Federal Court  Cour fédérale

**Date: 20260122**

**Docket: IMM-11880-22**

**Citation: 2026 FC 97**

**Ottawa, Ontario, January 22, 2026**

**PRESENT: The Honourable Madam Justice Kane**

**BETWEEN:**

**MEHDI KAMYAB**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

# JUDGMENT AND REASONS

[1] The Applicant, Mr. Mehdi Kamyab, [Mr. Kamyab or the Applicant] seeks judicial review of the decision of a visa officer [the Officer] at Immigration, Refugees and Citizenship Canada [IRCC], dated November 21, 2022. The Officer refused to issue a work permit to Mr. Kamyab pursuant to paragraph 205(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [the *Regulations*].

[2] Mr. Kamyab has not demonstrated that there was any breach of procedural fairness or that the Officer's decision was unreasonable. Moreover, Mr. Kamyab's arguments are essentially identical to arguments raised in several other applications brought by Counsel for Mr. Kamyab relating to the refusals of work permits under the same class for other Iranian applicants, all of which have been rejected by this Court. In several cases, the Court has admonished Counsel for reiterating the same failed arguments. The same arguments are rejected once again. The Application for Judicial Review is dismissed.

[3] Mr. Kamyab also seeks to raise new arguments and advance facts not consistent with the record or not on the record and without any evidentiary basis. The Court need not address the new arguments; moreover, they are unpersuasive and do not respond to the Officer's reasons for refusing the work permit.

## I. Background

[4] Mr. Kamyab is a citizen of Iran and resides in Tehran with is wife and son. He holds a Bachelor of Science in chemical engineering and several professional certifications in Executive and/or Project Management.

[5] On May 17, 2022, Mr. Kamyab incorporated Elima Tech Consulting Services Inc in Ontario, to operate as "an administrative management and general management consulting service focusing on project management and cost management consulting services". Mr. Kamyab is the company's sole owner and shareholder.

[6] On August 30, 2022, Mr. Kamyab submitted an application for a work permit, supported by an 86-page business plan, a bank certificate and statement showing funds equivalent to CAD 140,893, as well as title deeds and appraisal reports of real property in Iran.

[7] Mr. Kamyab' applied for his work permit as an entrepreneur under the International Mobility Program, pursuant to administrative code C-11, which applies to foreign nationals who seek to temporarily enter Canada to start a business or run their existing business. Administrative code C-11 is a category of eligibility falling within paragraph 205(a) of the *Regulations*, which describes work that "would create or maintain significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents." This is commonly described as work that would create a "significant benefit" to Canada. Applicants applying for a work permit pursuant to paragraph 205(a) are exempt from the requirement to obtain a Labour Market Impact Assessment.

[8] IRCC issued Program Delivery Instructions [PDI] to guide officers assessing work permit applications under administrative code C-11. The PDI are not binding on officers and the considerations set out in the PDI are not exhaustive. The PDI for the assessment of work permit applications under administrative code C-11 was updated in November 2022, after Mr. Kamyab submitted his application and before he received the Officer's decision.

## II. The Decision Under Review

[9] The refusal letter dated November 21, 2022, and the Global Case Management System [GCMS] Notes constitute the reasons for the decision. The reasons are set out in full below:

> Thank you for your interest in working in Canada. After careful review of your work permit application and supporting documentation under the International Mobility Program, I have determined that your application does not meet the requirements of the Immigration and Refugee Protection Act (IRPA) and Immigration and Refugee Protection Regulations (IRPR). I am refusing your application on the following grounds:
>
> ● I am not satisfied that you will leave Canada at the end of your stay as required by paragraph 200(1)(b) of the IRPR (https://laws.justice.gc.ca/eng/regulations/SOR-2002-227/section-200.html). I am refusing your application because you have not established that you will leave Canada, based on the following factors:
>
> ● The compensation (monetary or other) indicated in your job offer and your assets and financial situation are insufficient to support the stated purpose of travel for yourself (and any accompanying family member(s), if applicable).
>
> ● I am not satisfied there is documentary evidence to establish that you meet the exemption requirements of C11 Significant benefit -Entrepreneurs/self-employed under R205(a).

