

Federal Court



Cour fédérale

**Date: 20240508**

**Docket: IMM-12813-22**

**Citation: 2024 FC 706**

**Ottawa, Ontario, May 8, 2024**

**PRESENT: Madam Justice McDonald**

**BETWEEN:**

**MASTANEH KASHANI**

**Applicant**

**and**

**THE MINISTER OF IMMIGRATION  
REFUGEES AND CITIZENSHIP CANADA**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, a citizen of Iran, seeks judicial review of a decision of a Visa Officer refusing her study permit application.

[2] The day before the hearing, the Court Registry was advised that neither the Applicant nor her legal counsel would be appearing at the hearing. A request was made that the matter be considered on the Applicant's written submissions.

[3] Rule 38 of the *Federal Court Rules* [Rules], SOR/98-106, states:

Where a party fails to appear at a hearing, the Court may proceed in the absence of the party if the Court is satisfied that notice of the hearing was given to that party in accordance with these Rules.	Lorsqu'une partie ne comparait pas à une audience, la Cour peut procéder en son absence si elle est convaincue qu'un avis de l'audience lui a été donné en conformité avec les présentes règles.
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[4] Being satisfied that the Applicant received notice of the hearing in accordance with the Rules, the hearing proceeded based on the Applicant's written submissions and the Respondent's written and oral submissions.

I. Background

[5] The Applicant sought a study permit as she was accepted into the Master of Business Administration [MBA] program at Trinity Western University [TWU].

[6] Her husband intended to accompany the Applicant to Canada.

II. Issues

[7] In her written submissions, the Applicant submits that the Visa Officer's decision is unreasonable on the consideration of the following issues:

- A. benefit of further education; and
- B. family ties.

[8] On review of the Visa Officer's decision, the Court applies the reasonableness standard of review. The Court will assess if the decision bears the hallmarks of reasonableness—justification, transparency, and intelligibility—and if the decision is justified in relation to the relevant factual and legal constraints that bear on it (*Vavilov v Canada (Citizenship and Immigration)*, 2019 SCC 65 at para 99 [*Vavilov*]).

III. Analysis

A. *Benefit of further education*

[9] The Applicant was seeking a study permit to attend the MBA program at TWU.

[10] The Applicant already holds a Master's level degree obtained in 2020 in the field of Industrial Management-Research. She is employed in Iran as a Financial Expert.

[11] The Visa Officer concluded as follows:

Iranian national applying for a study permit to attend Trinity Western University in MBA, International Business. The client has previous studies at the same academic level as the proposed studies in Canada. Previous university studies in Master of Industrial [sic] Management. Currently employed as a Financial Expert. Client's Explanation letter reviewed. PA does not demonstrate to my satisfaction reasons for which the international educational program would be of benefit. Given the PA's previous education and work history, their motivation to pursue studies in Canada at this point does not seem reasonable.

[12] The Visa Officer considered the study plan but was not satisfied that the Applicant's course of study was reasonable in light of her previous education and work history. The Applicant had the onus to convince the Visa Officer of the merits of the educational program by providing sufficient information to justify the course of study to her personally, rather than make general assertions of the potential benefits of the program.

[13] As noted by Justice Rochester (then on the Federal Court) in *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 [*Mehrjoo*]:

[12] The onus was on the Applicant to convince the Officer of the merits of his study plan (*Charara v Canada (Citizenship and Immigration)*, 2016 FC 1176 at para 36). When considering the merits of a study plan, a visa officer is entitled to consider whether an applicant has already achieved the benefits of the intended program (*Borji v Canada (Citizenship and Immigration)*, 2023 FC 339 at para 17). Indeed, the fact that the proposed studies appear redundant given past studies or employment may well be relevant as one is unlikely to undertake a course of study that brings no benefits (*Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 805 at para 9).

[13] Having reviewed the study plan, and having canvassed the language therein in detail with counsel for the parties during the

hearing, I am not persuaded that the Officer's finding that the program is redundant and is not a logical progression in light of the Applicant's current career and previous studies is unreasonable. Other than a few general assertions, the Applicant does not provide specific reasons why or how the proposed program would benefit him and how it differs from the knowledge he acquired in his previous master's degree or in his years of experience. There is no information in the record about the program, other than its title.

[14] Further, as noted by Justice Ahmed in *Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 [*Amiri*] at paragraph 30:

... It was open for the Officer to conclude that the Principal Applicant did not provide enough information to show that the program in Canada was not redundant or an illogical progression in her career path.

[15] The facts and circumstances of this case are similar to those in *Mehrjoo* and *Amiri*. Based upon the information provided by the Applicant, the Visa Officer in this case was not satisfied that another Master's degree was a logical progression of her career. Further, I would note that the motivation to study in Canada is illuminated by the following statement in the Applicant's study plan:

Canada as a developed country has become a popular study destination for those looking to pursue their education programs in an international-friendly atmosphere.

[16] The Visa Officer's decision is reasonable.

B. *Family ties*

[17] The Applicant submits that the Visa Officer erred in concluding that she did not have significant family ties outside of Canada. She noted that all her family members reside in Iran.

[18] On this issue, the Visa Officer's finding is as follows:

The applicant does not have significant family ties outside Canada. PA is traveling with their spouse, I have concerns that the ties to Iran are not sufficiently great to motivate departure from Canada. The ties to Iran are weakened with the intended travel to Canada by the client as the travel involves their immediate family; the motivation to return will diminish with the applicant's immediate family members residing with them in Canada. The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application.

[19] On this issue, the Applicant relies upon *Aghaalkhani v Canada (Citizenship and Immigration)*, 2019 FC 1080, *Rahmati v Canada (Citizenship and Immigration)*, 2021 FC 778, and *Balepo v Canada (Citizenship and Immigration)*, 2016 FC 268.

[20] However, an assessment of the reasonableness of the Visa Officer's decision on this issue needs to be considered within the specific facts of this case.

[21] In my view, the facts are more comparable to those in *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 [*Sayyar*] and *Amiri* where the presence of the spouse, as the closest family member, was a factor deserving considerable weight (*Sayyar* at para 16; *Amiri* at para 31).

[22] Further, although the family ties assessment was a factor for the Visa Officer, it was not the sole basis upon which the study permit was denied.

[23] The Visa Officer's decision is justified and reasonable.

IV. Conclusion

[24] This application for judicial review is dismissed.

[25] There is no question for certification.

**JUDGMENT IN IMM-12813-22**

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

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

"Ann Marie McDonald"

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-12813-22

**STYLE OF CAUSE:** KASHANI V THE MINISTER OF IMMIGRATION  
REFUGEES AND CITIZENSHIP CANADA

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** APRIL 3, 2024

**JUDGMENT AND REASONS:** MCDONALD J.

**DATED:** MAY 8, 2024

**APPEARANCES:**

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