

Federal Court



Cour fédérale

**Date: 20240708**

**Docket: IMM-6389-23**

**Citation: 2024 FC 1066**

**Toronto, Ontario, July 8, 2024**

**PRESENT: Madam Justice Go**

**BETWEEN:**

**HAMIDREZA MIRAFTAB**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] Mr. Hamidreza Miraftab [Applicant] is a 46-year-old Iranian citizen who applied for a Labour Market Impact Assessment [LMIA] exempt work permit under the C-11 category of the International Mobility Program [C-11 Work Permit]. The Applicant proposed to establish an electronic supply store for merchant wholesalers in Canada.

[2] By a decision dated March 24, 2023, an immigration officer [Officer] at the High Commission in Ankara refused the Applicant's work permit under paragraph 205(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR] [Decision]. The Officer was not satisfied that the Applicant would leave Canada at the end of his stay per paragraph 200(1)(b) of the *IRPR*.

[3] The Applicant seeks judicial review of the Decision. For the reasons set out below, I find that the Decision is reasonable and I dismiss the application.

## II. Analysis

[4] The Applicant argues the Decision was unreasonable.

[5] The default standard of review of a decision's merits is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25.

[6] The relevant section with respect to an application for a work permit is set out under section 205 of the *IRPR* which reads in part:

### **Canadian interests**

**205** A work permit may be issued under section 200 to a foreign national who intends to perform work that

- (a) would create or maintain significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents

### **Intérêts canadiens**

**205** Un permis de travail peut être délivré à l'étranger en vertu de l'article 200 si le travail pour lequel le permis est demandé satisfait à l'une ou l'autre des conditions suivantes :

- (a) il permet de créer ou de conserver des débouchés ou des avantages sociaux, culturels ou économiques pour les citoyens canadiens ou les résidents permanents

[7] In the Officer's Global Case Management System notes, the Officer made the following findings:

- A. The list of products on the company's website are already readily available in Canada.
- B. It is unclear where the business will be located (British Columbia or Ontario).
- C. The evidence indicates that the company will only create two jobs.
- D. Both Vancouver and the Greater Toronto Area are well-served markets in the electrical industry, and the Applicant did not explain how the proposed business would be able to thrive in competitive markets.
- E. The Applicant's expertise in the electrical industry would not be a significant benefit to Canada and would not overcome the need for an LMIA.

[8] The Applicant raises several arguments to challenge the reasonableness of the Decision. I reject all of the Applicant's arguments.

[9] First, the Applicant points to the Officer's comment about the location of the business being unclear as an example of the Officer's unreasonable finding. At the hearing, the Applicant conceded that there was one error in the representative letter stating that the Applicant's operating business is in British Columbia. However, the Applicant argues that the rest of the letter and the business plan made clear that he would be operating in Ontario. I find the Applicant's argument lacks merit. The Officer's comment that it is "not clear" where the business will be actually located was reasonable given the conflicting information provided by the Applicant. Further, I agree with the Respondent that the Officer's comment in this regard did not have a central bearing on the Decision, as the Officer assessed the Applicant's business plan in both Ontario and British Columbia.

[10] Second, the Applicant submits that while his representative's letter noted that the business would create two jobs, his business plan clearly showed the company would create multiple jobs and hire five employees. I am not convinced that the Officer erred by relying on the representative's letter and business plan, both of which indicated that the business would hire two people within the work permit period. Nor do I find, as the Applicant submits, that the Officer placed an additional requirement by expecting a certain number of jobs to be created.

[11] Third, the Applicant argues the Officer erred in finding that the products his company would offer are already available in Canada because, as evidenced in his business plan, the market is growing. I reject this argument as it amounts to a disagreement with the Officer's finding which does not rise to a reviewable error. Further, as the Respondent points out, the Officer's finding was based on the evidence that the Applicant submitted. The Applicant's own business plan identified several competitors. The Officer's findings thus show that the Officer did consider the business plan.

[12] Fourth, the Applicant submits the Officer was wrong in finding that his expertise would not be of significant benefit, pointing out, again, that the market is growing and his expertise would be an asset. This argument raises no reviewable error. Nor do I accept the Applicant's argument that the Officer should not have considered the industry conditions to assess whether the Applicant's expertise would translate into significant benefit to Canada.

[13] Last, the Applicant submits it was unreasonable of the Officer to find that he would not leave Canada and points to his "Exit plan." In light of the totality of the evidence, and the

Officer's assessment that the business would not be of significant benefit to Canada, I find the Officer's conclusion that the Applicant would not leave Canada was reasonable.

III. Conclusion

[14] The application for judicial review is dismissed.

[15] There is no question for certification.

**JUDGMENT in IMM-6389-23**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. There is no question for certification.

"Avvy Yao-Yao Go"

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Judge

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

**DOCKET:** IMM-6389-23

**STYLE OF CAUSE:** HAMIDREZA MIRAFTAB v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JUNE 18, 2024

**JUDGMENT AND REASONS:** GO J.

**DATED:** JULY 8, 2024

**APPEARANCES:**

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