

Federal Court



Cour fédérale

**Date: 20251002**

**Docket: IMM-12215-24**

**Citation: 2025 FC 1629**

**Toronto, Ontario, October 2, 2025**

**PRESENT: The Honourable Mr. Justice Ahmed**

**BETWEEN:**

**MOHAMMADREZA MAZLOUMIABOUKHEILI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant, Mohammadreza Mazloumiaboukheili, seeks judicial review of a decision of an officer (the “Officer”) of Immigration, Refugees and Citizenship Canada (“IRCC”), dated March 19, 2024, finding him inadmissible to Canada due to his position as a senior official in a government that engages in or has engaged in “terrorism, systematic or gross human rights

violations” pursuant to paragraph 35(1)(b) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (the “*IRPA*”) and thus refusing his application for a temporary resident visa (“TRV”).

[2] The Officer found that the Applicant’s employment with an Iranian state-owned oil company constituted a senior position in the top half of the Iranian regime, which was a designated government under paragraph 35(1)(b) of the *IRPA*.

[3] The Applicant submits that the Officer’s decision is unreasonable due to speculative assumptions, and procedurally unfair due to relying on extrinsic evidence.

[4] For the reasons that follow, I disagree. The Applicant’s submissions are meritless. The Officer’s decision is reasonable and was rendered in a procedurally fair manner. I dismiss this application for judicial review.

## II. Background

### A. *Legislative Framework*

[5] On November 14, 2022, the Minister of Public Safety designated the Iranian regime as a government that, since November 2019, engaged in “terrorist activities and systematic or gross human rights violations”. Within this regime, a “prescribed senior officer” is a “person who, by virtue of the position they hold or held, is or was able to exert significant influence on the exercise of government power or is or was able to benefit from their position”, including “senior

advisors to” heads of state or government or members of the cabinet or governing council  
(*Immigration and Refugee Protection Regulations*, SOR/2002-227 (“*IRPR*”).

B. *Facts*

[6] The Applicant is a 64-year-old citizen of Iran. From 1990 to 2020, the Applicant worked in various positions for an Iranian state-owned company, the National Iranian Oil Products Distribution Company (“Distribution Company”).

[7] On July 18, 2021, the Applicant submitted his TRV application to visit his son in Quebec. This visa was approved and issued on April 21, 2022.

[8] On March 15, 2023, the Applicant received a notification letter stating that his visa had been reopened. A procedural fairness letter (“PFL”) dated April 5, 2023, informed him that his TRV had been cancelled because an officer had “reasonable grounds to believe that [he] may be inadmissible to Canada under section 35(1)(b) of the [*IRPA*] for being a prescribed senior official in the Islamic Republic of Iran”.

[9] The Global Case Management System (“GCMS”) notes show that there was a request for additional documents from “NSSD” on August 15, 2023. Another PFL letter was sent to the Applicant that same day. The letter asked the Applicant “to clarify [his] relationship with the Ministry of Petroleum” and “the organizational structure and relationship between the National Iranian Oil Products Distribution Company and the National Iranian Oil Refining and

Distribution Company”, and whether he or his “supervisors report[ed] to or act[ed] on behalf of the Ministry of Petroleum”.

[10] In reply, the Applicant described the organizational structure of his previous employer. He stated, “the Ministry of Oil is at the head of all companies and under it is the National Company for Refining and Distribution of Petroleum Products” (“Refining and Distribution Company”). The Refining and Distribution Company “manages and supervises” the Distribution Company where the Applicant was employed.

[11] The Applicant held the position of “Chief Operations Officer” from June 2019 to September 2020. This role included the “management and supervision of the [Distribution Company]”, “[l]ogistics management of fuel distribution within Iran”, and “organisat[i]on and optimis[ation of] storage and facility usage”.

[12] Despite this information and role as a chief executive, the Applicant nonetheless described the role as “middle management”. The Applicant stated that “all [his] reports have been sent to the senior vice president and CEO of the” Distribution Company and that there was “no process for direct communication in the organizational structure with higher organizations”.

[13] On March 19, 2024, the Applicant’s TRV application was refused because he was “inadmissible under paragraph 35(1)(b) of the IRPA”.

[14] The GCMS notes show that the Officer’s decision was based on the following factors:

The Applicant ... “reported directly to the CEO of the [Distribution Company] ..., as the Chief Operations Officer from June 2019 to September 2020”

“The head of the [Refining and Distribution Company] is the Deputy Minister. Therefore, the [Applicant] reports [to] the CEO of the [Distribution Company] that reports directly to the CEO and Deputy Minister of the [Refining and Distribution Company] who reports directly to the Minister of Petroleum.”

His “progression through the entity indicates movement up the chain from simple employee to middle management positions to the manager of the entire operations of the [Distribution Company]”

The Applicant’s “position would be considered in the top 50% of the organization as they only have two positions between them and the Minister of Petroleum.”

