

Federal Court



Cour fédérale

**Date: 20240415**

**Docket: IMM-4861-23**

**Citation: 2024 FC 588**

**Ottawa, Ontario, April 15, 2024**

**PRESENT: The Honourable Mr. Justice Ahmed**

**BETWEEN:**

**HEMAT SHAHBAZBEYGI  
AFSANEH MOHAMMADI  
ARSHIA SHAHBAZBEIGI  
TINA SHAHBAZBEIGI**

**Applicants**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Delivered orally from the Bench in Ottawa, Ontario, on April 15, 2024 and edited for grammar, syntax, and reference to jurisprudence)**

[1] The Applicants seek judicial review of a decision from a visa officer refusing the visitor visa application of Hemat Shahbazbeygi, the Principal Applicant in this matter, pursuant to paragraph 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227

(“*IRPR*”). The decision was based on the Principal Applicant’s lack of significant family ties outside of Canada and his purpose of visit being inconsistent with a temporary stay.

[2] The Principal Applicant is an Iranian citizen who sought to visit Canada with his wife and two children. The Principal Applicant and his wife have family living in Iran.

[3] The issues raised in this application are whether the officer’s decision is reasonable and made in a procedurally fair manner.

[4] I find that the decision is reasonable. The officer acknowledged the Principal Applicant’s family in Iran but nonetheless found that the ties to Iran would be weakened by having his wife and children accompany him to Canada. The officer was entitled to do so, especially given that there is no evidence the Principal Applicant’s family lives with their other family in Iran (see, for example, *Moosavi v Canada (Citizenship and Immigration)*, 2023 FC 1037 at para 22).

[5] The officer did not err in finding that the Applicants’ funds were insufficient for the visit. The officer found that there was “an absence of satisfactory documentation showing the source” of the Applicants’ funds, acknowledging that the Principal Applicant’s bank statement did not include a history of bank transactions and that the amounts in the bank statement were incommensurate with their stated income. The onus was on the Applicants “to provide what is needed” in their application (*Anand v Canada (Citizenship and Immigration)*, 2019 FC 372 at para 37), which the officer found they did not do. Contrary to the Applicants’ requests, I cannot

reweigh the evidence and decide the issue myself (*Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (“*Vavilov*”) at paras 83, 125).

[6] Furthermore, the officer did not find that the Applicants’ travel history was a negative factor in the decision; rather, the officer found that their travel history was insufficient to be a positive factor. As Justice Régimbald put it, “a very short stay in a foreign country may be a neutral factor as to whether or not the applicant will leave Canada at the end of the authorized period” (*Babic v Canada (Citizenship and Immigration)*, 2023 FC 379 at para 20, citing *Momi v Canada (Citizenship and Immigration)*, 2013 FC 162 at paras 20-21 and *Safdar v Canada (Citizenship and Immigration)*, 2022 FC 189 at para 26). While it may be problematic for the officer to find the Applicants “have not previously visited as many countries as tourists” in support of the officer’s conclusion, I do not find that it was “sufficiently central” to render the decision unreasonable as a whole (*Vavilov* at para 100). Moreover, the mere use of the term “*bona fide*” does not, in this case, engage credibility concerns (*Abbas v Canada (Citizenship and Immigration)*, 2022 FC 378 at para 22).

[7] The Applicants’ other arguments that the officer failed to consider relevant evidence or factors in their application are meritless. The officer was presumed to have considered the evidence (*Aghaalikhani v Canada (Citizenship and Immigration)*, 2019 FC 1080 at para 24, citing *Florea v Canada (Minister of Employment and Immigration)*, [1993] FCJ No 598 (FCA) (QL) at para 1), a presumption that has not been rebutted in this matter.

[8] I further find that the decision was made in a procedurally fair manner. The officer did not have to communicate their concerns with the application, these concerns arising from the requirements under paragraph 179(b) of the *IRPR* (*Rajabi v Canada (Citizenship and Immigration)*, 2024 FC 371 at para 25, citing *Hassani v Canada (Minister of Citizenship and Immigration)* (F.C.), 2006 FC 1283 at para 24, cited in *Talpur v Canada (Citizenship and Immigration)*, 2012 FC 25 at para 21). Moreover, the repeated allegations that the officer found “every possible excuse to refuse” the application are meritless.

[9] I dismiss this application for judicial review. No question is certified.

**JUDGMENT in IMM-4861-23**

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

1. This application for judicial review is dismissed.
2. There is no question to certify.

“Shirzad A.”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-4861-23

**STYLE OF CAUSE:** HEMAT SHAHBAZBEYGI, AFSANEH MOHAMMADI, ARSHIA SHAHBAZBEIGI, AND TINA SHAHBAZBEIGI v MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** BY VIDEOCONFERENCE

**DATE OF HEARING:** APRIL 15, 2024

**JUDGMENT AND REASONS:** AHMED J.

**DATED:** APRIL 15, 2024

**APPEARANCES:**

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