

Federal Court



Cour fédérale

**Date: 20250605**

**Docket: IMM-6709-24**

**Citation: 2025 FC 1014**

**Vancouver, British Columbia, June 5, 2025**

**PRESENT: Madam Justice Whyte Nowak**

**BETWEEN:**

**ALI AKBAR ZARE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant, Ali Akbar Zare [Applicant], seeks judicial review of a decision of an officer of Immigration, Refugees and Citizenship Canada [Officer], dated March 30, 2024 [Decision], refusing the Applicant's application for an extension of his work permit [Extension Application] under the International Mobility Program as an entrepreneur or self-employed individual.

[2] For the reasons that follow, I find that the Applicant has not met his onus of showing that the Decision is unreasonable. While the Applicant submits that the Officer failed to account for evidence that runs counter to the Officer's Decision, that evidence merely demonstrated that the Applicant had established a viable business. As none of the evidence showed that the Applicant continues to meet the applicable requirements of his class as set out in paragraph 205(a) [R205(a)] of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*Regulations*], the Officer cannot be faulted for not mentioning it. Accordingly, this application is dismissed.

## II. Facts

### *A. The Applicant's Work Permit Application*

[3] The Applicant applied for a temporary work permit as an entrepreneur or self-employed individual seeking temporary residence under R205(a), exemption code C11 of the International Mobility Program based on the General Agreement on Trade in Services. As part of his application, the Applicant submitted a business plan [Business Plan] that addressed the requirement under R205(a). The Business Plan stated that the proposed business "would create or maintain significant social, cultural or economic benefits or opportunities" for others in Canada given that the Applicant intends to hire four full-time employees who are Canadian citizens or permanent residents and will transfer his knowledge and expertise to these employees.

[4] The Applicant was granted an initial work permit [Initial WP] that was valid from May 27, 2023, to March 3, 2024.

B. *The Applicant's Extension Application*

[5] Before his Initial WP expired, the Applicant submitted his Extension Application seeking to extend his work permit to March 2025.

[6] The Extension Application was supported by a submission letter [Submission Letter] from the Applicant's counsel dated February 23, 2024, which stated that the Applicant had been "providing a significant economic benefit to Canada by operating the Company". The Submission Letter attached documents showing the incorporation and operation of Zare Financial Management Solutions Inc. [Company] in Ontario, including Articles of Incorporation, a commercial lease agreement and Company banking and tax information. The Applicant's documents show that he is the sole owner of the Company and sole employee on the Company's payroll. The Applicant also provided agreements for accounting, legal and IT services for the Company.

C. *The Decision*

[7] The Officer refused the Applicant's Extension Application for two reasons.

[8] First, the Officer found that the Applicant had not shown that the Company still met the requirements of R205(a), as the Officer considered the Applicant's business was not for the benefit of Canada but instead for making his own living, noting that the only evidence provided made no mention of other employees.

[9] Second, the Officer found that the Applicant had failed to demonstrate that his work in Canada would be of a temporary nature, that he maintains the capacity and willingness to leave Canada and that he maintains stronger ties to his residence outside of Canada.

### III. Issues and Standard of Review

[10] The only issue on this application is whether the Decision is unreasonable such that the Officer failed to account for evidence on the record that runs contrary to the stated bases for the Decision.

[11] The applicable standard of review of the merits of a decision is that of reasonableness, as set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]. A reasonable decision bears the hallmarks of justification, transparency and intelligibility with the burden resting on the challenging party to show that the decision is unreasonable (*Vavilov* at paras 99–100).

### IV. Legislative Framework

[12] Pursuant to section 179 of the *Regulations*, an officer is required to issue a temporary resident visa to a foreign national if, following an examination, it is established that the foreign national meets certain requirements:

#### **Issuance**

**179** An officer shall issue a temporary resident visa to a foreign national if, following an

#### **Délivrance**

**179** L'agent délivre un visa de résident temporaire à l'étranger si, à l'issue d'un contrôle, les éléments suivants sont établis :

examination, it is established that the foreign national

**(a)** has applied in accordance with these Regulations for a temporary resident visa as a member of the visitor, worker or student class;

**(b)** will leave Canada by the end of the period authorized for their stay under Division 2;

**(c)** holds a passport or other document that they may use to enter the country that issued it or another country;

**(d)** meets the requirements applicable to that class;

**(e)** is not inadmissible;

**(f)** meets the requirements of subsections 30(2) and (3), if they must submit to a medical examination under paragraph 16(2)(b) of the Act; and

**(g)** is not the subject of a declaration made under subsection 22.1(1) of the Act.

**a)** l'étranger en a fait, conformément au présent règlement, la demande au titre de la catégorie des visiteurs, des travailleurs ou des étudiants;