[10] The GCMS Notes state:

> PA applying for a 1-year WP under LMIA exemption code C11 – Entrepreneurs.
>
> PA intends to come establish Elima Tech Consulting which provides consulting services in the GTA.
>
> Consulting services in the GTA is a very competitive market. As such, I have concerns regarding the reasonableness of the plan. I am not satisfied that this business will bring a significant benefit per the requirements of C11.
>
> PA's financial bank statements show a balance of IRR 30,205,954,139, therefore, I am not satisfied the applicant is sufficiently established that travelling to Canada for the proposed employment would be a reasonable expense.
>
> Application refused.

## III. The Issues and Standard of Review

[11] Mr. Kamyab argues that he was denied procedural fairness because; the criteria for C-11 applications were changed after he submitted his application and he was not given an opportunity to respond to the new criteria; the Officer failed to conduct an individualized assessment of his application, but rather dismissed his and many other similar applications in bulk; and, the Officer's reasons are inadequate.

[12] Mr. Kamyab also argues that the Officer's decision is unreasonable, pointing to his extensive business plan which he submits contradicts the Officer's findings and demonstrates that his business will provide a significant benefit to Canada.

[13] Issues of procedural fairness require the Court to determine whether the procedure followed by the decision-maker is fair having regard to all of the circumstances. The Court must ask "with a sharp focus on the nature of the substantive rights involved and the consequences for an individual, whether a fair and just process was followed" (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54). The scope of the duty of procedural fairness is variable and is informed by several factors established in *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at para 21 [*Baker*]. The factors include, where applicable: the nature of the decision, the nature of the statutory scheme, the importance of the decision to the person affected, the legitimate expectations of that person, and the choice of procedure made by the decision-maker.

[14] Based on the application of the *Baker* factors, the jurisprudence has established that the duty of procedural fairness owed to applicants for visas, which include work permits, is at the lower end of the spectrum. This is because visa applicants do not have an unqualified right to enter Canada and the onus is on the applicant to show that they are eligible (see e.g., *Singh v Canada (Citizenship and Immigration)*, 2025 FC 1768 at para 31; *Ziaee v Canada (Citizenship and Immigration)*, 2025 FC 1507 at para 19, both citing *Sulce v Canada (Citizenship and Immigration)*, 2015 FC 1132 at para 10).

[15] Whether the Officer's decision is reasonable is determined in accordance with the principles set out in Canada (*Minister of Citizenship and Immigration v Vavilov*, 2019 SCC 65 [*Vavilov*]. 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 paras 85, 102, 105–07). The Court considers the reasons along with the record before the decision maker (*Vavilov* at paras 91-98; *Zeifmans LLP v Canada*, 2022 FCA 160 at para 10). The court does not assess the reasons against a standard of perfection (*Vavilov* at para 91). A decision should not be set aside unless it contains "sufficiently serious shortcomings … such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov* at para 100).

[16] In decisions for temporary resident visas, including work permits, the reasons need not be extensive given the pressures visa officers face to determine a large volume of decisions (see e.g., *Vavilov* at paras 91, 128; *Wardak v Canada (Citizenship and Immigration)*, 2020 FC 582 at para 71; *Patel v Canada (Citizenship and Immigration)*, 2020 FC 672 at para 10; *Salkhan v Canada (Citizenship and Immigration)*, 2025 FC 1746 at para 33). However, the reasons must be

sufficient to allow the court to understand why the decision was made (see e.g., *Salkhan* at para 33). Decisions of visa officers are also afforded considerable deference given the level of expertise these decision makers bring to their determinations (see e.g., *Vavilov* at para 93; *Patel* at para 10).

## IV. The Applicant's Submissions

[17] Mr. Kamyab submits that he was owed a high level of procedural fairness, which was breached. First, he argues that the new eligibility criteria for the C-11 category, set out in the November 2022 update to the PDI, were applied to his application, which was submitted in August 2022. Mr. Kamyab submits that he met all the requirements in the PDI in effect in August 2022 at the time he submitted his application.

[18] Mr. Kamyab submits that the November 2022 update to the PDI changed the definition of "significant benefit" and that his work permit was refused on this basis. In oral argument, he asserts that the changed criteria at issue related to language, the temporary nature of the business and whether the business required an indeterminate presence (which he referred to as an "exit plan"). Mr. Kamyab submits that the changes to the criteria did not permit him to know the case to be met, nor was he advised of the changes or of the Officer's concerns or given an opportunity to respond (citing *Baker*; *Khadr v Canada (Attorney General)*, 2006 FC 727 at para 132). He argues that he had a legitimate expectation that his application would be assessed using the former criteria (citing *Baker*; *Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36).

