Federal Court  Cour fédérale

Date: 20240122

Docket: IMM-2253-22

Citation: 2024 FC 102

Ottawa, Ontario, January 22, 2024

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

EHSAN AZIM SIDDIQUI CHAUDHARY SAMEENA KHAN, AND AZLAN AZIM SIDDIQUI, BASMA AZIM SIDDIQUI, NOYA IQBAL AZIM SIDDIQUI, AND BY THEIR LITIGATION GUARDIAN, EHSAN AZIM SIDDIQUI CHAUDHARY

Applicants

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Nature of the Matter

[1] This is a judicial review of a decision made outside of Canada by a Migration Officer [Officer] in our Embassy in Saudi Arabia, dated February 23, 2022 [Decision], refusing the Principal Applicant's [PA] application for a work permit under the entrepreneur/self-employed

persons category of the International Mobility Program. The PA's spouse and three children are the PA's dependents, and respectively applied and were simultaneously refused a dependent spousal open work permit, and three dependent study permits. The success of their applications hinged on the outcome of the PA's application.

[2] The Officer was not satisfied that the PA would leave Canada at the end of his stay as required by sections 200(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*IRPR*] and section 11(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*].

II. Outline

[3] The PA submitted an application for a three year work permit with the hope of moving to Thunder Bay, Ontario and establishing a retail store selling women's clothing and accessories in Thunder Bay, Ontario with plans to rapidly expand elsewhere in Ontario and Canada.

[4] In support of his application, the PA provided an overview of his employment history. He has worked at the same company since 2003, although the Officer mistakenly indicated 2013.

[5] While he describes himself in some material as a financial analyst, the certificate of employment he filed from his employer says he is Chief Accountant, and his job description refers to Daily Transaction Accounting Activities, Supervising the accounting function for his company) including Accounts Payables, Accounts Receivables, General Accounting, Cash

Transactions, Revenue Accounting and Consolidations. He started his career as an accountant and has held a number of management roles.

[6] The PA's business plan indicating he intends to import clothing and accessories from manufacturers in India. Further, the business plan describes the business as focusing on combining tradition with the latest industry trends. While the names of some manufacturers are mentioned, there was no evidence of any contracts with suppliers.

[7] The PA identified a temporary office space and intends to hire three staff members in the first year of operation. By the fourth year of operation, the business plans identifies having thirteen individuals on staff. In addition to employees, the business intends to engage with co-op and graduate students from local colleges and universities. The PA projects revenue for the first year in business to be around $19,000, and grow to approximately $322,195 in year five, recognizing this range may fluctuate.

[8] In terms of investment, the PA committed $200,000 to the business and is prepared to provide additional funding as needed over time. The PA has some $306,000 in savings and stock assets as of July 2021. While the Officer specifically noted his savings of about $160,000 he did not mention stock holdings of another $140,000 simply referring to the fact information on stocks was on file, in addition to cash in the bank.

III. Issues

[9] The Applicant raises the following issues:

1. What is the standard of review for the decision?

2. Did the Officer refuse the application unreasonably or in breach of procedural fairness?

[10] The Respondent's position is that the Applicants have failed to identify a reviewable error with the Officer's Decision.

[11] Respectfully, the issue is whether the Decision is procedurally fair and reasonable.

IV. Decision under review

[12] The Decision states the PA's work permit application under the International Mobility Program does not meet the requirements prescribed by the *IRPA* and the *IRPR*.

[13] Specifically, the Officer is not satisfied, pursuant to section 200(1) of the *IRPR*, the PA will leave Canada at the end of his stay, based on his immigration status, his family ties in Canada, and country of residence. Further, the Officer is not satisfied the PA will leave Canada at the end of his stay based on the purpose of the visit, and the limited employment prospects in the PA's country of residence.

[14] The GCMS notes confirm the PA resides in Saudi Arabia as a temporary worker with his spouse and three minor children, and therefore that his status in that country is not secure.