Further, the Applicant’s duties show “direct responsibility in the operations of the [Distribution Company] and the distribution of fuel in Iran. Based on this, they appear to have significant influence and power in the [Distribution Company]”

### III. Issues and Standard of Review

[15] The issues in this matter are whether the Officer’s decision is reasonable and was rendered in a procedurally fair manner.

[16] The parties submit that the applicable standard of review for the merits of the decision is that of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 25, 86-87 (“*Vavilov*”)). I agree.

[17] The issue of procedural fairness is to be reviewed on the correctness standard (*Mission Institution v Khela*, 2014 SCC 24 at para 79; *Canadian Pacific Railway Company v Canada*

(*Attorney General*), 2018 FCA 69 at paras 37-56 (“*Canadian Pacific Railway Company*”); *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35). I find that this conclusion accords with the Supreme Court of Canada’s decision in *Vavilov* (at paras 16-17).

[18] Reasonableness is a deferential, but robust, standard of review (*Vavilov* at paras 12-13). The reviewing court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible, and justified (*Vavilov* at para 15). A reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision-maker (*Vavilov* at para 85). Whether a decision is reasonable depends on the relevant administrative setting, the record before the decision-maker, and the impact of the decision on those affected by its consequences (*Vavilov* at paras 88-90, 94, 133-135).

[19] For a decision to be unreasonable, the applicant must establish the decision contains flaws that are sufficiently central or significant (*Vavilov* at para 100). Not all errors or concerns about a decision will warrant intervention. A reviewing court must refrain from reweighing evidence before the decision-maker, and it should not interfere with factual findings absent exceptional circumstances (*Vavilov* at para 125). Flaws or shortcomings must be more than superficial or peripheral to the merits of the decision, or a “minor misstep” (*Vavilov* at para 100).

[20] Correctness, by contrast, is a non-deferential standard of review. The central question for issues of procedural fairness is whether the procedure was fair having regard to all of the circumstances, including the factors enumerated in *Baker v Canada (Minister of Citizenship and*

*Immigration*), 1999 CanLII 699 (SCC), [1999] 2 SCR 817 (at paras 21-28; see also *Canadian Pacific Railway Company* at para 54).

#### IV. Analysis

##### A. *The Officer's Decision was Reasonable*

[21] The Applicant submits that the Officer made unreasonable presumptions about the structure of the Iranian government to conclude that the Applicant's position was in the top half of the regime. Citing *Al-Rubaye v Canada (Citizenship and Immigration)*, 2023 FC 1089 ("*Al-Rubaye*"), the Applicant argues that the organizational structure cannot be inferred based on a job title. The Applicant submits that the Officer's decision lacked transparency regarding the organization in which the Applicant was in the top half of employees. The Officer's reasons, according to the Applicant, do not grapple with some of the evidence, including the Applicant's description of himself as a middle manager and the number of managerial units in his company.

[22] The Respondent submits that the Officer's decision is reasonable and that the Applicant's arguments amount to a request for reweighing evidence. The Respondent further submits that it is reasonable for the Officer to assess the organization based on the combined structure of the Refining and Distribution Company and the Ministry of Petroleum based on the relevant positions. For these reasons, the Respondent submits that the Officer's reasoning met the low standard of "reasonable grounds to believe" that the Applicant was a senior member of the public service under section 33 of the *IRPA*.

[23] I agree with the Respondent.

[24] The Officer reasonably concluded that the Refining and Distribution Company and its subsidiaries along with the Ministry of Petroleum formed part of a designated government under section 35(1)(b) of the *IRPA*. The PFL letter to the Applicant dated April 5, 2023, stated that the Minister of Public Safety had designated the “Iranian regime” as a government that “engages or has engaged in terrorist activities and systematic or gross human rights violations”. The evidence the Applicant himself provided was that the Ministry of Petroleum was affiliated with the executive branch of government. The Applicant stated that the Refining and Distribution Company “was established at Iranian Ministry of Petroleum” and is “one of four main subsidiaries” of the Ministry.

[25] I can see no error in the Officer finding that the Applicant was part of the top half of the organization, given the evidence of organizational structure before them. The Applicant submits that the Officer’s conclusion was speculative, given the Officer did not have access to the total number of employees in the Ministry and its subsidiaries. I disagree. The Officer based their conclusion on the reporting structure: the Applicant reported directly to the CEO of the Distribution Company, who reported directly to the CEO of the Refining and Distribution Company—the latter CEO being the Deputy Minister of the Ministry of Petroleum reporting to the Minister of Petroleum. The Officer reasonably concluded that there were only two positions between the Applicant himself and the Minister of Petroleum.

[26] Because the Officer analyzed this hierarchy along with the organizational charts, I find that the Applicant’s reliance on *Al-Rubaye* is misguided. In *Al-Rubaye*, the officer’s conclusion



that a Deputy Director General was in the top half of the Iraq Civil Aviation Authority (“ICAA”) was found to be unreasonable given that the officer “referenc[ed] no evidence as to the hierarchical structure of the organization, or the number of persons within that structure, above the role of Deputy Director General of the ICAA” (at para 21).

