

Federal Court



Cour fédérale

Date: 20250501

Docket: IMM-2024-24

Citation: 2025 FC 793

Toronto, Ontario, May 1, 2025

PRESENT: Madam Justice Go

BETWEEN:

FATEMEH RAHMANIAN

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Ms. Fatemeh Rahmanian [Applicant], a citizen of Iran, applied for a Temporary Resident Visa [TRV] to visit her husband with their two children. The Applicant's husband has been employed full-time and residing in Ontario since October 2023.

[2] An Immigration, Refugees and Citizenship Canada officer [Officer] refused the Applicant's TRV application [Decision]. The Officer was not satisfied the Applicant would leave Canada at the end of her stay, as required by paragraph 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[3] The Applicant seeks judicial review of the Decision, arguing that the Decision was unreasonable. For the reasons set out below, I dismiss the application.

II. Analysis

[4] The parties agree that the standard of review of a decision's merits is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25. The Court should assess whether the decision bears the requisite hallmarks of justification, transparency and intelligibility: *Vavilov* at para 99. The Applicant bears the onus of demonstrating that the decision was unreasonable: *Vavilov* at para 100.

[5] The Applicant raises three main arguments to challenge the Decision.

[6] First, the Applicant submits the Officer failed to discuss any pertinent evidence and drew a conclusion that is patently contradicted by the evidence, citing *Cezair v Canada (Citizenship and Immigration)*, 2018 FC 886 at para 27. Specifically, the Officer's finding regarding the Applicant's assets and financial situation was unreasonable in light of the evidence submitted by the Applicant that her and her husband collectively have over a \$70,000 balance in their bank accounts. The Officer also did not address the Applicant's husband's letter of support,

employment letter, recent pay stubs and proof of funds. Failing to consider probative and relevant evidence—especially evidence contradictory to their conclusion—would suggest that an officer’s decision is unreasonable: *Girn v Canada (Citizenship and Immigration)*, 2015 FC 1222 at paras 31 and 33.

[7] I do not find the Applicant’s submission persuasive.

[8] The onus is on the Applicant to establish, on a balance of probabilities, that she would leave Canada at the end of the authorized stay, and it is not for the Court to reweigh the evidence and substitute its own conclusions for that of the Officer: *Saif v Canada (Citizenship and Immigration)*, 2021 FC 680 at para 27; *Pastor v Canada (Citizenship and Immigration)*, 2021 FC 1263 at para 16.

[9] In addition, it is well established that visa officers are expected to “conduct a more detailed and fulsome analysis about the source, origin, nature and stability of [an applicant’s] funds:” *Abdisoufi v Canada (Citizenship and Immigration)*, 2024 FC 164 at para 10.

[10] In this case, the only evidence the Applicant provided regarding her financial situation consisted of two single-page “account balance statements” about her finances, and a one-page statement showing the balance of her husband’s accounts, without any supporting details. In view of the evidence, or lack thereof, it was open to the Officer to find that the Applicant failed to demonstrate sufficient assets and financial situation.

[11] Second, the Applicant submits that the Officer never elaborated on how her trip appeared to be inconsistent with a temporary stay. The Applicant emphasizes that the purpose of the proposed trip was clearly stated in her application and her husband's invitation letter.

[12] I disagree.

[13] The Officer's Global Case Management System [GCMS] notes include reasons for the Decision. The GCMS notes stated that the Applicant's visit to Canada is not consistent with a temporary stay "given the details provided in the application." As the Respondent points out, and I agree, the details that the Applicant provided about the purpose of her stay were found in the online application submitted by the Applicant. Under the question "Tell us more about what you'll do in Canada," the Applicant replied:

I have plan to come [*sic*] Canada on 10-Mar-2023 and plan to stay for 5 months. During my stay, I have a few key activities planned:
1) Visit My Husband. He is working in Canada with a work permit.
2) Apply for a Work Permit for Myself.

[14] I agree with the Respondent that the Officer finding the Applicant's visit not being consistent with a temporary stay was reasonable in light of the Applicant's own evidence stating that one of her purposes of visit was to apply for a work permit for herself. The Applicant never indicated when, or if, she would return to Iran.

[15] At the hearing, counsel for the Applicant submitted that the Applicant intended to stay in Canada for five months only. I reject this submission as it is not grounded on the evidence before the Officer.

[16] Also at the hearing, counsel for the Applicant added that the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] allows for applicants applying for a TRV to have dual intent, citing paragraph 22(2) of the IRPA.

[17] I reject this argument. The dual intent provision under paragraph 22(2) of the IRPA recognizes a temporary resident may have a dual intention to become a permanent resident. The Applicant in this case has never declared such an intent, nor has the Applicant submitted any application for permanent residency. As such, paragraph 22(2) does not apply. Furthermore, under paragraph 22(2), the foreign national must still satisfy the Officer that they will leave Canada by the end of the period authorized for their stay. Given the evidence submitted by the Applicant, and the lack of indication of when the Applicant would return to Iran, it was reasonable for the Officer to not be satisfied that the Applicant would leave at the end of her authorized stay.

[18] Third and final, the Applicant takes issue with the Officer's finding that she has limited employment opportunities in her country of residence. The Applicant submits that although she has been a housewife, her employment possibilities in Iran are satisfactory in view of her degree in accounting. The Applicant further argues that she should not be penalized because she has been looking after her two minor children.

[19] The Applicant's arguments fail to raise any reviewable error. The evidence before the Officer confirmed that the Applicant was unemployed at the time of the application, with no

evidence of any employment since 2003. Thus, it was reasonable for the Officer to find that the Applicant's employment prospects were limited, based on her own evidence.

III. Conclusion

[20] The application for judicial review is dismissed.

[21] There is no question for certification.

JUDGMENT in IMM-2024-24

THIS COURT'S JUDGMENT is that:

1. 1. The application for judicial review is dismissed.
2. There is no question for certification.

"Avvy Yao-Yao Go"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2024-24

STYLE OF CAUSE: FATEMEH RAHMANIAN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

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JUDGMENT AND REASONS: GO J.

DATED: MAY 1, 2025

APPEARANCES:

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