further concrete and implied ties to her home country with reference to her property ownership, her and her husband's professional and community ties, and their child's cultural and linguistic ties.

[29] The Applicant's whole personal, educational, and employment life is in Iran and the Officer's reasons make no mention of any of these relevant facts (*Shohratifar v Canada*

(*Citizenship and Immigration*), 2023 FC 218 at para 14). Nothing before the Officer suggested the Applicant would illegally stay in Canada.

[30] Therefore, not only was the Officer unable to reasonably prove the Applicant is not a bona fide student that would not leave Canada, but also, several documents indicated that, in fact, the Applicant had strong incentives to return to Iran.

[31] When assessing the Applicant's intention to leave Canada, the Officer's reasons state:

“I considered the purpose of travel, family ties, travel history, and available funds. However, after weighing these factors against the current economic and security situation in Iran and its relevance to the Applicant, I am not satisfied that the Applicant is a genuine student who would leave Canada at the end of their authorized stay.”

[32] The Officer has failed to articulate their thought process and has engaged in speculation detached from the evidence before them. The Officer relied on this detached speculation as the basis for refusal of the application. The Officer's decision ignores direct evidence provided, and hence is unreasonable.

(2) Respondent's Position

[33] The Applicant bears the onus of proof. The Applicant must demonstrate she will leave Canada upon visa expiry via supporting documentation (*Rahman v Canada (Citizenship and Immigration)*, 2016 FC 793 at para 16). The Applicant has failed to do so (*Zamor v Canada (Citizenship and Immigration)*, 2021 FC 479 at paras 17 and 20).

[34] Foreign nationals wishing to enter Canada must apply for, and obtain, the required document prior to entry (*IRPA*, ss. 11(1) and 20(1)), and positively establish they will leave upon visa expiry (*IRPA*, 20(1)(b)). The Applicant had a “positive obligation” to establish that she will leave prior to the visa being issued. There is little room for the Officer to give the Applicant the benefit of the doubt (*IRPR*, s 216(1)(b); *Hashem v Canada (Citizenship and Immigration)*, 2020 FC 41 at para 31).

[35] The Decision was supported by multiple findings. Specifically:

- i. The Applicant has similar studies at the same academic level as the proposed studies;
- ii. The study plan is vague, and does not outline a clear career/educational path for which the sought educational program would be of benefit;
- iii. The study plan refers to general advantageous comments regarding the value of international education in Canada, and makes sweeping statements on how this education will improve the Applicant’s situation in Iran;
- iv. The Applicant’s ties to her home country are weakened with the intended travel including her immediate family. The motivation to return to Iran will diminish with her immediate family members residing in Canada;
- v. In weighing all the factors, including the current economic and security situation in Iran, the Officer was not satisfied the Applicant is a genuine student who would leave Canada at the end of an authorized stay.

[36] The Officer’s findings are easily inferred from a review of the record (*Ahmadi v Canada (Citizenship and Immigration)*, 2023 FC 1208 at para 11; *Vavilov* at para 98). The Officer’s assessment is owed deference, regardless of potential alternative findings that could have been made (*Hamid v Canada (Citizenship and Immigration)*, 2022 FC 886 at para 24).

[37] The Applicant provides no insight into the courses she will take, nor how it would assist her career plans. She failed to point to specific evidence showing how or why her proposed studies would be beneficial, or how this program differs from previous studies at the same level. Instead, the Applicant's study plan generally asserts that she will gain "an interdisciplinary knowledge of the sciences" and that she has "a great interest in chemistry and ... teamwork in the laboratory." These general assertions are insufficient.

[38] It was open to the Officer to conclude that the study plan was vague in light of the general, sweeping statements in the study plan (*Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 at para 30; *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 at paras 12-15 [*Mehrjoo*]).

[39] Neither the letters from the Employer nor the study plan provide any explanation as to why this proposed degree, particularly in a Canadian university, is required for the job offer; how the new position is relevant to the proposed studies; or how the new position is different from her current position. These are reasonable details to provide in an effort to convince an officer of the benefits of the proposed program (*Mehrjoo* at para 14).

[40] The Officer pointed to the deficiencies in the application and found the Applicant had not established that she would leave Canada at the expiration of a visa. But this was not the Officer's central finding. The central finding, and main reason for refusal, was the Applicant's failure to persuade the Officer that she was a genuine student. Her study plan did not outline a clear educational path nor career for which the sought education program would be of benefit. The Decision demonstrates a rational chain of analysis.

[41] Findings regarding family ties are factual findings requiring deference. A visa officer is entitled to consider accompanying family members when they assess an applicant's establishment or ties to their home country (*Moosavi v Canada (Citizenship and Immigration)*, 2023 FC 1037 at para 22). Here, the Officer reasonably determined that the accompanying presence of the Applicant's husband and child would reduce her motivation to return to Iran.

[42] The record must be read holistically. Even if an error has been made with respect to family ties, it should not vitiate the decision as a whole (*Vavilov* at paras 97, 103 and 143; *Ocran v Canada (Citizenship and Immigration)*, 2022 FC 175 at para 48). The Officer's rejection of the Applicant's study permit application was sufficient reason to reject the husband's work permit and their child's visitor visa applications.