[19] Mr. Kamyab also relies on *Tafreshi v Canada (Citizenship and Immigration)*, 2022 FC 1089 at paras 44-47 [*Tafreshi*], where the Court found that changes to the IRCC Operational Manual designed to guide visa officers in processing applications for permanent resident status under the self-employed class, which was replaced with PDI in 2016, materially reduced procedural rights for self-employed applicants from Iran and deprived them of their ability to know the case to meet and to respond.

[20] Second, Mr. Kamyab argues that his application was part of a "mass refusal" by IRCC and was not individually assessed on its merits, which breached his right to fair and impartial decision-making. Mr. Kamyab notes that IRCC communicated 83 refusals within less than a month for the C-11 and C-12 permit categories all prepared by his Counsel and all of which were submitted by Iranian applicants to the IRCC over the course of one year. Mr. Kamyab asserts that all 83 applications received a "generic check-marked response" for refusal, which does not indicate any specific grounds or basis for the refusal.

[21] In his oral arguments, Mr. Kamyab asserts that IRCC only refused applications by Iranian applicants and not other applicants, yet he offers no evidence in support. Mr. Kamyab relies on anecdotal evidence arising from the fact that the same Counsel submitted all 83 applications, and all of those applications were from Iranian applicants. Mr. Kamyab alleges discrimination by the IRCC and appears to suggest that the Court's jurisprudence on the applications for leave and for judicial review of many of the refused applications perpetuates this discrimination.

[22] Third, Mr. Kamyab submits that the Officer's reasons are not adequate as the reasons do not explain the Officer's assessment of the evidence, in particular, his business plan. He submits

that his right to be informed of the basis for the decision was breached. He submits that his business plan and supporting documents clearly satisfied the C-11 criteria and that his business would be a significant benefit to Canada.

[23] In his oral arguments, Mr. Kamyab offered information not set out in his written submissions or affidavit or in the Officer's decision that differs from the information in the business plan. He stated that the business will create seven jobs in the Newmarket area and describes the proposed consulting business as to assist other Iranian entrepreneurs who seek to establish a business in the region.

[24] Mr. Kamyab further submits that the decision is unreasonable citing the same reasons for which he submits that he was denied procedural fairness. He submits that the reason for the refusal of his work permit is arbitrary because of significant material changes to the criteria of which he had no notice or opportunity to comply. He reiterates that his business plan demonstrates that he would provide a significant benefit to Canada.

[25] Mr. Kamyab also raised for the first time in oral argument that the requirement for an "exit plan" is inconsistent with the previous program criteria that recognized that a foreign national could have a dual intent in coming to Canada, to first establish a business as an entrepreneur and to later seek to remain in Canada. Once again, he offered no evidence to support his assertion that the policy or program criteria were changed after he applied or that this was the reason for the Officer's refusal.

## V. The Respondent's Submissions

[26] The Respondent disputes that the Officer breached the duty of procedural fairness owed in the circumstances. The Respondent submits that the decision was reasonable.

[27] The Respondent notes that Mr. Kamyab did not file a further written Memorandum of Argument or a reply to the Respondent's Memorandum of Argument and cannot now raise new arguments, nor can he offer additional oral evidence (citing *Naeini v Canada (Citizenship and Immigration)*, 2024 FC 899 at para 3 [*Naeini*]).

[28] With respect to the allegations of a breach of procedural fairness, the Respondent submits that although the PDI was updated, the C-11 eligibility criteria did not change. The Respondent points to the affidavit of a Senior Program advisor at IRCC who was responsible for updating the PDI for the C-11 category in November 2022. The affiant describes the non-exhaustive considerations that were intended to assist officers assessing the "significant benefit" requirement found in paragraph 205(a) of the *Regulations* in the former PDI and those in the updated PDI. The former PDI noted the following considerations:

a. Is the work likely to create a viable business that will benefit Canadian or permanent resident workers or provide economic stimulus?

b. Does the applicant have a particular background or skills that will improve the viability of the business?

c. Is there a business plan that clearly shows that the applicant has taken steps to initiate their business?

d. Has the applicant taken some measure to put the business plan in action (showing evidence of having the financial ability to begin the business and pay expenditures, renting space, having a staffing plan, obtaining a business number, showing ownership documents or agreements, etc.)?