**b)** il quittera le Canada à la fin de la période de séjour autorisée qui lui est applicable au titre de la section 2;

**c)** il est titulaire d'un passeport ou autre document qui lui permet d'entrer dans le pays qui l'a délivré ou dans un autre pays;

**d)** il se conforme aux exigences applicables à cette catégorie;

**e)** il n'est pas interdit de territoire;

**f)** s'il est tenu de se soumettre à une visite médicale en application du paragraphe 16(2) de la Loi, il satisfait aux exigences prévues aux paragraphes 30(2) et (3);

**g)** il ne fait pas l'objet d'une déclaration visée au paragraphe 22.1(1) de la Loi.

[13] In this case, the class requirement applicable to paragraph 179(d) of the *Regulations* requires that the Applicant meet the conditions prescribed at R205(a), which provide that a work permit may be issued to a foreign national who intends to perform work that “would create or

maintain significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents.”

V.     Analysis

A.     *The Officer’s assessment of evidence related to “significant economic benefit”*

[14]     The Applicant makes three arguments as to why the Officer erred in finding that the Applicant did not show that he continued to meet the requirements of R205(a).

[15]     First, the Applicant asserts that the Officer should have considered the Business Plan originally submitted with his Initial WP application, which shows that the Applicant had expressed an intention to hire within a year, and that the one-year deadline to hire had not expired by the time the Applicant submitted the Extension Application.

[16]     I agree with the Respondent that the Officer was not required to seek out evidence from a prior application given the Applicant’s obligation to provide a complete application (*Almadhoun v Canada (Citizenship and Immigration)*, 2024 FC 193 at para 21) nor was the Officer bound by the prior decision to grant the Initial WP. The Officer was instead required to make a decision based on the Extension Application alone (*Nguyen v Canada (Citizenship and Immigration)*, 2025 FC 143 at paras 15–17).

[17]     Second, the Applicant submits that a business plan is not required by the IRCC guidelines, *Entrepreneurs or self-employed individuals seeking only temporary residence* –

*[R205(a) – C11] – International Mobility Program [Guidelines]*. The Guidelines, which are intended to assist IRCC officers in assessing whether an applicant has met the requirement under R205(a), states that an applicant “may” upload their business plan, while also referring to “a business plan or other documentation.” The Applicant notes that he submitted other documentation that show the Applicant is operating his proposed business, including payment of expenditures, rental agreements, a business number and agreements with third party service providers, none of which the Officer referred to.

[18] I agree that a business plan was not required; however, the documents submitted do not speak to the hiring of employees and they do not address the “significant benefit” requirement under R205(a). It was therefore not incumbent on the Officer to refer to them.

[19] Finally, the Applicant suggests that simply operating a viable business is sufficient to meet the requirements of R205(a) at this stage of the Applicant’s Business Plan, given that the Guidelines do not expect such progress to have been made when it asks, for example, whether:

- the work is likely to create a viable business that will benefit Canadian or permanent resident workers or provide economic stimulus to the area;
- there is a business plan that clearly shows that the applicant has taken steps to initiate their business; and
- there is a business plan or documentation that clearly shows that the applicant has thought through the real steps or actions required to initiate their business (e.g., location, product, finances, marketing and customers).

[20] I acknowledge that the Applicant has already created a viable business, but this alone is insufficient to satisfy the requirement that the business will provide significant benefit to others. The Applicant was not required to have hired employees already, but he was required to demonstrate his continuing intention to do so, which he failed to do. It was therefore open to the Officer to find this omission in the Extension Application to be fatal.

B. *The Officer's assessment of evidence related to the Applicant's temporary stay*

[21] The Applicant raised a second basis for finding the Decision to be unreasonable related to the failure of the Officer to refer to evidence he says shows his willingness to leave Canada by the end of his stay. Even if I were to agree, I do not consider this to be a significant enough shortcoming in light of the Applicant's failure to show that he continues to meet the applicable class requirements under R205(a) (*Vavilov* at para 100).

[22] The Applicant has not met his onus of showing that the Decision is unreasonable. Accordingly, this application is dismissed.



**JUDGMENT in IMM-6709-24**

**THIS COURT'S JUDGMENT is that:**

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

"Allyson Whyte Nowak"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-6709-24

**STYLE OF CAUSE:** ALI AKBAR ZARE v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MAY 27, 2025

**JUDGMENT AND REASONS:** WHYTE NOWAK J.

**DATED:** JUNE 5, 2025

**APPEARANCES:**

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Margherita Braccio	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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