

Federal Court



Cour fédérale

**Date: 20130627**

**Docket: IMM-8436-12**

**Citation: 2013 FC 723**

**Toronto, Ontario, June 27, 2013**

**PRESENT: The Honourable Mr. Justice Zinn**

**BETWEEN:**

**KHOSRO SEPEHR TAMADDONI  
SARA FARAHMAND**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] Despite counsel's valiant efforts to convince me otherwise, I am of the view that the decision under review was reasonable, that the officer did not ignore evidence, and that the officer's reasons were adequate.

[2] Mr. Tamaddoni's application for a permanent resident visa as a skilled worker was denied. The narrow issue in this application focuses on the officer's decision not to award Mr. Tamaddoni any points for the education of his accompanying spouse, Ms. Farahmand, the other applicant in this

proceeding, under the “adaptability” criterion prescribed in the then-in-force section 83 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [Regulations].

[3] The Regulations provided that an accompanying spouse with a secondary school education or less garners no points.

[4] In her application dated March 11, 2010, under the heading “What is the highest level of study you have reached,” Ms. Farahmand indicated “Secondary diploma is my highest degree and I am student right now.” Similarly, in Mr. Tamaddoni’s application, it was noted in the row entitled “level of education,” and in the column pertaining to Ms. Farahmand, “secondary.” Thus, on its face, the clear evidence of the Applicants was that Ms. Farahmand ought to have garnered no points under her husband’s “adaptability” score, since her highest level of education was by their own admission “secondary.”

[5] The Applicants submit that a fuller review of their application indicates that Ms. Farahmand had certificates showing that she had completed several courses, including pre-university studies and that the officer, had he considered these, would have reached the conclusion they desire - that she had sufficient education to be awarded three additional points on the application.

[6] I agree with the Respondent that the pre-university course taken by Ms. Farahmand for which a certificate of completion had been provided in her application was not a “Diploma.” Indeed, other than the Applicants’ characterization of that pre-university course as a “Diploma,” nothing in the record states that this course is, or led to the award of any diploma or degree. On the

contrary, the certificate confirms that it was a “course,” like the other singular “courses” Ms. Farahmand had completed. The Regulations required a “degree” or “diploma” “issued on the completion of a program of study or training at an educational or training institution recognized by the authorities responsible for registering, accrediting, supervising and regulating such institutions in the country of issue.”

[7] The officer’s reason for awarding her no points is set out in his or her notes as follows: “Spouse’s education fee paid – secondary school 0 points.” Although exceptionally brief, one is able to understand why she was awarded no points – because she had only a secondary school certificate. Those are sufficient reasons given the administrative nature of the assessment being performed.

[8] Lastly, the Applicants submit that the decision to award no points is not reasonable given her other education as stated in the application. Quite simply, how can it be unreasonable for an officer to take the Applicants at their word? Both said that the highest level of her education was secondary school. That is exactly what this officer found. It was a reasonable decision.

[9] Neither party proposed a question for certification.

[10] The Applicants sought an extension of time as required under the Rules. This was not dealt with by the leave judge. The extension is granted.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the Applicants are granted an extension of time to file the application for leave and judicial review, the application is dismissed, and no question is certified.

"Russel W. Zinn"

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-8436-12

**STYLE OF CAUSE:** KHOSRO SEPEHR TAMADDONI ET AL. v. THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** June 27, 2013

**REASONS FOR JUDGMENT  
AND JUDGMENT BY:** ZINN, J.

**DATED:** June 27, 2013

**APPEARANCES:**

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