[29] The Respondent notes that the updated PDI includes the same four considerations, and three additional considerations:

a. Does the applicant have the language abilities needed to operate the business?

b. Is the business of a temporary nature (for example, seasonal businesses)?

c. Is the foreign national establishing a long-term business that will require their presence indeterminately (for example, an auto mechanic shop)?

[30] The Respondent submits, as explained by the Respondent's affiant, that the additional considerations were not new; they had always been relevant considerations to assess applications by foreign nationals seeking to enter Canada for the temporary purpose of starting or continuing a business pursuant to paragraph 205(a). The Respondent explains that the additional considerations now included in the updated PDI were existing requirements set out in other parts of the *Regulations* (i.e., paragraphs 200(3)(a) and 200(1)(b)) and had always been assessed. The Respondent submits that Mr. Kamyab's assertion that the PDI was significantly changed after he made his application is simply incorrect.

[31] The Respondent adds that this Court has found that the November 2022 update to the PDI did not change any eligibility criteria but simply added more detailed guidance for officers on how to assess whether an applicant satisfied the "significant benefit" requirement (citing *Shidfar v Canada (Citizenship and Immigration)*, 2023 FC 1241 at para 31 [*Shidfar*]).

[32] The Respondent further submits that, even if the requirements had changed, which is denied, there was no breach of procedural fairness arising from Mr. Kamyab's legitimate expectations. The doctrine of legitimate expectations can only give rise to procedural rights, not substantive ones (*Canada (Attorney General) v Zone3-XXXVI Inc*, 2016 FCA 242 at para 49).

[33] The Respondent adds that visa applicants do not have a right to have their applications considered under the provisions in effect when they submitted their applications (citing *Tabingo v Canada (Citizenship and Immigration)*, 2014 FCA 191 at para 76).

[34] The Respondent submits that there is no evidentiary basis for Mr. Kamyab's allegation that his application was part of a "mass refusal" by IRCC. In any event, the Officer's reasons clearly convey that the Officer assessed Mr. Kamyab's application.

[35] The Respondent adds that the extensive jurisprudence of this Court in determining applications for judicial review of refused C-11 work permit applications, categorized by Mr. Kamyab as "mass refusals" without independent evaluation, show just the opposite; the reasons for the Officer's refusals in each of those cases reflected the particular facts before those officers.

[36] The Respondent notes that the same arguments have been raised in other applications arising from refusals of C-11 exemptions and found to have no merit by this Court. In addition, counsel for other applicants has abandoned such arguments in subsequent litigation given that the arguments will not succeed and should not be repeated (citing *Shahbazian v Canada (Citizenship and Immigration)*, 2023 FC 1556 at paras 25, 28 [*Shahbazian*]; *Tehranimotamed v Canada (Citizenship and Immigration)*, 2024 FC 548 at paras 8-9; *Naghashyar v Canada (Citizenship and Immigration)*, 2025 FC 85 at paras 6-9 [*Naghahshyar*]).

[37] With respect to the reasonableness of the decision, the Respondent submits that Mr. Kamyab has not addressed the Officer's key finding that he failed to establish that the

proposed tech consulting business would be competitive. The Respondent notes that Mr. Kamyab's current description of the business differs from that set out in his business plan. The Respondent notes that the business plan is lengthy, but generic, and refers to the general market, but with little substance regarding how his proposed company would become a viable part of the already-existing market in the Greater Toronto Area [GTA]. The Respondent submits that the Officer reasonably refused the application because the requirements of paragraph 205(a) were not met; the vague and general proposal for a business lacked any specifics about how Mr. Kamyab's unestablished business would be competitive against existing and established competitors in the GTA (citing *Shahbazian* at para 31; *Shidfar* at paras 14-15).

[38] The Respondent submits that the Officer's reasons sufficiently explain why Mr. Kamyab failed to establish that his business would generate a significant benefit to Canada, the reasons are supported by the evidence and are sufficient to understand why the application was refused.

