

Federal Court



Cour fédérale

Date: 20240627

Docket: IMM-1957-23

Citation: 2024 FC 1009

Toronto, Ontario, June 27, 2024

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

ALI NEKOUVIPARVAR

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Mr. Ali Nekoueiparvar (the “Applicant”) seeks judicial review of the decision of an officer (the “Officer”), refusing his application for a work permit under the “International Mobility Program”, as an entrepreneur, pursuant to subsection 205(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227.

[2] The Applicant is a citizen of Iran. In his application, he provided details about his education, work history and a business plan. He proposed to work as the “Executive Director” of an electrical supplies company of which he is the sole shareholder.

[3] The Officer found that the Applicant’s application lacked specific details about the proposed business, and concern was expressed about potential competition from existing businesses.

[4] The Applicant initially argued that he suffered a breach of procedural fairness, arising from a change in the Program Delivery Instructions for the Entrepreneur Stream, without notice. He submitted that the changes significantly changed the criteria for that classification.

[5] The Applicant also raised an allegation of bias on the part of the Minister of Citizenship and Immigration (the “Respondent”). This argument is based upon advice from his Counsel that the Respondent had refused 83 applications on behalf of his clients in less than a month.

[6] As well, the Applicant submits that the decision was unreasonable.

[7] The Applicant withdrew his arguments about a breach of procedural fairness and bias, following the rejection of similar arguments by Justice Zinn in *Tehranimotamed v. Canada (Citizenship and Immigration)*, 2024 FC 548.

[8] The Respondent submits that the decision is reasonable.

[9] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision”; see *Vavilov, supra*, at paragraph 99.

[10] Upon reviewing the material and considering the submissions of the parties, I am not persuaded that the decision is unreasonable.

[11] In my opinion, the Officer commented on relevant matters arising from the Applicant’s application, including the lack of specifics in the business plan. The Officer’s conclusion is reasonable relative to the materials submitted.

[12] There is no basis for judicial intervention and this application for judicial review will be dismissed. There is no question for certification.

JUDGMENT IN IMM-1957-23

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question for certification.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1957-23

STYLE OF CAUSE: ALI NEKOUUEIPARVAR v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: APRIL 10, 2024

REASONS AND JUDGMENT: HENEGHAN J.

DATED: JUNE 27, 2024

APPEARANCES:

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