

Federal Court



Cour fédérale

Date: 20241217

Docket: IMM-15097-23

Citation: 2024 FC 2051

Ottawa, Ontario, December 17, 2024

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

**YASAMIN SHAFAEIAN
KAMRAN RASOULI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicants are a married couple. Yasamin Shafaeian applied to study in Canada at Northeastern University in the Master of Science in Biotechnology program. Her husband applied for an accompanying work permit. An officer at Immigration, Refugees and Citizenship Canada (the “Officer”) refused their applications. The Applicants challenge these refusals on judicial review.

[2] The requirement that an officer be satisfied that a person applying to study in Canada will not overstay the period authorized for their stay is set out in subsections 11(1) and 20(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and in paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[3] The Officer principally refused the application because of concerns with Ms. Shafaeian's study plan. I agree with the Applicants that the concerns raised are unreasonable. The Officer failed to engage with the contradictory and relevant evidence in the record and raised irrelevant concerns.

[4] The parties agree, as do I, that I ought to review the substance of the decision on a reasonableness standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 23, 77). In evaluating the reasonableness of a decision, a reviewing court must consider the decision's institutional context (*Vavilov* at paras 91, 103). Visa officers are responsible for considering a high volume of study permit applications. While extensive reasons are not required, an officer's decision must be transparent, justified, and intelligible (*Vavilov* at para 15). Reasons must provide a "rational chain of analysis" so that a person impacted by the decision can understand the basis for the determination (*Vavilov* at para 103; see also *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 17; *Samra v Canada (Citizenship and Immigration)*, 2020 FC 157 at para 23; and *Rodriguez Martinez v Canada (Citizenship and Immigration)*, 2020 FC 293 at paras 13–14).

[5] Ms. Shafaeian has a Bachelor's degree in microbiology from a university in Iran. Following graduation in 2012, she has worked at the same company, receiving several promotions. She started in the position of research assistant for a few years and then worked as a laboratory technician. At the time of the study permit application, she had reached the position of biotechnology research associate. She was accepted to study in the Master of Science in Biotechnology program at Northeastern University. Ms. Shafaeian's employer agreed to hire her back upon graduation from the masters program with a promotion to Biotechnology Laboratory Manager.

[6] The Officer found the intended program of study was "not reasonable given their education history." The Officer does not explain why studying at the masters level in the very field that Ms. Shafaeian has studied and worked for more than a decade is unreasonable. With respect, I cannot follow the logic of this concern.

[7] The Officer also noted that there was a "large gap in studies" with "no education history from 2012-2023". Again, I cannot understand how this could be a relevant concern. Is the Officer assuming that, for higher education to be reasonable, it must be completed soon after an undergraduate degree? Without more explanation in the reasons, I see no logical foundation for the Officer's concern.

[8] The Officer also found that there was no "detailed explanation of what knowledge and experience need to be gained and how the proposed studies would help them in advancing their career in Iran." Ms. Shafaeian's detailed study plan directly contradicts this finding. She

specifically sets out how the particular courses and potential internship opportunities would assist her in her career advancement.

[9] The Respondent argued that the record was not clear on whether Ms. Shafaeian would be obtaining a promotion because of her studies in Canada. On this point, the Respondent relied on Ms. Shafaeian's statement that she was being offered a promotion because of her dedication and loyalty to the company. I do not find this submission persuasive. Ms. Shafaeian provided evidence from her employer that clearly indicates that she would obtain the promotion "upon graduation" from the masters program. It is unambiguous. Moreover, this minute examination of Ms. Shafaeian's statement is certainly not the basis on which the Officer made their finding and therefore it is an impermissible attempt to bolster the Officer's reasons after the fact.

JUDGMENT in IMM-15097-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed;
2. The decision dated September 27, 2023 is set aside and sent back to a different officer for redetermination; and
3. No serious question of general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-15097-23

STYLE OF CAUSE: YASAMIN SHAFAEIAN AND KAMRAN RASOULI v
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: OCTOBER 29, 2024

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: DECEMBER 17, 2024

APPEARANCES:

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