

Federal Court



Cour fédérale

Date: 20250520

Docket: IMM-16321-23

Citation: 2025 FC 917

Vancouver, British Columbia, May 20, 2025

PRESENT: The Honourable Madam Justice Strickland

BETWEEN:

**MAHBOUBEH FARHADI
SAEID DOLAT ABADI
SELIN DOLAT ABADI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Mahboubeh Farhadi, is a citizen of Iran. She applied for a study permit to allow her to pursue an English as a Second Language [ESL] course for one to five terms and to pursue a two-year Dual Post-Graduate Certificate in Human Resources, Marketing and Entrepreneurship at Trent University [Program] in Peterborough, Ontario. Her spouse, Saeid

Dolat Abadi, sought to accompany her and applied for an open work permit. Their minor child, Selin Dolat Abadi, applied for a related visitor's visa.

[2] By letter dated November 22, 2013, a visa officer [Officer] with Immigration, Refugees and Citizenship Canada [IRCC] advised the Applicant that her application did not meet the requirements of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The Officer refused the application as they were not satisfied that that the Applicant would leave Canada at the end of her stay as required by s. 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRP Regulations] on the basis that she does not have significant family ties outside Canada and the purpose of her visit to Canada was not consistent with a temporary stay given the details provided in his application.

[3] The Global Case Management System [GCMS] notes, which form part of the reasons for the decision, state:

I have reviewed the application. I have considered the following factors in my decision. The applicant is 29 year old Iranian national. The applicant is requesting a study permit to attend ESL-program followed by a Postgraduate Certificate in Human Resources,

Marketing and Entrshp at Trent University. Letter of explanation reviewed and considered. I am not satisfied that the purpose of study is reasonable. Considering applicant's previous work experience as a Dental Assistant, Accountant and Financial Manager, I am not satisfied that applicant would not have already achieved the benefits of this program. The ties to Iran are weakened with the intended travel to Canada by the client as the travel involves their immediate family; the motivation to return will diminish with the applicant's immediate family members residing with them in Canada. Weighing the factors in this application, I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay. For the reasons above, I have refused this application.

[4] The applications of the Applicant's spouse and their child were also refused because they were dependant upon the success of her application.

Issue and Standard of Review

[5] In my view, the sole issue in this matter is whether the Officer's decision was reasonable. The standard of review on the merits of the decision is reasonableness. That is, whether the decision is transparent, intelligible and justified in relation to the relevant factual and legal constraints that bear on it (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99).

Analysis

[6] The Applicant submits that the Officer's decision was unreasonable because the Officer failed to justify their finding that the purpose of her visit was not consistent with a temporary stay in Canada. She submits that the record contains substantial evidence supporting that the purpose of her visit is to study in Canada which evidence the Officer failed to address. And, while the refusal letter states that the purpose of her visit is not consistent with a temporary stay based on the details provided in her application, the Applicant submits that in the GCMS notes the Officer confirmed that the Applicant is requesting a study permit to attend the subject education programs. According to the Applicant, this demonstrates that the Officer contradicted their own finding, rendering the decision unintelligible and unreasonable. The Applicant also submits that the Officer found that the purpose of her study in Canada was not reasonable as, given her previous work experience, the Officer was not satisfied that she had not already

achieved the benefits of the proposed program. However, that this finding was unreasonable given the content of her study plan and that the Officer also disregarded her evidence corroborating that she has strong, motivated reasons to pursue the proposed educational program. She also submits that the Officer failed to justify their finding as to her weakened family ties in Iran which is not supported by the record, nor did the record support that the Applicant would stay illegally in Canada at the end of an authorized period of study. Finally, the Applicant submits that the Officer breached procedural fairness by failing to provide her with an opportunity to respond to the Officer's concerns.

