

Federal Court



Cour fédérale

Date: 20260430

Docket: IMM-4494-25

Citation: 2026 FC 572

Montréal, Québec, April 30, 2026

PRESENT: The Honourable Madam Justice Ferron

BETWEEN:

NEDA HAJATMAND

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Neda Hajatmand, was born in Borazjan, Iran but she currently resides in Dubai, the United Arab Emirates [UAE]. She is also a citizen of the Commonwealth of Dominica and Türkiye. She seeks the judicial review of a decision by a visa officer [Officer] of Immigration, Refugee and Citizenship Canada [IRCC] dated December 27, 2024 [Decision] which dismissed her application for a temporary resident visa [TRV].

[2] The Decision follows another TRV refusal which led to a judicial review application that was eventually discontinued after the Respondent and the Applicant agreed to have the matter remitted to a new officer for redetermination in October 2024.

[3] Ms. Hajatmand sought to secure a TRV to come visit her family, specifically her sister Narjes and her husband, as well as her Canadian business partners. She initially thought she would travel with her son but eventually decided to come alone due to the interruption it would cause in her son's school curriculum. In short, her plans changed after the first discontinued application.

[4] The Applicant submits that the Decision is unreasonable and seeks again to have the file remitted to a different visa officer for a new analysis. She pleads that the Decision should be set aside for the three following reasons.

[5] First Ms. Hajatmand pleads that the Officer erred regarding her status in the UAE, as well as her status in the Commonwealth of Dominica and Türkiye. The Officer found that the UAE golden visa she holds is merely “a long-term visa valid for 10 years” which “does not change the fact that the applicant is and will only ever be a temporary resident of the UAE” because “experience shows that such visas cannot be considered permanent and can still be revoked at any time by the UAE Government”. The Officer also gave “less weight” to her Dominican and Turkish citizenship on the grounds that “citizenships acquired by investment can, like a UAE Golden Visa, be revoked by the host country at any time and that they do not mean that the holder has ties to that country”. According to Ms. Hajatmand, these conclusions are based on speculations and that her UAE golden visa is “proof of stable and secure status” in that country (citing *Khreibe v Canada (Citizenship and Immigration)*, 2024 CanLII 139892 (CA IRB), at para 16).

[6] Second, the Applicant submits that the Officer's reasoning regarding the purpose of her visit lacks transparency, intelligibility and justification. The Officer concluded that the purpose of travel she laid out might not be genuine including because "it is unclear why she has entered into a business partnership with her husband and a friend in Canada and has purchased land there, or why she needs to visit said business partner now". The Applicant notably takes issue with the facts that 1) no "meaningful explanation" is given as to why she could not run her Canadian business from abroad and seek to come see her property and business partner, 2) no evidence is cited despite the "ample documentation" she provided, and 3) her history of complying with the immigration laws of many other countries during her previous travels should have been considered as a positive factor (citing *Persaud v Canada (Citizenship and Immigration)*, 2021 FC 1252 at paras 10-11; *Mulla v Canada (Citizenship and Immigration)*, 2022 FC 463 at para 14; *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1718 at paras 15-16).

[7] Third, the Applicant takes issue with the Officer's conclusion that she does not have "significant family ties outside Canada" including because her son and her husband would both accompany her here. As evident from the facts laid out above, and as the Respondent has conceded, this conclusion is evidently erroneous. The Officer seems to have focused on the first family information form that Ms. Hajatmand produced before the first refusal which led to the discontinued application for judicial review. Her plans have since changed, and the record clearly demonstrated this.

[8] On Monday, April 20, 2026, the Court issued the following directions, which sheds light on the procedural context of the current decision:

The Court is in receipt of a letter from the Respondent, the Attorney General of Canada [AGC],

dated April 17, 2026, advising that the AGC “is no longer defending the decision that is the subject of the application for judicial review”. The Court also understands from this letter that the AGC extended an offer of settlement along the lines of what the Applicant is seeking by the judicial review but that the Applicant rejected the offer of settlement.

The Court takes notice of the AGC’s position that the time remaining before the hearing date is insufficient for them to prepare a motion for judgment. However, the AGC’s letter fails to identify on what basis they decided to stop defending the reasonability of the Decision. To clarify the matter, the Court requires the AGC to submit further representations -be it informally, by way of a letter- clarifying which fundamental flaw they concede vitiates the decision and warrants quashing, on or before April 24, 2026, 12h.

As for the Applicant, the Court asks the Applicant to clarify, on or before April 24, 2026, 12h -be it informally, by way of a letter-, whether a hearing is required or if the matter can be adjudicated on the basis of her written representations pursuant to section 369 of the *Federal Courts Rules*, SOR/98-106, given that they are now unopposed.

[9] On that same day, the Applicant confirmed that she agreed to have the matter be adjudicated without the need for a hearing, on the sole basis of her -now unopposed- written representations.

[10] On Thursday, April 23, 2026, the Respondent also answered the Court’s direction by clarifying the following:

The Respondent submits that the Court should quash the decision because the Officer’s conclusion that the Applicant did not have significant family ties outside Canada was not sufficiently justified (Refusal Letter, Certified Tribunal Record (“CTR”), p. 2).

While the Officer explained why little weight was given to the Applicant's spouse being listed as non-accompanying in the application - namely that the spouse held a temporary resident visa and could travel with the Applicant despite being listed as non-accompanying (Global Case Management System ("GCMS") Notes, CTR, p. 6) - it is unclear why reduced weight was also assigned to the fact that the Applicant's son was listed as "non-accompanying". In the GCMS notes, the Officer stated that the Applicant's later indication that her son would not accompany her contradicted the Family Information form.

However, the record does not clearly support a finding of contradictory evidence. Rather, the materials suggest that the Applicant advised IRCC that her plans had changed.

The evidence before the Officer included the following:

- In the Family Information form dated July 6, 2024, the Applicant indicated that her spouse and son would be accompanying her to Canada. The form also shows what appears to be an "X" superimposed over the "non-accompanying" box beside the spouse's name (CTR, p. 182).
- In a letter dated July 15, 2024, the Applicant stated that her son was not accompanying her to Canada (CTR, p. 184).
- In a further letter dated November 30, 2024, the Applicant clarified that there had been a change in plans and that her son would not be accompanying her (CTR, p. 22).

In these circumstances, it is not apparent from the reasons why the Officer treated the evidence as contradictory or why this finding justified discounting the fact that the Applicant's son would be remaining in the United Arab Emirates. The Respondent therefore consents to judgment allowing the application and returning the matter for redetermination by a different officer.

[11] Because the parties did not formally reach a settlement, these reasons do not take the usual form of a consent judgment. However, after having considered the Applicant's written representations and the tribunal's record, given that the Respondent no longer oppose the present Application and given the objective of guaranteeing the just, most expeditious and least expensive outcome in every proceeding set forth in paragraph 3a) of the *Federal Courts Rules*, SOR/98-106, the reasons for the present judgment will be short.

[12] The Court agrees that the Decision is unreasonable, at least with respect to the reasons laid out in the Respondent's letter dated April 23 and cited above. The Officer's conclusion as concerns the Applicant's family ties outside Canada cannot be reconciled with the record. This is sufficient to warrant quashing (*Canada (Minister of Citizenship and Immigration v Vavilov*, 2019 SCC 65 at para 126), without the need for the Court to consider the other arguments submitted by the Applicant.

[13] The Application for judicial review is granted, and the matter is sent back for redetermination by a different decision maker.

[14] There are no questions of general importance to be certified.

JUDGMENT in IMM-4494-25

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is granted, without costs.
2. There is no question of general importance to be certified.

“Danielle Ferron”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4494-25

STYLE OF CAUSE: NEDA HAJATMAND v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

**MOTION IN WRITING CONSIDERED AT MONTREAL, QUEBEC PURSUANT
TO RULE 369 OF THE *FEDERAL COURTS RULES***

JUDGMENT AND REASONS: FERRON J.

DATED: APRIL 30, 2026

WRITTEN REPRESENTATIONS BY:

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Giancarlo Volpe FOR THE RESPONDENT

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