

Federal Court



Cour fédérale

Date: 20230427

Docket: IMM-6678-22

Citation: 2023 FC 615

Ottawa, Ontario, April 27, 2023

PRESENT: Mr. Justice O'Reilly

BETWEEN:

**ELHAM KAZEMI AND
HASSAN JAHANGIRI**

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] In 2022, Ms Elham Kazami, a citizen of Iran, applied for a study permit to pursue graduate studies in business leadership at Trinity Western University in British Columbia. A visa officer denied her application on the basis that she had failed to establish that she would leave Canada at the end of her two-year program.

[2] At the same time and on the same grounds, the officer denied a work permit to Ms Kazami's spouse, the co-applicant Mr Hassam Jahangiri,

[3] In respect of Ms Kazami, the officer was concerned that Ms Kazami did not have significant family ties outside Canada. The officer noted that Ms Kazami proposed to travel to Canada with her spouse, which would weaken her connection to Iran. In addition, the officer felt that Ms Kazami's proposed studies were redundant in light of her existing educational credentials – a Bachelor's degree in Russian, a Master's degree in Business Administration, and a certificate in travel and tourism management. Finally, the officer noted that Ms Kazami was currently unemployed in Iran, indicating a lack of establishment there.

[4] In respect of Mr Jahangiri, the officer again expressed concern about the lack of significant family ties outside Canada. In addition, the officer noted that Mr Jahangiri proposed to travel with his spouse, Ms Kazami, whose study permit was denied. (Mr Jahangiri's spouse needed to have a study permit before Mr Jahangiri could be granted a work permit.)

[5] The applicants submit that the officer's decisions were unreasonable because the officer overlooked the fact that they have strong family connections to Iran through Ms Kazami's mother and three siblings, as well as Mr Jahagiri's mother and sister. Further, the officer failed to mention that Ms Kazami received a job offer in Iran contingent on her completing her Canadian studies. The applicants ask me to quash the officer's decisions and order another officer to reconsider their applications.

[6] I agree that the officer's decisions were unreasonable because they failed to take account of important evidence in the applicants' favour. I will therefore grant this application for judicial review.

[7] The sole issue is whether the officer's decisions were unreasonable.

II. Were the officer's decisions unreasonable?

[8] The Minister argues that the decisions were reasonable, noting that the officer is presumed to have considered all the evidence, including the evidence of the applicants' family ties to Iran. It was also reasonable, says the Minister, for the officer to conclude that the fact that the applicants were travelling together would weaken their ties to Iran. In addition, the Minister maintains that it was reasonable for the officer to have doubts about the value of Ms Kazami obtaining an additional educational credential on top of her existing academic accomplishments. Further, the employment offer Ms Kazami presented did not explain how her additional degree would qualify her for the position offered.

[9] I agree with the Minister that the evidence relating to Ms Kazami's proposed studies and future employment prospects lacked detail. However, I see no indication that the officer considered the applicants' existing family connections to Iran and the absence of any family ties to Canada (other than potentially one another). From the officer's reasons, it appears that the lack of strong family ties to Iran was the principal basis for denying both permits. It was incumbent on the officer to weigh the evidence of family connections to Iran, along with the other evidence, in deciding whether the applicants had established that they would return to Iran at the end of

their temporary permits. Without that weighing, the officer's conclusions are not intelligible, transparent, or justified—they are unreasonable.

III. Conclusion and Disposition

[10] The officer deciding the applicants' application for temporary permits to enter Canada failed to weigh important evidence on the question of whether they would return to Iran when their permits expired. That failure resulted in unreasonable conclusions. I must, therefore, allow this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT IN IMM-6678-22

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed and the matter is returned to another officer for reconsideration.
2. No question of general importance is stated.

"James W. O'Reilly"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6678-22

STYLE OF CAUSE: ELHAM KAZEMI et Al v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: BY VIDEOCONFERENCE

DATE OF HEARING: APRIL 5, 2023

JUDGMENT AND REASONS: O'REILLY J

DATED: APRIL 27, 2023

APPEARANCES:

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