[27] Here, however, in addition to evaluating the organization’s structure, the Officer considered the Applicant’s “responsibilities, type of work done and decisions made” to determine that he was a senior official (*Damte v Canada (Citizenship and Immigration)*, 2023 FC 58 at para 17). The Officer considered the Applicant’s description of his role and concluded that he held “direct responsibility in the operations of the [Distribution Company] and the distribution of fuel in Iran”.

[28] The Applicant submits that the Officer did not adequately consider the Applicant’s description of his role as “middle management” or the interaction between management units in the Refining and Distribution Company. This submission is baseless: this evidence does not contradict the Officer’s findings (*Khair v Canada (Citizenship and Immigration)*, 2021 FC 160 at para 48, citing *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 at para 16 (FC)). The Officer’s description of a “progression through the” company can encompass the Applicant’s description of middle management. Similarly, the management units for which the Applicant was responsible coincide with the responsibilities that the Officer stated in their decision. The Applicant’s submission amounts to a call for the Court to take a second look at the evidence and find that it helps paint a more favourable picture of the Applicant. This call, the Court will not answer (*Vavilov* at para 125).

[29] The Officer's decision is reasonable, both in its reasoning and regarding the evidence of the Applicant's role as an executive in a regime that engages or has engaged in terrorist activities and systematic or gross human rights violations. The Applicant's submissions that the Officer made speculative assumptions or unjustified conclusions is meritless, as are the many other submissions the Applicant made attacking the decision. This is particularly so in light of the relevant statutory law: the Officer needed find only compelling and credible evidence that there were reasonable grounds to believe the Applicant was a senior official (*IRPA*, s 33; *Al Ayoubi v Canada (Citizenship and Immigration)*, 2022 FC 385 at para 18).

B. *The Officer's Decision was Procedurally Fair*

[30] The Applicants submit that the Officer's decision was not rendered in a procedurally fair manner, as it did not give the Applicant an opportunity to respond to a report from the Canadian Border Services Agency's National Security Screening Division ("NSSD Report") that may have been before the Officer.

[31] The Respondent submits that this possible report did not deprive the Applicant of an opportunity to respond because PFL letters were sent to the Applicant on April 5, 2023, and August 15, 2023. Further, the Respondent submits that the Officer did not rely on a NSSD Report because it was not mentioned in the Officer's decision.

[32] The key question to determine whether the Officer was required to disclose a NSSD Report is "whether the disclosure of the report is required to provide that person with a reasonable opportunity to participate in a meaningful manner in the decision-making process"

(*Bhagwandass v Canada (Minister of Citizenship and Immigration)*(CA), 2001 FCA 49 at para 22 (“*Bhagwandass*”)).

[33] The Applicant relies on *Thamilselvan v Canada (Citizenship and Immigration)*, 2022 FC 66 (“*Thamilselvan*”), to submit that it was procedurally unfair for the Applicant not to have a chance to respond to any conclusions in a possible NSSD Report.

[34] This case does not assist the Applicant. As the Respondent rightly notes, *Thamilselvan* is a decision on permanent residence, not on a TRV which typically requires a lower standard of procedural fairness (*Akinremi v Canada (Citizenship and Immigration)*, 2024 FC 723 at para 10, citing *Mahmoudzadeh v Canada (Citizenship and Immigration)*, 2022 FC 453 at paras 14-15). Further, in *Thamilselvan* the officer did not disclose to the applicant the specific information on which they relied to conclude that the applicant was a member of a terrorist organization. That is not the case here. The PFL letter sent to the Applicant on August 15, 2023, relays detailed questions to the Applicant and allows him time to respond to the concerns raised.

[35] The Applicant argues that the Officer relied on a NSSD Report because the Officer’s decision indicates that the questions sent to the Applicant on August 15, 2023, were from its “partners”. This may be the case. Regardless, the Applicant had all the information on which the Officer reasonably based their decision. The possible disclosure of a possible NSSD Report, therefore, would not have leveled the playing field or affected the Applicant’s opportunity to respond (*Bhagwandass* at para 22).

V. Conclusion

[36] The Officer's decision is reasonable, having relied on and evaluated the information that the Applicant himself provided to find that he was a senior official in the Iranian regime and concluding he was inadmissible to Canada as a senior official. There has also been no breach of procedural fairness, the Officer having gathered information in a procedurally fair manner and the Applicant having had a full opportunity to respond to the concerns raised. This application for judicial review is dismissed.

[37] No questions for certifications were raised, and I agree that none arise.

**JUDGMENT**

**THIS COURT’S JUDGMENT is that:**

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

“Shirzad A.”

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Judge

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

**DOCKET:** IMM-12215-24

**STYLE OF CAUSE:** MOHAMMADREZA MAZLOUMIABOUKHEILI v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 29, 2025

**JUDGMENT AND REASONS:** AHMED J.

**DATED:** OCTOBER 2, 2025

**APPEARANCES:**

Richard Wazana	FOR THE APPLICANT
Asha Gafar	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Wazana Law Barrister and Solicitor Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT