Federal Court Cour fédérale

Date: 20240402

Docket: IMM-2310-23

Citation: 2024 FC 503

Ottawa, Ontario, April 2, 2024

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

PARISA MARDANI
HOSSEIN RASOULI

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] Ms. Mardani, a citizen of Iran, applied for a study permit to pursue a Masters of Business Administration [MBA] at Trinity Western University. Her husband, Mr. Rasouli, applied for a spousal work permit to accompany her. A visa officer denied both the study permit and the work permit, because of insufficient ties to Iran and insufficient evidence of the benefits for Ms. Mardani of pursuing an MBA in Canada. The officer thus found that they may not return to Iran at the end of the period authorized for their stay.

[2] Ms. Mardani and Mr. Rasouli now apply for judicial review of the Officer's decision. I am dismissing their application, as the Officer's decision was reasonable.

[3] The general framework for the judicial review of denials of study permits was summarized in *Nesarzadeh v Canada (Citizenship and Immigration)*, 2023 FC 568 at paragraphs 5–9, which I reproduce without the references to caselaw or legislation:

- A reasonable decision must explain the result, in view of the law and the key facts.
- *Vavilov* seeks to reinforce a "culture of justification" requiring the decision-maker to provide a logical explanation for the result and to be responsive to the parties' submissions, but it also requires the context for decision-making to be taken into account.
- Visa Officers face a deluge of applications, and their reasons do not need to be lengthy or detailed. However, their reasons do need to set out the key elements of the Officer's line of analysis and be responsive to the core of the claimant's submissions on the most relevant points.
- The onus is on the Applicant to satisfy the Officer that they meet the requirements of the law that applies to consideration of student visas, including that they will leave at the end of their authorized stay.
- Visa Officers must consider the "push" and "pull" factors that could lead an Applicant to overstay their visa and stay in Canada, or that would encourage them to return to their home country.

[4] Ms. Mardani and Mr. Rasouli first challenge the Officer's reasoning regarding their ties to Iran. The Officer wrote this:

> The applicant does not have significant family ties outside Canada. [Ms. Mardani] 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 weaken [*sic*] 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 presiding [*sic*] with them in Canada.

[5] Ms. Mardani and Mr. Rasouli argue that the Officer overlooked significant evidence of their ties to Iran, including the fact that their parents and other family members reside there and the fact that they own assets there. I acknowledge that the Officer expressed their reasons through boilerplate statements (including grammatical mistakes). Nevertheless, it is trite law that a visa officer may consider the fact that an applicant will travel with their immediate family, in spite of the fact that their parents and extended family will remain in their country of origin: *Nourani v Canada (Citizenship and Immigration)*, 2023 FC 732 at paragraphs 23–26. The excerpt quoted above allows me to understand the nature of the Officer's concerns. With respect to the assets, the Officer is presumed to have considered all the evidence. The failure to make specific mention of the assets in the reasons does not rebut this presumption or render the decision unreasonable.

[6] Ms. Mardani also takes issue with the Officer's treatment of her study plan. The Officer wrote that Ms. Mardani has a Bachelor's degree in a different discipline and noted her current employment and statement of purpose. The Officer then wrote:

> [Ms. Mardani] does not demonstrate to my satisfaction reasons for which the international educational program would be of benefit. Given [Ms. Mardani's] previous education and work history, their motivation to pursue studies in Canada at this point does not seem reasonable.

[7] Ms. Mardani submits that the Officer misapprehended her purpose for pursuing an MBA in Canada. She states that her employer will give her a promotion upon returning to Iran and that her long-term goal is to start a consulting business.

[8] I agree that people usually pursue an MBA after obtaining a degree in a different discipline. This alone does not mean that one has an "inconsistent career progression". However, I have reviewed Ms. Mardani's statement of purpose and the letter from her employer and I find that the Officer could reasonably have concluded that Ms. Mardani had not shown how the proposed studies would benefit her. The statement of purpose contains vague statements about the general lack of management skills in Iran and the fact that training is often focused on theory. It also contains a short description of the courses Ms. Mardani would take at Trinity Western. The letter from the employer offers a promotion subject to obtaining an MBA, but remains entirely silent as to why the promotion would be offered only if Ms. Mardani obtains an MBA, and why such a degree would be necessary for the new position.

[9] It is certainly reasonable for a visa officer to inquire as to the benefits that the proposed program of study would bring to the applicant. As I mentioned in a previous case, "one is unlikely to undertake a course of study that brings no benefits": *Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 805 at paragraph 9. In doing so, a visa officer does not engage in "career counselling" or make a value judgment as to how applicants should spend their money. In this case, the Officer could reasonably have concluded that Ms. Mardani had brought insufficient evidence of these benefits; see, by way of analogy, *Rajabi v Canada (Citizenship and Immigration)*, 2024 FC 371 [*Rajabi*].

[10] Ms. Mardani also argues that the Officer overlooked the fact that she prepaid part of her tuition fees. If I understand the argument correctly, this would tend to show that her true intention in coming to Canada is to study, or that she is established in Iran and more likely to

return there. I must confess that I fail to see how the prepayment of the tuition fees tends to establish either of these things. Accordingly, the Officer did not reach an unreasonable conclusion by failing to mention this issue.

[11] The fact that Ms. Mardani and Mr. Rasouli provided all the documents required on IRCC's website for a study permit application does not render the decision unreasonable. Of course, applicants must comply with these instructions. Nevertheless, they must convince the officer that they meet the substantive requirements for a study permit, in particular that they will leave Canada at the end of the period authorized for their stay. If the contents of the documents they file do not meet the test, applicants cannot argue that the visa officer overlooked evidence.

[12] Ms. Mardani and Mr. Rasouli also argue that the Officer breached procedural fairness in refusing the study permit and the work permit.

[13] It is trite law that the scope of the duty of procedural fairness associated with the refusal of a study permit is minimal. While visa officers must advise the applicant if they are considering a misrepresentation or negative credibility finding, they are not required to give notice or request additional information when the applicant has simply provided insufficient evidence that they will leave at the end of their authorized stay: *Rajabi* at paragraphs 23–25; *Patel v Canada (Citizenship and Immigration)*, 2020 FC 517 at paragraphs 12–14.

[14] In this regard, alleging that a visa officer disregarded evidence, failed to refer to evidence, made a decision contrary to the evidence, gave insufficient reasons or made a veiled

credibility finding by concluding that the applicant will not leave Canada does not establish a breach of procedural fairness. Rather, allegations of this kind pertain to the substance of the decision and are assessed against a standard of reasonableness. This Court has repeatedly rejected similar allegations: see, for example, *Amirhesari v Canada (Citizenship and Immigration)*, 2024 FC 436 at paragraph 6. Moreover, it does not assist the applicants to recast such allegations as a breach of reasonable expectations.

[15] For these reasons, the application for judicial review will be dismissed.

JUDGMENT in IMM-2310-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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APPEARANCES:

Oluwadamilola Asuni	FOR THE APPLICANTS
Willemien Kruger	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Oluwadamilola Asuni Barrister and Solicitor Saskatoon, Saskatchewan	FOR THE APPLICANTS
Attorney General of Canada Saskatoon, Saskatchewan	FOR THE RESPONDENT