

Federal Court



Cour fédérale

Date: 20230920

Docket: IMM-6821-22

Citation: 2023 FC 1265

Ottawa, Ontario September 20, 2023

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

GOLSHID LITKOUHI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Ms. Golshid Litkouhi (the “Applicant”) seeks judicial review of the decision of an Officer, refusing her application for a visitor’s visa. In a separate decision, the Officer refused the application of the Applicant’s daughter for a study permit. That negative decision was challenged by way of an application for leave and judicial review in cause number IMM-6816-21.

[2] The Applicant is a citizen of Iran. She applied for a visitor's visa on May 17, 2022, so that she could accompany her daughter to Canada. The Officer refused the application on the grounds of being dissatisfied that the Applicant would leave Canada at the end of any authorized period for her stay.

[3] The Applicant argues that the Officer breached her right to procedural fairness by providing inadequate reasons. She also pleads that the decision is unreasonable.

[4] The Minister of Citizenship and Immigration (the "Respondent") submits that there was no breach of procedural fairness and the decision is reasonable.

[5] Any issue of procedural fairness is reviewable upon the standard of correctness; see the decision in *Canada (Citizenship and Immigration) v. Khosa*, [2009] 1 S.C.R. 339 (S.C.C.).

[6] The merits of the decision are reviewable upon the standard of reasonableness, following the decision in *Canada (Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.).

[7] I am not persuaded that there was any breach of procedural fairness in this case. The Applicant's arguments about the adequacy of the reasons more appropriately relate to the reasonableness of the decision. In that regard, I agree with the Applicant's submissions, that the decision was unreasonable.

[8] In my opinion, the Officer either ignored or misunderstood the evidence about the Applicant's ties to Iran. The Officer apparently was most concerned with the possibility that the Applicant would overstay in Canada but the reasons do not show consideration of the evidence that contradicted this suspicion. The decision is unreasonable and will be set aside.

JUDGMENT IN IMM-6821-22

THIS COURT'S JUDGMENT is that the application for judicial review is allowed, the decision of the Officer is set aside and the matter is remitted to another officer for re-determination. There is no question for certification.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6821-22

STYLE OF CAUSE: GOLSHID LITKOUHI V. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY WAY OF VIDEO CONFERENCE

DATE OF HEARING: SEPTEMBER 18, 2023

JUDGMENT AND REASONS: HENEGHAN J.

DATED: SEPTEMBER 20, 2023

APPEARANCES:

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