[15] The GCMS notes indicate a review of the business plan and lease agreement for office space submitted by the PA, stating that the PA is the 100% owner and sole shareholder of the incorporated business.

[16] Although a business plan and supporting documentation were provided, the Officer is not satisfied there is adequate evidence to support the viability of the PA's business. The proposed income sources are speculative; there is no/limited evidence of potential or actual vendors or clients, and concerns about the business set-up with rent being $203 per month.

[17] The Officer also noted ongoing economic reforms in Saudi Arabia, known as "Saudization"(a state effort to give Saudis better access to jobs currently held by foreigners), and how the field of finance in which the PA is employed has been identified as a sector subject to plans for Saudization, and further reforms.

[18] The fact the PA plans to relocate with his entire family are noted as weakening the PA's ties in the country of residence, and on a balance based on the documents, that the PA and his dependents would not depart Canada at the end of the authorized period.

V. Relevant Provisions

[19] For reference, paragraph 200(1)(b) of the *IRPR* reads as follows:

Work permits	**Permis de travail — demande préalable à l'entrée au Canada**
200 (1) Subject to subsections (2) and (3) — and, in respect of a foreign national who	**200 (1)** Sous réserve des paragraphes (2) et (3), et de l'article 87.3 de la Loi dans le

makes an application for a work permit before entering Canada, subject to section 87.3 of the Act — an officer shall issue a work permit to a foreign national if, following an examination, it is established that	cas de l'étranger qui fait la demande préalablement à son entrée au Canada, l'agent délivre un permis de travail à l'étranger si, à l'issue d'un contrôle, les éléments ci-après sont établis :
[…]	[…]
(b) the foreign national will leave Canada by the end of the period authorized for their stay under Division 2 of Part 9;	**b)** il quittera le Canada à la fin de la période de séjour qui lui est applicable au titre de la section 2 de la partie 9;

[20] Furthermore, see section 11(1) of the *IRPA*:

Application before entering Canada	**Visa et documents**
11 (1) A foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document may be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act.	**11 (1)** L'étranger doit, préalablement à son entrée au Canada, demander à l'agent les visa et autres documents requis par règlement. L'agent peut les délivrer sur preuve, à la suite d'un contrôle, que l'étranger n'est pas interdit de territoire et se conforme à la présente loi.

VI. Standard of Review

[21] The parties agree, as do I, that the standard of review applicable to the Officer's decision is reasonableness. The correctness standard applies to issues of procedural fairness. I will consider both.

A. *Reasonableness*

[22] With regard to reasonableness, in *Canada Post Corp v Canadian Union of Postal Workers*, 2019 SCC 67 [*Canada Post*], issued at the same time as the Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] the majority per Justice Rowe explains what is required for a reasonable decision, and what is required of a court reviewing on the reasonableness standard:

> [31] A reasonable decision is "one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (*Vavilov*, at para. 85). Accordingly, when conducting reasonableness review "[a] reviewing court must begin its inquiry into the reasonableness of a decision by examining the reasons provided with 'respectful attention' and seeking to understand the reasoning process followed by the decision maker to arrive at [the] conclusion" (*Vavilov*, at para. 84, quoting *Dunsmuir*, at para. 48). The reasons should be read holistically and contextually in order to understand "the basis on which a decision was made" (*Vavilov*, at para. 97, citing *Newfoundland Nurses*).
>
> [32] A reviewing court should consider whether the decision as a whole is reasonable: "what is reasonable in a given situation will always depend on the constraints imposed by the legal and factual context of the particular decision under review" (*Vavilov*, at para. 90). The reviewing court must ask "whether the decision bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision" (*Vavilov*, at para. 99, citing *Dunsmuir*, at paras. 47 and 74, and *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2, [2012] 1 S.C.R. 5, at para. 13).
>
> [33] Under reasonableness review, "[t]he burden is on the party challenging the decision to show that it is unreasonable" (*Vavilov*, at para. 100). The challenging party must satisfy the court "that any shortcomings or flaws relied on ... are sufficiently central or significant to render the decision unreasonable" (*Vavilov*, at para. 100).
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> [Emphasis added]