## VI. he Application for Judicial Review is Dismissed

### A. *The Officer did not breach the duty of procedural fairness owed to the Applicant in the circumstances.*

[39] As noted by the Respondent, this Court has recently determined several applications for judicial review of refusals of C-11 work permits for Iranian applicants represented by the same counsel and/or firm as represents Mr. Kamyab, all of which have generally advanced the same procedural fairness arguments—i.e., that IRCC refused the applications in bulk without evaluating each one independently and that this shows bias, and/or that the update to the PDI relating to the C-11 category changed the criteria, which breached the duty of procedural fairness

(see e.g., *Shidfar* at paras 29-30; *Shahbazian* at paras 22-25, 28; *Tehranimotamed* at para 8; *Edalat v Canada (Citizenship and Immigration),*2024 FC 738 at para 5; *Naeini* at paras 7, 10; *Fahimi v Canada (Citizenship and Immigration),* 2024 FC 1445 at para 21 [*Fahimi*]). The Court has consistently rejected these arguments as lacking merit.

[40] In *Naghashyar*, Justice Pentney described the similar situation at paras 6-8,

> [6] The Applicant initially argued that he had been denied procedural fairness because the Officer had applied new Program Instructions without giving him notice or an opportunity to respond. He also claimed that the decision was tainted by bias because his counsel's office had represented many other claimants whose applications were also refused (although there was no affidavit evidence to support this claim). After leave to seek judicial review was granted, the matter was set for hearing on May 1, 2024.
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> [7] On April 24, 2024, I issued a Direction drawing the parties' attention to the decision in *Tehranimotamed v Canada (Citizenship and Immigration)*, 2024 FC 548 [*Tehranimotamed*] at paras 8–9, where counsel from the same law firm (and the same counsel who represented the Applicant at the hearing of the present matter) had indicated he was no longer advancing the procedural fairness arguments set out in his memorandum of fact and law (virtually identical to the arguments advanced here). The Direction asked counsel for the Applicant to advise the Court and the Respondent on or before April 26, 2024 whether he intended to withdraw the procedural fairness argument.
>
> [8] By letter dated April 26, 2024, counsel for the Applicant stated: "Based on previous Court decisions regarding similar procedural fairness arguments, those arguments advanced in the Applicant's Memorandum of Fact and Law and Reply Memorandum will be withdrawn." That was an appropriate concession to make. Procedural fairness arguments and allegations of bias that are not supported by affidavit evidence or other material in the record should never be advanced. Moreover, counsel should not need to receive a Direction to stop pursuing arguments that have been repeatedly and resoundingly rejected by this Court in previous decisions.

[41] In *Nghashyar*, Justice Pentney did not mince words in chastising counsel for advancing arguments consistently rejected by the Court and alleging bias without support, yet Counsel for Mr. Kamyab has made the same arguments once again.

[42] Mr. Kamyab again submits that the refusal of the several C-11 applications from Iranian applicants proposing to establish businesses in Canada shows discrimination against Iranians. He has provided no evidence regarding the number of C-11 applicants more generally or the number of refusals as a percentage. His allegation is based only on the experience of Counsel who represented many Iranian C-11 applicants. As noted below, the Court's jurisprudence demonstrates that the reasons for the refusals differed, which undermines the submission that there was a mass refusal without independent assessment.

[43] Similarly, with respect to raising new issues at the hearing of the judicial review as Counsel for Mr. Kamyab has in this case, in *Naeini*, Justice Turley chastised representatives from the same law office as Counsel for Mr. Kamyab, noting at para 37:

> [37] As a final note, I would add that the Court is concerned with the solicitors of record's repeated attempts to raise new issues in judicial review applications of refused work permit applications, after leave has been granted. This is the third application in which the same solicitors of record abandoned all the legal issues raised in the applicants' memoranda of argument and then raised new issues in their further memoranda of argument once leave was granted. In each case, the Court declined to consider the new issues and dismissed the applications.
>
> [38] Notably, a total of 83 work permit applications were prepared by the same solicitors of record, and subsequently refused by the IRCC: Applicant's Memorandum of Argument at para 17. It is uncertain how many of these refused work permit applications have been challenged by way of judicial review. The prospect of additional judicial review applications with improperly-raised new issues, however, is especially concerning as it would result in an

> undue strain on the Court's scarce judicial and administrative resources. It would also subject the Respondent to unnecessary time and effort.

[44] I share these concerns; Counsel is well aware of the Court's jurisprudence yet advanced the same unsuccessful arguments at the hearing and attempted to raise new arguments and provide evidence not on the record and which differs from the record. This approach unnecessarily taxes the resources of the Court and the Respondent and does not assist other applicants who rely on the same Counsel.

[45] Contrary to Mr. Kamyab's assertion, the duty of procedural fairness owed in the context of work permit applications is at the low end of the spectrum. It is long established in the jurisprudence that an Officer is not required to notify applicants seeking work or other permits or other status of concerns that arise directly from the legislation or related requirements (see e.g., *Hamza v Canada (Minister of Citizenship and Immigration)*, 2013 FC 264 at paras 21-24; *Hassani v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1283 at paras 23-24;, and more recently, *Singh v Canada (Citizenship and Immigration)*, 2021 FC 790 at para 9; *Fahimi* at para 26, among other cases). Officers are, however, required to advise applicants of concerns related to the credibility, accuracy, or authenticity of information, where these arise (see e.g., *Sungai v Canada (Citizenship and Immigration)*, 2025 FC 825 at para 10). In the present case, the Officer expressed no such concerns.

[46] Contrary to Mr. Kamyab's assertion, the Respondent's evidence supports finding, just as the Court has found in other decisions, that the updated PDI did not change the eligibility requirements and did not significantly change the relevant considerations that guide officers in

assessing applications for a C-11 work permit pursuant to the *Regulations*; the updated PDI reflects long standing considerations and brings them together in one list. The PDI provides guidance by setting out considerations, not requirements. The requirements are derived from specific provisions in the *Regulations*.

[47] In *Shidfar*, Justice Go found at para 31:

> [31] While the Applicant asserts there have been "significant" changes to the C-11 Guidelines, he is unable to point to which aspects of the guidelines have been changed, or how they may have affected the Officer's assessment of the Applicant's application. Having reviewed the new C-11 Guidelines, post-dated November 2022, and compared that to the excerpts of the former C-11 Guidelines as contained in the Applicant's materials, I agree with the Respondent that there is no material change that would have affected the Applicant. More to the point, both sets of Guidelines require the Applicant to demonstrate that the work is "likely to create a viable business that will benefit Canadian or permanent resident workers or provide economic stimulus", and that the Applicant has taken some measures to put the business plan in action, including renting space.
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> [Emphasis added].

[48] Similarly, in *Shahbazian*, Justice Aylen found that the applicant failed to explain how the three additional considerations in the updated PDI may have affected the officer's consideration of the application, and that the GCMS Notes revealed that the basis for the officer's decision had nothing to do with the three additional considerations (at para 24).

[49] In Mr. Kamyab's case, the same is true; the Officer was not satisfied that the proposed tech consulting business would be competitive and would provide a significant benefit or that Mr. Kamyab had sufficient financial resources to support the purpose of his travel, which was to establish the proposed business. Both of these considerations were included in the former and

updated PDI. Mr. Kamyab did not address how the three additional considerations included in the updated PDI, derived from ongoing requirements in the *Regulations*, had any bearing on the Officer's decision. Mr. Kamyab now points to the consideration referring to language, which is not new and was not the Officer's reason to refuse the work permit. He also points to the considerations regarding whether the business is of a temporary nature and whether it would require an indeterminate presence, which he refers to as an "exit plan". However, the Officer did not refer to these considerations in refusing the work permit. In any event, Mr. Kamyab included an "exit plan" in his business plan so he cannot now suggest that he was not aware of this consideration and had no opportunity to address this consideration, even if the Officer had referred to it.

[50] Mr. Kamyab also now submits for the first time that the requirement to consider whether the business requires an indeterminate presence is inconsistent with the requirements for a temporary work permit and is inconsistent with the previous policy that recognized a "dual intent"—i.e., that an applicant could seek a temporary visa and later seek permanent resident status. Mr. Kamyab's argument is new and is not supported by any evidence. Moreover, section 22 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 continues to govern temporary resident status and specifically provides in subsection 22(2) that "an intention by a foreign national to become a permanent resident does not preclude them from becoming a temporary resident if the officer is satisfied that they will leave Canada by the end of the period authorized for their stay."

[51] Again, the Officer's reasons for refusing the work permit do not relate to any of the considerations that Mr. Kamyab incorrectly asserts to be new.

[52] Mr. Kamyab's reliance on *Tafreshi* is misplaced and distinguishable. *Tafreshi* addressed material changes by IRCC to guidelines relating to the procedure and the content of applications for permanent residence in the self-employed class (i.e., removing the availability of interviews, adding a more stringent requirement of a detailed business plan, and removing specific procedural fairness provisions regarding the opportunity to be heard on eligibility) after the applications were submitted, resulting in "significantly different requirements" (at paras 61-76; see also *Mortezaei v Canada (Citizenship and Immigration)*, 2024 FC 4 for similar findings).

[53] Mr. Kamyab's arguments regarding a breach of procedural fairness due to an alleged mass refusal of similar applications and his allegations of discrimination are without merit. As noted, these same arguments have been previously advanced and dismissed by this Court. Moreover, the Officer's reasons as set out in the GCMS Notes clearly pertain to Mr. Kamyab's particular application and explain why it was refused with reference to his proposed, generic business plan and financial information.

[54] The jurisprudence of this Court with respect to the judicial review of several of the other refusals among the 83 refusals noted by Mr. Kamyab demonstrate that the officers refused the applications for various and different reasons, which does not reflect a mass refusal.

B. *The Officer's decision is reasonable, and the reasons are adequate to find that the decision is reasonable*

[55] Mr. Kamyab's argument that the reasons are inadequate, which results in a breach of procedural fairness and also provides a stand-alone ground to find the Officer's decision to be unreasonable, does not reflect the state of the law.

[56] It is now a well-established principle that the adequacy of reasons is not stand-alone ground of review. In *Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at paras 14-15, the Supreme Court of Canada clarified that reasons must be read holistically with the outcome and that the adequacy of the reasons is part of the reasonableness review. This principle remains in the post-*Vavilov* era. Moreover, as noted above, an officer's reasons need not be extensive.

[57] In the present case, Mr. Kamyab's argument appears to be that the Officer's reasons do not explain why he did not meet the requirements of the C-11 category. This argument fails. While Mr. Kamyab may believe that his business plan provided sufficient information, the Officer reasonably found that it did not. The business plan is lengthy, but it is filled with generalities and projections that leave a reader at a loss to understand what the business is about and how it will compete in the GTA market, survive or meet its projections for the future. Mr. Kamyab now seeks to buttress the business plan with information that is not found anywhere in the business plan on the record before the Court or in Mr. Kamyab's affidavit. The business plan does not describe a consulting business for Iranian newcomers who also seek to establish a business; it does not indicate that it will compete in the smaller Newmarket area, but rather in the much larger GTA; and it does not indicate that it will provide seven jobs, but rather four jobs over five years. This is new or invented information, and in any event, it does not change the reasonableness of the Officer's finding that the Officer was not satisfied that the business would bring a significant benefit to Canada.

[58] The Court also notes that Mr. Kamyab does not challenge the Officer's other reason for not being satisfied that Mr. Kamyab would leave Canada at the end of his authorized stay, which was that his financial situation was insufficient to support the stated purpose of his travel. This factor on its own would be sufficient to support the Officer's finding.

[59] The Officer's reasons are clear; the Officer found that the significant benefit to Canada had not been established based on the vagueness of the information provided and given the competitive nature of the consulting industry in the GTA, and that Mr. Kamyab did not satisfy the Officer that he had sufficient funds to support his own establishment or that of the business. The Officer's decision is justified, transparent and intelligible and is based on the facts and law which constrain the Officer. The Court finds no error in the decision, nor was there any breach of procedural fairness.

**JUDGMENT in file IMM-11880-22**

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

1. The Application for Judicial Review is dismissed.

2. There is no question for certification.

"Catherine M. Kane"
Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

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| **DOCKET:** | IMM-11880-22 |
| **STYLE OF CAUSE:** | MEHDI KAMYAB v THE MINISTER OF CITIZENSHIP AND IMMIGRATION |
| **PLACE OF HEARING:** | TORONTO, ONTARIO |
| **DATE OF HEARING:** | JANUARY 14, 2026 |
| **JUDGMENT AND REASONS:** | KANE J. |
| **DATED:** | JANUARY 22, 2026 |

**APPEARANCES:**

| | |
|---|---|
| Afshin Yazdani | FOR THE APPLICANT |
| Bradley Bechard | FOR THE RESPONDENT |

**SOLICITORS OF RECORD:**

| | |
|---|---|
| YLG Professional Corporation<br>Barristers and Solicitors<br>Toronto, Ontario | FOR THE APPLICANT |
| Attorney General of Canada<br>Toronto, Ontario | FOR THE RESPONDENT |