i. Preliminary Issue – Procedural Fairness

[7] The Applicant submits that she was denied procedural fairness because she was not given the opportunity to respond to the Officer's concerns or to make representations through a procedural fairness letter or an interview. There is no merit to this submission. As this Court has consistently held on countless occasions, it is an applicant's obligation to satisfy all requirements which arise directly from the provisions of the legislation and regulations. A visa officer is not required to inform an applicant of concerns regarding the sufficiency of the materials submitted in support of the application. Only in certain circumstances, such as where an officer questions the authenticity of the documents or an applicant's credibility, would the officer have an obligation to notify the applicant and allow them an opportunity to respond (see, for example, *Goshtasbi v Canada (Citizenship and Immigration)*, 2024 FC 1110 at paras 910; *Al Aridi v Canada (Citizenship and Immigration)*, 2019 FC 381 at para 20 citing, among other decisions, *Hassani v Canada (Citizenship and Immigration)*, 2006 FC 1283 at para 24; *Oboghor v Canada (Citizenship and Immigration)*, 2024 FC 2019 at para 25; *Aghvamiamoli v Canada (Citizenship*

and Immigration), 2023 FC 1613 at paras 19-21; *Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 at para 38).

[8] This is not such a case. The Officer did not make a veiled or other credibility finding nor did they rely on extrinsic evidence or question the authenticity of the Applicant's documents. Here the Officer's concern was whether the Applicant would leave Canada at the end of an authorized stay, a statutory requirement under s 216(1)(b) of the *IRP Regulations*. And, in that regard, if the Applicant's evidence, in particular as to her family ties and the purpose and reasonableness of her proposed studies, established that she would so.

ii. Family ties

[9] In my view, the Officer reasonably determined that the Applicant's ties to Iran would weaken if her husband and child accompanied her to Canada. The Officer did not suggest that there were no family ties to Iran, nor did they question that the Applicant may have strong family ties in Iran. Rather, they found that as her immediate family — her husband and child — would be accompanying her to Canada, this would weaken her existing ties to Iran and, therefore, her motivation to return. It was open to the Officer find that the Applicant's ties to her husband and daughter are more likely to pull towards staying in Canada. However, the Officer did not engage with the Applicant's evidence as to her and her spouse's remaining ties in Iran and their establishment in that country and weigh this in a push/pull analysis. This renders the finding unreasonable (*Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 at paras 15, *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 at para 15-16; *Rezaye Yazdi v Canada*

(*Citizenship and Immigration*), 2024 FC 1221 at para 15; *Askari v Canada (Citizenship and Immigration)*, 2023 FC 1318 at paras 24-27).

iii. *Study Plan*

[10] As held in *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 at para 12 [*Mehrjoo*], the onus is on an applicant to convince the officer of the merits of the study plan (citing *Charara v Canada (Citizenship and Immigration)*, 2016 FC 1176 at para 36). When considering the merits of a study plan, a visa officer is entitled to consider whether an applicant has already achieved the benefits of the intended program (citing *Borji v Canada (Citizenship and Immigration)*, 2023 FC 339 at para 17). Indeed, the fact that the proposed studies appear redundant given past studies or employment may well be relevant as one is unlikely to undertake a course of study that brings no benefits (citing *Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 805 at para 9; see also *Aryanfar v Canada (Citizenship and Immigration)*, 2024 FC 1712 at para 10; *Nahvi v Canada (Citizenship and Immigration)*, 2024 FC 2076 at para 9).

[11] Here, the Officer noted the Applicant's previous work experience as a Dental Assistant and as an Accountant and Financial Manager and stated that they were not satisfied that Applicant would not have already achieved the benefits of this program.

[12] The Applicant submits that her study plan explained her rationale for applying to the Program and offered context about how the Program fit into her educational and employment history, as well as her employment and career prospects upon completion of the Program.

