

Federal Court



Cour fédérale

Date: 20231220

Docket: IMM-12894-22

Citation: 2023 FC 1732

Ottawa, Ontario, December 20, 2023

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

FARAMARZ DARABI SOOFIANI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Faramarz Darabi Soofiani, applied for a study permit to allow him to enter Canada to study in the Master's Degree in Leadership in Business Program at Trinity Western University. An officer at Immigration, Refugees and Citizenship Canada refused his application in a decision dated November 1, 2022. This is the decision being challenged on judicial review.

[2] The determinative issue is whether the Officer ignored or misconstrued the evidence in coming to their determination that Mr. Soofiani does not have significant family ties outside Canada and that the purpose of his visit is not consistent with a temporary stay. I have reviewed this issue on a reasonableness standard of review (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paragraph 23. I am dismissing the application because I have not been persuaded that there are any serious shortcomings in the Officer's analysis of these issues.

II. Procedural Fairness Arguments Have No Merit

[3] Mr. Soofiani also alleges in his written materials on judicial review that the Officer breached procedural fairness in assessing his study permit. There is no merit to this argument. First, Mr. Soofiani speculates that "extrinsic evidence" was considered in reviewing his application but provides no support for this view. Second, he argues that the Officer ought to have put any concerns about his intention to study directly to him for a response. There was no negative credibility determination made. As was recently explained by Justice Regimbald of this court at paragraph 21 of *Aghvamiamoli v Canada (Citizenship and Immigration)*, 2023 FC 1613, in these circumstances, an applicant does not have to be notified to address concerns and gaps in the evidence. Lastly, Mr. Soofiani argues that he had a legitimate expectation that the Officer would consider his submitted documents and in failing to do so, the Officer breached procedural fairness. The Applicant is speculating that the Officer did not consider their documents because of the nature of their reasons. There is little detail provided supporting the legitimate expectation claim. This argument is better framed, as was also argued, not as a procedural fairness concern

but rather a substantive one about the reasonableness of the Officer's review of the evidence in the record.

III. Evaluation of the Evidence Was Reasonable

[4] The requirement that an officer be satisfied that a person applying to study in Canada will not overstay the period authorized for their stay is set out in subsections 11(1) and 20(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and in paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR]. The Officer based their determination that Mr. Soofiani is not likely to leave Canada at the end of his authorized stay on two factors: lack of significant family ties in his country of citizenship and the study plan.

[5] In evaluating the reasonableness of a decision, a reviewing court must consider the decision's institutional context (*Vavilov* at paras 91 and 103). Visa officers are responsible for considering a high volume of study permit applications. While extensive reasons are not required, an officer's decision must be transparent, justified, and intelligible (*Vavilov* at para 15). There needs to be a "rational chain of analysis" so that a person impacted by the decision can understand the basis for the determination (*Vavilov* at para 103; see also *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at para 17; *Samra v Canada (Citizenship and Immigration)*, 2020 FC 157 at para 23; and *Rodriguez Martinez v Canada (Citizenship and Immigration)*, 2020 FC 293 at paras 13-14).

[6] Mr. Soofiani argued that the Officer ignored the evidence in the record when they determined that he did not have significant family ties in Iran. I do not agree. Mr. Soofiani has lived outside of Iran since approximately 2013. He made a brief mention of his father in his letter filed with the application, but he had not lived permanently in the same country as his father for almost ten years. In these circumstances, I am not convinced that there is any serious shortcoming with the Officer's determination on family ties.

[7] On Mr. Soofiani's study plan, the Officer noted that he had "previous studies at the same academic level as the proposed studies in Canada" noting that he had a Master in Business Administration from a university in Malaysia and the proposed program of study was the MA in Leadership, Business. The Officer was not satisfied that Mr. Soofiani had established how the program would be a benefit to him given his work history and previous education. Having considered the evidence in the record myself, including the employer's letter and the Applicant's personal statement, I am not persuaded that the Applicant has demonstrated that the Officer misconstrued or overlooked a central piece of the evidence in the record.

[8] Overall, the Officer's reasons are transparent, intelligible and justified. I do not see any basis to interfere with the decision.

[9] The application for judicial review is dismissed. Neither party proposed a question for certification and I agree none arises.

JUDGMENT in IMM-12894-22

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and
2. No serious question for general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12894-22

STYLE OF CAUSE: FARAMARZ DARABI SOOFIANI v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: DECEMBER 13, 2023

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: DECEMBER 20, 2023

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