

Federal Court



Cour fédérale

Date: 20240416

Docket: IMM-33-23

Citation: 2024 FC 595

Ottawa, Ontario, April 16, 2024

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

MAHMOODREZA ROODAFSHANI

Applicant

and

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

Respondent

JUDGMENT AND REASONS

(Delivered orally from the Bench in Ottawa, Ontario, on April 16, 2024 and edited for grammar, syntax, and reference to jurisprudence)

[1] The Applicant, Mahmoodreza Roodafshani, seeks judicial review of a decision of a visa officer refusing his study permit application pursuant to paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (“*IRPR*”). The decision was based on the Applicant’s lack of significant family ties outside of Canada and his purpose of visit being inconsistent with a temporary stay.

[2] As a preliminary matter, I note for the record that the Court was informed on April 4 that neither the Applicant nor his lawyer would be attending the hearing. The Court has been requested to rule on the application based on the Applicant's written submissions.

[3] I agree with the Respondent that Rule 38 of the *Federal Court Rules*, SOR-98-106 "allows the Court to proceed in the absence of a party if proper notice of the hearing was given to that party" (*Tabatabaei v Canada (Citizenship and Immigration)*, 2024 FC 521 at para 9).

[4] The Applicant is an Iranian citizen who sought to enter Canada to pursue a Master of Science, Computer Science – Data Science at the University of Regina. He holds a previous Master of Science, Computer Software Engineering and has employment history as an analyst and programmer, as well as a software developer. He sought to enter Canada with his wife.

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

[6] I find that the decision is reasonable. The officer was entitled to find that the ties to Iran would be weakened by having his wife accompany him to Canada, in the context of the decision as a whole (*Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 at para 31, citing *Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 at paras 15-16).

[7] Furthermore, the officer did not err by finding that the Applicant's proposed course of study did not seem reasonable in light of his previous work and educational experience. An

officer is entitled “to consider whether the applicant has already achieved the benefits of the intended course of study... and whether the proposed course of studies are repetitive and inconsistent with their career path” (*Rajabi v Canada (Citizenship and Immigration)*, 2024 FC 371 (“*Rajabi*”) at para 12, citing *Borji v Canada (Citizenship and Immigration)*, 2023 FC 339 at para 17, *Rezaali v Canada (Citizenship and Immigration)*, 2023 FC 269 at paras 29-31, and *Rashid v Canada (Citizenship and Immigration)*, 2023 FC 1277 at para 14, citing *Khosravi v Canada (Citizenship and Immigration)*, 2023 FC 805 at para 9). The officer acknowledged the Applicant’s previous Master’s degree, as well as his previous work experience. I do not find that the officer “misconstrued or overlooked” the evidence in arriving at the conclusion that the Applicant has not shown why the proposed program would be beneficial (see *e.g.*, *Soofiani v Canada (Citizenship and Immigration)*, 2023 FC 1732 at para 7). Moreover, the Applicant’s job offer letter does not make the proposed study a precondition for the promotion, nor explain why the proposed study is necessary for the position (see *e.g.*, *Rajabi* at para 13).

[8] The Applicant’s other arguments that the officer failed to consider relevant evidence or positive factors in his application are meritless. The officer is 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. The officer was not required to respond to every line of argument put forward (*Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (“*Vavilov*”) at para 128). And contrary to the Applicant’s requests, I am precluded from reweighing the evidence and deciding the issues myself (*Vavilov* at paras 83, 125). Finally, the Applicant’s allegation that the officer did not have jurisdiction to

consider an Iranian application is baseless (see *Ponomarenko v Canada (Minister of Citizenship and Immigration)*, 2003 FCT 259 at para 11).

[9] 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 of the *IRPR*, namely, whether the Applicant would leave at the end of his authorized stay under paragraph 216(1)(b) of the *IRPR* (*Rajabi* 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). Additionally, there were no credibility concerns.

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

JUDGMENT in IMM-33-23

THIS COURT'S JUDGMENT is that:

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

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-33-23

STYLE OF CAUSE: MAHMOODREZA ROODAFSHANI v THE
MINISTER OF IMMIGRATION, REFUGEES AND
CITIZENSHIP CANADA

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: APRIL 16, 2024

JUDGMENT AND REASONS: AHMED J.

DATED: APRIL 16, 2024

APPEARANCES:

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(No appearance)

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