[13] The Respondent submits that an applicant must provide sufficient information about the benefits of the program they wish to pursue, and the failure to do so risks undermining the study permit application. Although an officer must be careful not to foray into career counselling, it is appropriate for officers to consider factors such as an applicant's failure to provide evidence of long-term goals, to persuasively explain how intended studies would be of particular benefit, to adequately explain how proposed studies are not redundant given past studies or employment, or to otherwise connect intended studies and personal circumstances (citing *Mehrjoo* at paras 11-13, 15; *Binu v Canada (Citizenship and Immigration)*, 2021 FC 743 at paras 14-15; *Nimely v Canada (Citizenship and Immigration)*, 2020 FC 282 at paras 8-9, 13).

[14] The Respondent submits that the Applicant was part of the workforce for over seven years. According to her CV, she has supervised a department's operations and activities, managed and tracked sales, managed inventory and supplies, timed the development of new products, managed balance sheets and prepared budget forecasts. It was therefore reasonable for the Officer to be concerned that the proposed studies in human resources, marketing and entrepreneurship would overlap considerably with her previous experiences.

[15] I note that the certified tribunal record includes the Applicant's study plan and her CV. These indicate that she obtained a Bachelor's degree in Project Management at Payam-e-Noor University of Ahvaz in 2016. Following this, she was an apprentice with the National Iranian Drilling Company for six months gaining experience in the Project Control Department. That same year she began work as a dental assistant. In 2018 she became an Executive Manager and Accountant in the same dental clinic, which she states required her to deal with the money-

making chain of workers and employees on the one hand and the cash flow on the other. In 2021, she took some certificates in Fashion Design and Marvelos-Clo3D Design and established her own sewing workshop. In 2022, she joined Ahwaz Saba Electric Repair Technique Company as an accountant and finance officer.

[16] In her study plan she states that “due to the complications of providing sufficient financial resources, human resources are considered as the last resort for managers, and their significance is usually underestimated” leading to business failure. Further, the term entrepreneurship is frequently used by policymakers, business planners, and administrators, but those who claim to deserve the label of an "Entrepreneur" have little or no knowledge of how to develop a running business from the very beginning. She states that she is no exception to this, and so started to look for an academic opportunity to improve her knowledge in all these areas at the same time. Iran's institutes of further education offer programs on these matters separately and there is no such course offering the principles of the three majors together. Further:

I chose the program offered by Trent University because I found the program in line with all the requirements of my promotion plan in my position as a business owner and an employee with Saba Electric, a celebrated name in the field.

Studying in this program will definitely give me a push up my career ladder for the following reasons. My business (sewing workshop) is a combination of art and marketing. If I want to make sure my business is on track toward success, I have to make sure I consider all the requirements of the staff members' abilities and talents, and then I need to know where to employ them to make sure efficiency is at its highest rate. There are two courses offered by Trent University which are in line with my expectations of recruitment: Human Resource Planning (ADMN 3270H) which gives students a thorough plan from recruitment schemes to delegation of tasks. This is something we lack in our country's academic curricula as they mostly give superficial plans for handling HR. Moreover, these courses lack the principles of keeping the staff knowledge at appropriate levels, but the course

Training and Development (ADMN 3230H) provides a decent basis for retraining and skill development so that businesses can make sure their employees always enjoy updated skills. My business is about fashion, so it is highly affected by society and the upcoming trends. The more innovative such businesses are, the more prosperous they can be. However, fashion designers and market researchers fail to provide decision-makers with accurate data collected from society as a whole. The course Social Innovation (ADMN 3441H) is a course that our country lacks in its academic programs, and it was one of the main incentives encouraging me to study in Canada. Another problematic area in businesses is their ability to venture out and come up with abrupt changes in their production. My business is laden with such opportunities. Although the nature of ventures is all about unexpectedness and abruptness, it can be handled, and every step must be taken with due consideration; the course New Venture Planning (ADMN3430H) appealed to my interests. I have always thought of promoting my products, or even the services offered by my current employer, online but in a different way to appeal to customers and clients. This is also a hot spot in Iran because there is no academic basis for employees and innovators to write down the details of their proposals attempting to convince managers; the course on Online Marketing (COIS 3750H) offers a different content taking care of this problem. I hope to use what I am going to learn in this short period to promote my own business and also gain a better position in my current job.

