

Federal Court



Cour fédérale

Date: 20230608

Docket: IMM-7649-22

Citation: 2023 FC 816

Vancouver, British Columbia, June 8, 2023

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

**ELNAZ MOGHADAR HAGHANI AND
IMAN KHAYATZADEH AND
DENIZ KHAYATZADEH**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Ms. Moghadar Haghani, a citizen of Iran, was denied a permit to study for a Master of Administrative Science at Fairleigh Dickinson University in Vancouver. Her husband and son were also denied a work permit and a visitor visa, respectively. The visa officer found that Ms. Moghadar Haghani did not provide evidence of sufficient funds to cover the cost of her stay.

Moreover, they found that she did not have significant family ties in Iran and that these ties were further weakened by the fact that her husband and son would travel with her.

[2] Ms. Moghadar Haghani now applies for judicial review. The general framework for the judicial review of denials of study permits was summarized in *Nesarzadeh v Canada (Citizenship and Immigration)*, 2023 FC 568, and need not be repeated here.

[3] Ms. Moghadar Haghani's grounds for judicial review pertain to financial resources and family ties.

[4] With respect to the first ground, Ms. Moghadar Haghani argues that the visa officer disregarded the evidence she provided regarding her sources of funds and made unsupported blanket statements about the unstable economic climate and fluctuation of exchange rates.

[5] Where an applicant argues that the decision is incompatible with the evidence, the Court must itself review the record to determine if the decision-maker "fundamentally misapprehended" the evidence: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paragraph 126, [2019] 4 SCR 653.

[6] In this case, there were obvious issues with Ms. Moghadar Haghani's evidence of financial resources.

[7] First, her visa application form stated an amount of funds available to her that is slightly inferior to the cost of her stay for her first year.

[8] In addition, her letter of motivation included a list of assets and revenues that was not properly supported by the documentation she provided. No explanation was given as to the appropriate exchange rate and the way in which the amounts were added to result in the amount shown on the application form. Her submissions at the hearing of the present application did not clarify the matter.

[9] In particular, there is a certificate from Ayandeh Bank stating that Ms. Moghadar Haghani has about 5 billion Iranian rials in a long term deposit account. There is a record of transactions, covering a few months, that shows significant credit and debit transactions, and then a significantly lower balance for several months, and the record ends about one month before the date of the certificate. This suggests that the 5 billion balance is the result of a significant deposit in the days or weeks preceding the issuance of the certificate. Moreover, while Ms. Moghadar Haghani states that her husband has savings of about 2.6 billion rials, she does not provide any supporting evidence.

[10] In light of this, I am not persuaded that the officer fundamentally misapprehended the evidence when they found that Ms. Moghadar Haghani's financial resources were insufficient to support the proposed studies.

[11] As this is sufficient to dispose of the financial resources issue, I need not address the officer's statements about illiquid assets and the fluctuating exchange rate. I will simply say that had the officer given more fulsome reasons, perhaps even a sentence or two, highlighting the shortcomings of the evidence, the judicial review process would have been streamlined.

[12] I now turn to the issue of family ties. I agree that it may be offensive to be told that "you do not have significant family ties outside Canada" when your parents and all other family members reside in your home country. However, as explained in *Nourani v Canada (Citizenship and Immigration)*, 2023 FC 732 at paragraphs 23–26, the real concern is that Ms. Moghadar Haghani will have less incentive to return to Iran because her husband and son will travel with her. It is reasonable for an officer to consider this, even though it may not be a sufficient reason to deny a permit.

[13] For these reasons, the application for judicial review will be dismissed.

JUDGMENT in IMM-7649-22

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7649-22

STYLE OF CAUSE: ELNAZ MOGHADAR HAGHANI AND IMAN
KHAYATZADEH AND DENIZ KHAYATZADEH v
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: JUNE 8, 2023

JUDGMENT AND REASONS: GRAMMOND J.

DATED: JUNE 8, 2023

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