[23] Furthermore, *Vavilov* makes it abundantly clear the role of this Court is not to reweigh and reassess the evidence unless there are "exceptional circumstances". The Supreme Court of Canada instructs:

> [125] It is trite law that the decision maker may assess and evaluate the evidence before it and that, absent exceptional circumstances, a reviewing court will not interfere with its factual findings. The reviewing court must refrain from "reweighing and reassessing the evidence considered by the decision maker": *CHRC*, at para. 55; see also *Khosa*, at para. 64; *Dr. Q*, at paras. 41-42. Indeed, many of the same reasons that support an appellate court's deferring to a lower court's factual findings, including the need for judicial efficiency, the importance of preserving certainty and public confidence, and the relatively advantageous position of the first instance decision maker, apply equally in the context of judicial review: see *Housen*, at paras. 15-18; *Dr. Q*, at para. 38; *Dunsmuir*, at para. 53.
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> [Emphasis added]

[24] The Federal Court of Appeal held in *Doyle v Canada (Attorney General)*, 2021 FCA 237 [*Doyle*] that the role of this Court is not to reweigh and reassess the evidence:

> [3] In doing that, the Federal Court was quite right. Under this legislative scheme, the administrative decision-maker, here the Director, alone considers the evidence, decides on issues of admissibility and weight, assesses whether inferences should be drawn, and makes a decision. In conducting reasonableness review of the Director's decision, the reviewing court, here the Federal Court, can interfere only where the Director has committed fundamental errors in fact-finding that undermine the acceptability of the decision. Reweighing and second-guessing the evidence is no part of its role. Sticking to its role, the Federal Court did not find any fundamental errors.
>
> [4] On appeal, in essence, the appellant invites us in his written and oral submissions to reweigh and second-guess the evidence. We decline the invitation.

[25] It is also the law that reasons such as these are not to be assessed against a standard of perfection. That the reasons "do not include all the arguments, statutory provisions, jurisprudence or other details the reviewing judge would have preferred" is not on its own a basis to set aside the decision: see *Vavilov* at paragraphs 91 and 128, and *Canada Post* at paragraphs 30 and 52. In addition, reviewing courts cannot expect administrative decision makers to "respond to every argument or line of possible analysis" or to "make an explicit finding on each constituent element, however subordinate, leading to its final conclusion": *Vavilov*, paragraphs 91 and 128 again, and *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 SCR 708, at paragraphs 16 and 25.

[26] Also importantly, as noted in *Alaje v Canada (Citizenship and Immigration)*, 2017 FC 949, at paragraph 14, this Court owes great deference to the Officer's assessment, and I would add, to the Officer's weighing of the evidence: "… the Court owes great deference to the officer's assessment of the evidence."

[27] Finally, by way of the legal framework, the shorter-term visa administrative setting is important. Every year, Canada receives upwards if not in excess of one million (1,000,000) applications for various types of permission to spend time in Canada. Every year hundreds of thousands of applications are not successful. Typically while each visa is supported by a letter setting out the reasons, here, as in most if not all cases such as this, on judicial review the reasons must be assessed together with the officer's notes and underlying record.

[28] Given the huge volume, the law has developed that the need to give reasons is "typically minimal" and need not be extensive. For example, in *Iriekpen v Canada (Citizenship and Immigration)*, 2021 FC 1276 Justice McHaffie ruled, and I agree:

> [7] The "administrative setting" of the visa officer's decision includes the high volume of visa and permit applications that must be processed in the visa offices of Canada's missions: *Canada (Minister of Citizenship and Immigration) v Khan*, 2001 FCA 345 at para 32; and *Patel v Canada (Citizenship and Immigration)*, 2020 FC 77 at paras 15, 17. Given this context and the nature of a visa application and refusal, the Court has recognized that the requirements of fairness, and the need to give reasons, are typically minimal: *Khan* at paras 31–32; *Yuzer* at paras 16, 20; *Touré v Canada (Citizenship and Immigration)*, 2020 FC 932 at para 11.
>
> [Emphasis added]

[29] Additionally, see *Persaud v Canada (MCI)*, 2021 FC 1252 at paragraph 8 where Justice Phelan determined and I agree:

> This Court, consistent with *Vavilov*, has recognized that decisions of this type do not have to be extensive and that where a record is clear, the Court can "connect the dots on the page where the lines and direction are headed may be readily drawn" [citations omitted]. The reasons need not be extensive but there must be a rationale or a line to the rationale.

[30] Indeed, the Federal Court of Appeal affirmed this principle in *Zeifmans LLP v Canada, 2022 FCA 160*:

> [9] We disagree. *Vavilov* goes further. *Vavilov* tells us that reviewing courts must not insist on the sort of express, lengthy and detailed reasons that, if asked to do the job themselves, they might have provided: *Vavilov* at paras. 91-94. To so insist could subvert Parliament's intention that administrative processes be timely, efficient and effective.
>
> [10] *Vavilov* says more. It tells us that an administrative decision should be left in place if reviewing courts can discern from the record why the decision was made and the decision is otherwise

> reasonable: *Vavilov* at paras. 120-122; *Canada (Citizenship and Immigration) v. Mason*, 2021 FCA 156 at paras. 38-42. In other words, the reasons on key points do not always need to be explicit. They can be implicit or implied. Looking at the entire record, the reviewing court must be sure, from explicit words in reasons or from implicit or implied things in the record or both, that the administrator was alive to the key issues, including issues of legislative interpretation, and reached a decision on them.
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> [Emphasis added]

B. *Procedural Fairness*

[31] Questions of procedural fairness are reviewed on the correctness standard: *Canada (Minister of Citizenship and Immigration) v Khosa*, 2009 SCC 12, per Binnie J at paragraph 43. That said, I note in *Bergeron v Canada (Attorney General)*, 2015 FCA 160, per Justice Stratas at paragraph 69, the Federal Court of Appeal says a correctness review may need to take place in "a manner 'respectful of the [decision-maker's] choices' with 'a degree of deference': Re: *Sound v Fitness Industry Council of Canada*, 2014 FCA 48, 455 N.R. 87 at paragraph 42." But see *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 [per Justice Rennie]. In this connection I also note the Federal Court of Appeal's recent decision holding judicial review of procedural fairness issues is conducted on the correctness standard: see *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 per Justice de Montigny [Near and LeBlanc JJA concurring]:

> [35] Neither *Vavilov* nor, for that matter, *Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190, have addressed the standard for determining whether the decision-maker complied with the duty of procedural fairness. In those circumstances, I prefer to rely on the long line of jurisprudence, both from the Supreme Court and from this Court, according to which the standard of review with respect to procedural fairness remains correctness.

> [Emphasis added]

[32] Importantly, the Applicant has the onus to establish his or her case to the satisfaction of the visa officer. Additionally, because visa applications do not raise substantive rights — foreign nationals have no unqualified right to enter Canada — the level of procedural fairness is low, and generally does not require that applicants be granted an opportunity to address the officer's concerns: see for examples *Bautista v Canada (Citizenship and Immigration)*, 2018 FC 669 at paragraph 17; *Kaur v Canada (Citizenship and Immigration)*, 2017 FC 782 at paragraph 9 and *Sulce v Canada (Citizenship and Immigration)*, 2015 FC 1132 at paragraph 10.

[33] See also *Baran v Canada (Citizenship and Immigration)*, 2019 FC 463 at paragraph 16 per Justice McVeigh to the effect that the level of procedural fairness is low in visa matters:

> [15] The standard of review applicable to the Officer's decision to refuse a work permit application is reviewable on the standard of reasonableness, as per *Dunsmuir v New Brunswick*, 2008 SCC 9 and *Sulce v Canada (Citizenship and Immigration)*, 2015 FC 1132 at paragraph 7 ["*Sulce*"]. Any procedural fairness issues are reviewable on a correctness standard.
>
> [16] However, I note that as work permit applications do not raise substantive rights since visa applicants do not have an unqualified right to enter Canada, the level of procedural fairness is low, as per *Sulce*, above, at paragraph 10.
>
> [Emphasis added]

[34] And see *Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001 at paragraph 37, Justice Gascon held:

> [37] Visa officers are therefore generally not required to provide applicants with opportunities to clarify or further explain their applications (*Onyeka v Canada (Citizenship and Immigration)*, 2009 FC 336 at para 57). The onus remains on applicants to

> provide all the necessary information to support their application, not on the Officer to seek it out (*Ismaili v Canada (Citizenship and Immigration)*, 2012 FC 351 at para 18; *Singh v Canada (Citizenship and Immigration)*, 2010 FC 212 at para 11; *Arango v Canada (Citizenship and Immigration)*, 2010 FC 424 at para 15). Indeed, it is well-established that the Officer had no legal obligation to seek out explanations or more ample information to assuage concerns relating to Ms. Penez's study permit application by way of a 'Procedural Fairness Letter' or any other means (*Solopova* at para 38; *Mazumder v Canada (Minister of Citizenship and Immigration)*, 2005 FC 444 at para 14; *Kumari v Canada (Minister of Citizenship and Immigration)*, 2003 FC 1424 at para 7). Imposing such an obligation on a visa officer would amount to giving advance notice of a negative decision, which has been rejected by this Court on many occasions *(Dhillon v Canada (Citizenship and Immigration)*, [1998] FCJ No 574 (QL) at paras 3-4; *Ahmed v Canada (Citizenship and Immigration)*, [1997] FCJ No 940 (QL) at para 8).
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> [Emphasis added]

VII. Analysis

A. *Saudization, new and extrinsic evidence*

[35] The PA submits the Officer's analysis was unreasonable and in breach of procedural fairness because the Officer was concerned with the Applicants' status in Saudi Arabia and the state of the workforce there due to its Saudization. The Officer did not reference any evidence of this policy or how it would affect the PA's position, making the reasons lacking in justification, transparency, and intelligibility. The PA submits this is a breach of procedural fairness as the Officer relied on extrinsic evidence to make this determination that he was unaware of, and did not receive a reasonable opportunity to address this concern.

[36] The Applicants rely on a number of decisions of the Federal Court and Federal Court of Appeal, submitting a visa applicant has a right to respond if an Officer is relying on extrinsic

evidence under procedural fairness including *Muliadi v MEI*, [1986] 2 FC 205, *Thamotharampillai v MCI*, 2003 FC 836, *Fi v MCI*, 2006 FC 1125, *Mancia v MCI*, 1998 CanLII 9066 (FCA)), and *Rukmangathan v Canada (Minister of Citizenship and Immigration)*, 2004 FC 284. I find none are applicable in the present matter.

[37] The Applicants submit evidence they claim could have been provided to the Officer demonstrating the PA's job in Saudi Arabia as a 'financial analyst' was not at risk of Saudization, including documents to show his employment contract and positive performance evaluations. The Applicants' argue this Court may consider new evidence on judicial review to remedy a breach of procedural fairness, relying on the exception outlined in *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 [*Association of Universities and Colleges of Canada*].

[38] The Respondent submits the new evidence is impermissible, also relying on *Association of Universities and Colleges of Canada*. I agree.

[39] In my view, first of all, the new evidence is barred by *Association of Universities and Colleges of Canada*, a decision of the Federal Court of Appeal. It was not before the Officer where the Applicant could and should have placed it. The Applicant himself referred to Saudization in his filings and under his duty to put his best foot forward, he should have addressed that issue head on.

[40] Notably als0 this matter was dealt with by local staff in the Kingdom and I have no reason to doubt such officers are trained in and have professional knowledge of Saudization. It

seems to me that Saudization is particularly relevant to many if not most (if not all) work related visa applications arising in the Kingdom made by temporary residents. The Court defers to the professional knowledge of trained visa officers in this matter of Saudization. In this connection, the Court has determined visa officers are entitled to rely on their personal, and more accurately, their professional knowledge of information on local conditions and factors in assessing evidence on this point (see *Khaleel v Canada (Minister of Citizenship and Immigration)*, 2022 FC 1385).

[41] To the same effect, in *Haghshenas v Canada (Citizenship and Immigration)*, 2023 FC 464, at paragraph 31, I concluded and respectfully repeat that: "I also agree visa officers may use their general experience and knowledge of local conditions to draw inferences and reach conclusions on the basis of the information and documents provided by the Applicant. Their Decisions are entitled to respectful deference given their experience among other things."

[42] I also conclude in this manner because while the new evidence on Saudization the Applicants ask the Court to accept doesn't refer to "financial analysts", the Applicant's new evidence most certainly refers to the Kingdom's plans re Saudization to target accountants. In fact the Applicants' evidence, had it been accepted which it wasn't, actually confirms Saudi plans to target the following jobs, most which cover the PA: "These professions [i.e., accountants, ed.] include manager of financial affairs and accounting; manager of accounts and budget; manager of financial reports department; manager of zakat and taxes department; manager of the internal audit department; manager of the general audit department; head of the internal audit program. It also includes, financial controller; internal auditor; senior financial

auditor; general accountant; cost accountant; auditor, general accounts technician; auditing technician; cost accounts technician; financial audit supervisor; cost clerk and finance clerk."

[43] While the Applicant submits he is "financial analyst" the officer was well entitled to accept his employer's description as the company's Chief Accountant. Indeed the certificate of employment the Applicant filed from his employer says he is "Chief Accountant". It starts off its outline of his job description with references to Daily Transaction Accounting Activities, Supervising the accounting function for his company) including Accounts Payables, Accounts Receivables, General Accounting, Cash Transactions, Revenue Accounting and Consolidations. He started his career as an accountant and has held a number of management roles.

[44] There was no requirement to give special notice that Saudization would be considered, particularly considering the duty of procedural fairness is so low, as set out above.

[45] With respect, the challenge to the Saudization determination is without merit.

B. *Temporary nature*

[46] The Applicant says the Officer acted unreasonably in finding the Applicants' situation in Saudi Arabia is tenuous. The Respondent disagrees. In my view, the Applicants ask the Court to review the record, which as noted above forms no part of the judicial review unless there is a critical flaw – see *Vavilov* and *Doyle*. This exception is not made out.

[47] The record confirms that temporary status is set to expire December 2021 (and therefore had expired at the time of the Decision), the PA's status was tied to his employment, and his spouse and children were residing in Saudi Arabia as his dependents. These is no evidence the PA would maintain his status in Saudi Arabia upon the expiry of his authorized stay in Canada, or even that would or even might be re-hired. That said, I agree the Officer erred in saying the PA had only been with his company since 2013 when in fact he had been there since 2003. With respect, that is not a material, let alone fatal, error.

[48] I also note in *Ahmed v Canada (Minister of Citizenship and Immigration*, 2023 FC 50 at paragraph 8, Justice Grammond states the reasonableness of refusing temporary visa applications where the applicants have temporary status in their country of residence. Justice Grammond cites other Federal Court decisions validating visa refusals based on similar considerations, concluding that "while this status may be renewed, the uncertainty inherent in this process may incentivize foreign nationals to remain to Canada."

[49] In my view this aspect of the Decision is transparent, intelligible and justified on the record.

C. *Business viability*

[50] On the issue of business viability, the Applicants' argue the Officer's finding that there is inadequate evidence to support the viability of the PA's business is unreasonable saying there is no explanation given for arriving at this conclusion. The Applicants' submit that a detailed business plan was provided and the Officer failed to engage with it. I disagree.

[51] With respect once again the Applicants invite the Court to review, reweigh and reassess the evidence in the record. That with respect is not part of the Court's role per *Vavilov* and *Doyle* as noted above. This is just a disagreement with the conclusion.

[52] With respect to the finding that the lease at $203 per month is questionable, the PA asserts that there is no legal or policy requirement that leases are committed to before a work permit is approved, and the Officer concluding otherwise is unreasonable. The PA submits the office space was always meant to be temporary, as stated in his application, and that a storefront would be established once the PA and his family arrived in Canada.

[53] The Officer referred to the low cost of the starting premises. The plan also included rent of some $18,000 annually that was not referred to. In doing so on this aspect of the reasons the Officer's conclusion may be seen as unreasonable, but again not fatal.

[54] However, it simply cannot be said that the did not engage with the plan:

> Proposed income sources are speculative, no/limited evidence of potential or actual vendors/clients contracts provided. Additional concern noted regarding business set-up: lease document provided in Thunder Bay is at a very low cost ($203/mth initial period of 6 months contract provided), it is questionable whether space rented is adequate/appropriate given the scope of proposed business set-up, staffing, inventory space, etc. required.

[55] In addition to the rent issue, but one aspect of the plan, the Officer considered and reasonably found 1) the proposed income sources are speculative, and 2) there was no or limited evidence of potential or actual vendors/clients contracts provided.

[56] With respect, these assessments fall within the trained officer's expertise and are entitled to considerable deference as set out in the jurisprudence.

[57] I am not persuaded judicial intervention is warranted in this respect. Business plans submitted by such applicants must satisfy the visa officer. This one did not. That finding was reasonably open to the Officer on the record.

D. *Family ties*

[58] Lastly, the Applicants' submit the Officer's conclusion regarding "family ties in Canada" is unexplained in the reasons, and therefore is unreasonable. The Applicants' submit family ties outside of Canada were not reasonably considered, including ties to India. Once again this asks the Court to reweigh and reassess the evidence and come to a different conclusion. The Officer's weighing and assessing the record in terms of ties outside Canada is not permitted given the parameters for judicial review as set by the Supreme Court of Canada and the Federal Court of Appeal; with respect the Court declines the Applicants' invitation.

[59] In any event, it is a fact that once the Applicants arrive in Canada they would have ties in Canada. I can take judicial notice they may be tempted to stay, based on the million or so applications filed with IRCC every year. With respect, the Officer's conclusion that the Applicants will have ties in Canada after they arrive is obvious and needs no further explanation or analysis.

[60] Notably, on arrival, the PA, his spouse and children will all have all their immediate family in Canada. It is obvious to me and needs no further explanation that this will result in

weakened/limited ties to Saudi Arabia for all five Applicants. For the same reasons their ties to India will also be weakened. I agree with Justice Little in *Ocran v Canada (Minister of Citizenship and Immigration)*, 2022 FC 175, that it is reasonable for an Officer to conclude there are weakened family ties where there is no evidence or explanation about the nature of family relationships abroad that would compel their return.

[61] The Officer's findings in this respect are transparent, intelligible and justified on the record.

VIII. Conclusion

[62] Judicial review proceeds holistically. Given my findings above and the deference owed to the Officer, the Decision is reasonable in terms of its components and with respect, in its totality. Therefore this Application will be dismissed.

IX. Certified Question

[63] The parties raised no question of general importance, and I agree none arises.

JUDGMENT in IMM-2253-22

THIS COURT'S JUDGMENT is that: this application for judicial review is dismissed, no question of general importance is certified and there is no Order as to costs.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-2253-22
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