All in all, this major will give me all it takes to climb up the career ladder appealing to its whole-encompassing nature and relying on the knowledge of marketing, business and human resources.

[17] While the study plan may well give rise to a number of potential concerns or criticisms, the Officer's reasoning was that, in light of her prior work experience, the Applicant had not satisfied the Officer that she had not already achieved the benefits of the Program.

[18] As it relates to her current place of employment, the Applicant states in her study plan that the program is in line with her promotion plan as an employee with Saba Electric. However, she does not identify what this promotion plan is or what positions might be available to her on

her return to Iran. The Respondent submits that as no job position or career trajectory is mentioned, the Applicant has not articulated how the proposed studies could be of benefit to her. Further, in that regard, the leave request agreement certificate provided by Saba Electric indicates that she may return to her current position upon completion of her study period, but says nothing about a possible promotion.

[19] I note that in her CV the Applicant describes her current role as an accountant and finance manager at Saba Electric as: managing all accounting transactions and prepare budget forecasts; publishing financial statements in time; handling monthly, quarterly and annual closings; reconciling accounts payable and receivable; ensuring timely bank payments and compute taxes and prepare tax returns; managing balance sheets and profit/loss statements; and, reporting on the company's financial health and liquidity. In the absence of an explanation as to how the proposed program in human resources, marketing and entrepreneurship will actually be utilized in her current position, or allow for her promotion, the Officer could potentially have found that the purpose of the study was not reasonable.

[20] However, that was not the Officer's reasoning. The Officer did not explain why they were not satisfied that the purpose of the proposed study was reasonable. The Officer did say they were not satisfied that the Applicant would not have already achieved the benefits of the Program on the basis of her prior work as a dental assistant and accountant and financial manager would have already afforded her the benefits of the Program. Yet, the Applicant's description of her prior work at Saba Electric only peripherally touches on human resources. It is therefore difficult to see how the Officer arrived at the view that the Applicant had already

achieved the benefits of the Program. In support of this reasoning, the Officer also refers to the Applicant's prior work as a Dental Assistant. However, that work, described in her CV, concerns assisting in the provision of actual dental care to patients. It is unrelated to human resources, marketing and entrepreneurship. Even if the Officer intended to refer to the Applicant's prior work as an executive manager and accountant at the dental office, her described duties in that role are unconnected to the intended Program content.

[21] Further, the Applicant did connect the Program to her sewing workshop and her aspirations for its future. While I agree with the Respondent that the record contained few details of this business, this was not identified as a concern by the Officer. Nor does the Officer engage with the Applicant's explanation of the entrepreneurial basis of the sewing workshop business and the need to understand both human resources and marketing to ensure its success.

[22] In my view, the Officer unreasonably found that the Applicant's past work experience essentially rendered the Program redundant. And, in the context of her sewing workshop business, she explained how the proposed program would benefit her, but the Officer failed to engage with this evidence (see, for example, *Ocran v Canada (Citizenship and Immigration)*, 2025 FC 517 at para 23; *Oudah v Canada (Citizenship and Immigration)*, 2021 FC 1043 at paras 14-18). It is also not obvious from the record that the Program would not be a logical progression of her sewing workshop business, and the Officer failed to explain why they concluded otherwise (see, for example, *Kriplani v Canada (Citizenship and Immigration)*, 2025 FC 782 at para 7).

Conclusion

[23] For the above reasons, I find that the Officer's decision was unreasonable.

JUDGMENT IN IMM-16321-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is granted;
2. The decision is set aside and the matter shall be remitted to a different officer for redetermination;
3. There shall be no order as to costs; and
4. No question of general importance for certification was proposed or arises.

"Cecily Y. Strickland"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-16321-23

STYLE OF CAUSE: MAHBOUBEH FARHADI, SAEID DOLAT ABADI,
SELIN DOLAT ABADI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

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DATED: MAY 20, 2025

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