

Federal Court



Cour fédérale

Date: 20241029

Docket: IMM-5987-23

Citation: 2024 FC 1712

Ottawa, Ontario, October 29, 2024

PRESENT: The Honourable Mr. Justice Gleeson

BETWEEN:

**SEPIDEH ARYANFAR AND
MOHAMMADAMIN PEYROVANI AND
KARINA PEYROVANI**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicants are citizens of Iran. Sepideh Aryanfar, the Principal Applicant [PA], holds a Doctorate degree in Pharmacy and has been employed as a pharmacist since 2010. She applied to enter Canada to pursue a Master's Degree in Leadership – Health Care. The PA's spouse and her dependent daughter applied for Temporary Resident Visas to allow them to accompany the PA.

[2] An Officer with Immigration, Refugees and Citizenship Canada [the Officer] denied the PA's application on the basis that: (1) the Officer was not satisfied that the PA would leave Canada at the end of her stay, (2) the PA does not have significant family ties outside of Canada, and (3) the purpose of the PA's stay is not consistent with a temporary stay. The Officer's GCMS notes state the following:

I have reviewed the application. I have considered the following factors in my decision. The applicant does not have significant family ties outside Canada. PA is traveling with their spouse and child, I have concerns that the ties to Iran are not sufficiently great to motivate departure from Canada. The ties to Iran are weakened 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 residing with them in Canada. The purpose of the applicant's visit to Canada is not consistent with a temporary stay given the details provided in the application. Applicant is applying for a study permit to attend Trinity Western University in MA in Leadership, Health Care. The client has previous studies at the same academic level as the proposed studies in Canada. Previous university studies in Doctor of pharmacy. Currently employed as a Hospital pharmacist. Client's explanation letter reviewed. PA does not demonstrate to my satisfaction reasons for which the international educational program would be of benefit. Given the PA's previous education and work history, their motivation to pursue studies in Canada at this point does not seem reasonable. Weighing the factors in this application. I am not satisfied that the applicant will depart Canada at the end of the period authorized for their stay. For the reasons above, I have refused this application.

[3] Having refused the PA's application, the Officer also refused the accompanying applications of the PA's spouse and child.

[4] The Applicants seek judicial review of the Officer's refusal pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27. They submit the decision is unreasonable because the Officer failed to grapple with contradictory and relevant evidence, the

findings and conclusions reached are not justified, and the Officer ignored policy encouraging spouses to accompany partners seeking to study in Canada.

[5] The Officer's decision is reviewable on the standard of reasonableness. A reasonable decision will bear the hallmarks of justification, intelligibility and transparency; the outcome will be supported by an internally coherent and rational chain of analysis that is justified in relation to the facts and law that constrain the decision maker. The decision must be read in light of the context in which it was rendered, and the Applicant has the burden of demonstrating the impugned decision suffers from sufficiently serious shortcomings or flaws before a reviewing court will intervene (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 25, 83, 86, 87, 94, 99-100).

[6] I am not persuaded that the Officer's decision was unreasonable.

[7] In considering ties to Iran and motivation to depart Canada, it was not unreasonable for the Officer to find that the PA lacked strong family ties outside of Canada, or to express the concern that her ties to Iran "[were] not sufficiently great to motivate departure from Canada." Although the study plan identifies family in Iran, the study plan merely asserts a strong bond with those family members.

[8] Nor was it unreasonable for the Officer to note that ties to Iran and motivation to return to Iran were weakened because the PA intended to have her immediate family accompany her. The jurisprudence of this Court has recognized that it is "not an error for an officer to consider strong

family connections to Canada as a reason that an Applicant might remain in Canada” (*Gomes v Canada (Citizenship and Immigration)*, 2020 FC 451 at para 18, citing *Anand v Canada (Citizenship and Immigration)*, 2019 FC 372 at para 30).

[9] The Applicants’ submission that the Officer ignored public policy when considering that the PA’s spouse and child intended to accompany the PA is not persuasive. The Respondent’s Operational Instructions and Guidelines (*Spouses or common-law partners of study permit holders – [R205(c)(ii) – C42] – Canadian interest – International Mobility Program (IMP)*) address the issuance of a work permit to a dependent spouse or common-law partner but applies only to “spouses or common-law partners of study permit holders.” The PA was not a study permit holder at the time of the application. Therefore, the policy was of no application, and the Officer was under no obligation to consider or address it.

[10] An officer may reasonably reject a study permit application if the study plan provided does not specify the utility of the proposed study to the applicant in light of their background and the professional objectives they seek to pursue (*Charara v Canada (Citizenship and Immigration)*, 2016 FC 1176 at paras 36 and 38). A refusal is reasonable if a study plan includes only general advantageous comments regarding the value of an international education in Canada; a study plan must demonstrate that the course of study is not redundant or an illogical progression of an applicant’s career path (*Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 at para 30). Failure to provide a clear or specific rationale for pursuing studies in Canada allows an officer to reasonably refuse a study permit.

[11] In this case the PA's study plan generally addresses the unsuitability of "**most** management related academic subjects" in Iran (emphasis added), the plan also notes that Canada boasts high ranking universities and that studies in Canada will provide the opportunity for exposure to cultural diversity. The PA notes that "study and living in Canada will undoubtedly give me an advantage in realizing my goals." The PA's employment letter appears to require studies in the field of management in Canada but does not state why this is so.

[12] The Officer is presumed to have reviewed and considered all of the evidence, including the study plan and the employment offer (*Aghaalikhani v Canada (Citizenship and Immigration)*, 2019 FC 1080 at para 24).

[13] The generalized statements in the study plan, the PA's education and employment history, and the absence of any explanation for the requirement that management studies be undertaken in Canada are all consistent with the Officer's conclusion that the "PA does not demonstrate [...] reasons for which the international educational program would be of benefit." While the PA may disagree, that disagreement does not render the Officer's finding unreasonable.

[14] The Application is dismissed. The parties have not identified a question for certification, and none arises.

JUDGMENT IN IMM-5987-23

THIS COURT'S JUDGMENT is that:

1. The Application is dismissed.
2. No question is certified.

“Patrick Gleeson”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5987-23

STYLE OF CAUSE: SEPIDEH ARYANFAR AND MOHAMMADAMIN PEYROVANI AND KARINA PEYROVANI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

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JUDGMENT AND REASONS: GLEESON J.

DATED: OCTOBER 29, 2024

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