[43] The Applicant's additional submissions are a request for this Court to re-weigh the evidence, which is not relevant to the reasonableness of decision. In their reasons, the Officer stated they considered: the purpose of travel; family ties; travel history; funds; and current economic and security situation in Iran. There were reasonable and express findings on the Applicant's study plan and family ties. Ultimately, there was insufficient evidence on record to establish the Applicant's purpose of visit to rebut the presumption that the Applicant intended to remain in Canada after the expiry of a visa.

[44] Furthermore, the Officer is presumed to have considered all the evidence and need not refer to every piece (*Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at para 28).

(3) Conclusion

[45] The Officer unreasonably refused the applications based on assessment of the evidence related to: 1) the inadequacy of the study plan; and 2) diminished ties to Iran.

[46] The Officer stated:

Study plan submitted is vague and does not outline a clear career/educational path for which the sought educational program would be of benefit. It refers to general advantageous comments regarding the value of international education in Canada and makes sweeping statements on how the education will improve the applicant's situation in Iran.

[47] Both applications include the following excerpt from the original study plan document:

“Studying Chemical and Biochemical Engineering will allow me to have an interdisciplinary knowledge of the sciences. My interest in this field has matured due to the unique learning experience I have had for the past 15 years during my academic studies and career. This major is directly related to my previous studies and career since the nature of Food Engineering is an orientation of Chemistry Engineering.

...

My professional future will be brighter if I study this master's degree at highly respected university in Canada. My expertise will be in demand because almost all small and large factories need a chemical engineer due to use of chemicals in new processes.”

[48] The Applicant disclosed her future career path and goals, stating the acquired knowledge will benefit her future business. She identified others in Iran with Canadian educations being highly respected, directly translating to career benefit, particularly referencing Western University as being one of the oldest and highest ranked universities in Canada. She has

researched the program, knows the professors are great instructors and researchers in the field, and believes it is the most suitable program for her.

[49] In submitting further evidence, the Applicant provided some additional details:

“My client has decided to study for her master’s degree at Western University in Canada. She deems this program highly important in her future career and believes that obtaining this degree from a Canadian university will bring her a higher status in Iran.”

[50] Understanding that the original study plan was not adequate, the Applicant provided proofs of job offer, and proofs of acceptance, enrollment, and payment in full to Western University.

[51] While the additional study plan details as presented to this Court are intelligible and well-reasoned, they were not so precisely explained in the original and additional documentation to the visa Officer. However, the explanations in the original and additional documentation before the Officer may not be properly classified as vague.

[52] In her original study plan, she states:

“I have participated in lab training courses and conferences to keep myself updated in my field. Due to my active work and constant attempts to update my knowledge, the company that I am working is delighted with me, and they have offered a job position upon my return to Iran. During my career, I have undertaken different responsibilities such as supervising and directing quality control personnel, implementing new technologies, new equipment, and new products, approving production schedules based on product compatibility, etc. I find my field of study and work very exciting; I believe there is no end to science, and I wish to keep myself updated as much as possible; that is why I have decided to get my master's degree.”

and,

“My ultimate plan is to set up a food production complex with my father. There, I can utilize the updated chemistry knowledge to combine laboratory materials, perform various tests, and monitor the quality of products. Through this master's, I hope to improve research skills and use the acquired knowledge for my future business in Iran. I have witnessed hardworking scientists and quality control employees who are out of jobs or are not earning enough money in Iran. Therefore, besides wanting to contribute to science, through establishing my production complex, I plan to help those diligent individuals However, I will not rush to establishing my business as soon as I return to Iran. I will take a couple of years to work as the senior professional chemical engineer in the microbiological and chemical labs of Nansa Food Industry Factory after my graduation and gain more advanced information about running a business.”

[53] In her updated document production, the Applicant also provides the job offer letter that states she “...has been offered to work at Microbial and Chemical Lab of our Company as a Senior Professional Chemical Engineer after completion of her postgraduate study at Western Ontario University”.

[54] Upon a review of the record, the combined study plan and work plan, including additional documentation, the Officer in refusing the application, unreasonably assumed the role of a career counselor rather than observing the facts and clarifications provided.

[55] In terms of ties to Iran, in the GCMS notes, the Officer states:

PA will be accompanied by spouse and dependent child. The ties to their home country are weakened with the intended travel to Canada involving their immediate family, as the motivation to return will diminish with the applicant's immediate family members residing with them in Canada.

[56] The additional documentation provided, including job offer letter, family details, and house deed, demonstrates the Applicant's ties to Iran. The study plan also refers to the Applicant's parents, siblings, husband's family, grandmother, and close friends, and "dear ones." In addition, the Applicant references their house, job obligations, job offer and promotion.

[57] Nothing in the Officer's notes or decision letter, other than the statement "I have considered the Applicant's...family ties..." indicates a recognition of the evidence to the contrary. While the Officer's assessment is owed deference, regardless of potential alternative findings, such arguments without further analyzing the evidence before the Officer is a *de facto* refusal of all applicants who have a family member accompanying them to Canada.

VII. Conclusion

[58] The record must be read holistically. However, the Applicant's evidence related to the study plan, work plan, and ties to Iran were not sufficiently engaged. The Officer's findings are unreasonable.

[59] No questions for certification are raised by the parties.

JUDGMENT in IMM-12545-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed. This matter is remitted for redetermination by a different officer.
2. There is no question for certification.

"Paul Favel"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12545-23

STYLE OF CAUSE: FARRIN FARZADNIYA ET AL, (SEYEDMOHAMMAD
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VATANIKHATIBI) v THE MINISTER OF
IMMIGRATION, REFUGEES AND CITIZENSHIP

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