

Federal Court



Cour fédérale

Date: 20240318

Docket: IMM-7856-22

Citation: 2024 FC 436

Winnipeg, Manitoba, March 18, 2024

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

SABA AMIRHESARI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

(Delivered Orally from the Bench by Videoconference on March 18, 2024)

[1] The Applicant seeks judicial review of a decision from a visa officer refusing her study permit pursuant to paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. The decision was based on the Applicant's lack of family ties in Iran and the purpose of her visit being inconsistent with a temporary stay.

[2] The Applicant is an Iranian citizen who sought to enter Canada to pursue a post-graduate certificate in Business Administration at York University. She holds a Bachelors of Architecture and an MBA, and has worked in advertising since 2015. She states that she had been offered a position in Iran and that the degree would aid her with her future career plans. Her parents and brother reside in Iran.

[3] The issues raised in this application are whether the officer's decision is reasonable and made in a procedurally fair manner.

[4] I find that the decision is reasonable. The officer was entitled to find that the Applicant's proposed course of study did not make sense in light of her previous education and work experience, as well as the vague and generalized material she provided in support of her application (*Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 at paras 12-15). I find this especially true in light of the officer acknowledging that the job offer letter did not guarantee promotion, nor any need for the Applicant's proposed studies to obtain the promotion.

[5] The officer also did not err by finding that the Applicant, being "single, mobile" and "having no dependents," reduced her ties to Iran. In my view, the officer did not rely upon this factor solely and without any further analysis to justify the decision (see for example *Borji v Canada (Citizenship and Immigration)*, 2023 FC 339 at para 13). The officer was entitled to rely on this factor, a factor which was considered amongst others in this application and deemed to be one reason for refusing it (*Rezaali v Canada (Citizenship and Immigration)*, 2023 FC 269 at paras 16-18).

[6] Counsel for the Applicant raises many procedural fairness arguments in his written submissions. He did not pursue them at the hearing. This Court has encountered these arguments from counsel for the Applicant many times before. I have rejected them (*Amiri v Canada (Citizenship and Immigration)*, 2023 FC 1532 at paras 23-26). My colleagues have routinely rejected them (*Rajabi v Canada (Citizenship and Immigration)*, 2024 FC 371 (“*Rajabi*”) at paras 21-27; *Eslami v Canada (Citizenship and Immigration)*, 2024 FC 409 at paras 19-21; *Davoodabadi v Canada (Citizenship and Immigration)*, 2024 FC 85 at paras 17-20; *Soofiani v Canada (Citizenship and Immigration)*, 2023 FC 1732 at para 3; *Zarei v Canada (Citizenship and Immigration)*, 2023 FC 1475 at para 12; *Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 at para 16-17). As recently as last week, my colleague Justice Strickland spoke of the “standard form or largely generic” nature of these submissions (*Rajabi* at para 21).

[7] The Court cannot regain the time lost in having deliberated on them.

[8] These arguments are meritless. They were meritless then and they are meritless now.

[9] I dismiss this application for judicial review. No question is certified.

JUDGMENT in IMM-7856-22

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.
2. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7856-22

STYLE OF CAUSE: SABA AMIRHESARI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: BY VIDEOCONFERENCE

DATE OF HEARING: MARCH 18, 2024

JUDGMENT AND REASONS: AHMED J.

DATED: MARCH 18, 2024

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