

Federal Court



Cour fédérale

**Date: 20240607**

**Docket: IMM-5236-23**

**Citation: 2024 FC 865**

**Vancouver, British Columbia, June 7, 2024**

**PRESENT: Associate Chief Justice Gagné**

**BETWEEN:**

**FAHIMEHOSSADAT NAJIBI  
SEYED BARMAN MOSAHEB  
SEYED BARAD MOSAHEB**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Ms. Fahimehossadat Najibi is a 34-year-old Iranian citizen who was refused a study permit by an immigration officer who was not satisfied she would leave Canada at the end of her stay, based on her family ties and proposed study plan.

[2] Considering the Applicant intended to travel to Canada with her two minor children, the officer in their Global Case Management System [GCMS] notes expressed “concerns that the ties to Iran are not sufficiently great to motivate departure from Canada”. He found “[t]he ties to Iran are weaken[ed] with the intended travel to Canada by the client as the travel involves their immediate family.”

[3] Yet, the officer completely ignores the fact that the Applicant’s husband and the rest of her family are staying behind. The Applicant’s husband is part of her immediate family. This evidence therefore clearly contradicts the officer’s finding. It is one thing to state the family ties to Iran would be weakened by the children being in Canada, it is a different thing to state, in these circumstances, that the Applicant does not have “significant family ties outside Canada.”

[4] I find the first reason to refuse the Applicant’s study permit to be unreasonable, unintelligible and nonresponsive to the evidence adduced by the Applicant.

[5] As a second reason for refusing the Applicant’s study permit, the officer found that while applying for a two-year Master of Business Administration [MBA], the Applicant “has previous similar studies at the same academic level as the proposed studies in Canada”. Again, that is not accurate. Although it is true that the Applicant already has a master’s degree, it specializes in accounting. A Master’s of Accounting is different from an MBA and most people who do an MBA have previous training in accounting, finance or law and required working experience.

[6] Again, the officer failed to grapple with the evidence. He also failed to take into consideration that the Applicant has professional ties to Iran, as she owns and operates two restaurants.

[7] In my view, this decision as a whole is unreasonable and the file will be sent back for redetermination. The parties have proposed no question of general importance for certification and none arise from the facts of this matter.

**JUDGMENT in IMM-5236-23**

**THIS COURT’S JUDGMENT is that:**

1. This application for judicial review is granted and the matter is remitted to a different officer of Immigration, Refugee and Citizenship Canada for a new determination;
2. No question of general importance is certified.

“Jocelyne Gagné”  
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Associate Chief Justice

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-5236-23

**STYLE OF CAUSE:** FAHIMEHOSSADAT NAJIBI, SEYED BARMAN  
MOSAHEB and SEYED BARAD MOSAHEB v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** VANCOUVER, BRITISH COLUMBIA

**DATE OF HEARING:** JUNE 5, 2024

**JUDGMENT AND REASONS:** GAGNÉ A.C.J.

**DATED:** JUNE 7, 2024

**APPEARANCES:**

Samin Mortazavi FOR THE APPLICANTS

Zahida Shawkat FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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