

Federal Court



Cour fédérale

**Date: 20240425**

**Docket: IMM-1928-23**

**Citation: 2024 FC 638**

**Ottawa, Ontario, April 25, 2024**

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

**BETWEEN:**

**MARYAM ZAERI**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION CANADA**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Maryam Zaeri, seeks judicial review of a visa officer's decision refusing her study permit application pursuant to paragraph 216(1)(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 ("IRPR") based on her lack of significant family ties outside of Canada, her assets and financial situation, and her purpose of visit being inconsistent with a temporary stay.

[2] The Applicant is an Iranian citizen who sought to enter Canada to pursue a Master of Applied Science in Quality Systems Engineering at Concordia University. She has a previous Master of Science in Industrial Engineering and has been working as an analyst. Her spouse was set to accompany her to Canada.

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

A. *The decision is reasonable and was made in a procedurally fair manner*

[4] I find that the decision is reasonable. In the context of the decision as a whole, the officer was entitled to find that the Applicant's ties to Iran would be weakened by her spouse accompanying her to Canada. (*Sayyar v Canada (Citizenship and Immigration)*, 2023 FC 494 at paras 15).

[5] Furthermore, the officer reasonably concluded that the Applicant's motivation to pursue studies did not seem reasonable given her previous education and work history. In my view, the Applicant provided primarily "general assertions" in her study plan, failing to provide "specific reasons" about how the proposed course of study provides different knowledge from her previous master's degree and work experience, or how, specifically, the studies would benefit her (*Mehrjoo v Canada (Citizenship and Immigration)*, 2023 FC 886 at para 13).

[6] Additionally, the officer did not err by having concerns with the sufficiency of the Applicant's funds based on the documentation showing only the balance of her bank account,

there being no evidence to establish how these funds were accumulated (*i.e.*, their source) (see *e.g.*, *Roodsari v Canada (Citizenship and Immigration)*, 2023 FC 970 at paras 32-33).

[7] The remainder of the Applicant's submissions alleging that the officer ignored evidence in her application are simply requests for this Court to reweigh evidence, which the Court will not do (*Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 125).

[8] I further find that the decision was made in a procedurally fair manner. The officer did not have to communicate their concerns arising from paragraph 216(1)(b) of the *IRPR* (*Rajabi v Canada (Citizenship and Immigration)*, 2024 FC 371 at para 25, citing *Hassani v Canada (Minister of Citizenship and Immigration) (F.C.)*, 2006 FC 1283 at para 24, cited in *Talpur v Canada (Citizenship and Immigration)*, 2012 FC 25 at para 21). There were no credibility concerns. And there is no merit to the argument that the visa officer lacked jurisdiction (see *Ponomarenko v Canada (Minister of Citizenship and Immigration)*, 2003 FCT 259 at para 11).

[9] For these reasons, I dismiss this application for judicial review. No question is certified.

[10] I note that counsel for the Applicant raised many arguments in their written submissions that are similar, or the same, to the written arguments they made in a study permit judicial review application I heard earlier on the day of the hearing of this matter (Court file number IMM-33-23).

[11] Perhaps it is a coincidence that these cases are so similar that counsel for the Applicant can rely on such standard-form submissions.

[12] But I think not. I see that the Court mentioned in a recent decision with counsel for the Applicant that “[t]he Applicant appears to have relied on some template submissions developed by counsel that may or may not apply to case at hand” (*Gholami v Canada (Citizenship and Immigration)*, 2024 FC 201 at para 16).

[13] The “template” approach that counsel for the Applicant has taken warrants commentary. It does not help the Court. It undermines judicial review’s function of evaluating the legality of government decision-making. It is not advocacy, in any meaningful sense of the term.

B. *Costs*

[14] In a decision dated January 23, 2024, the Court granted leave for this application for judicial review. In this leave order, the hearing of this matter was set for April 16, 2024.

[15] On April 11, 2024, a Registry Officer (“RO”) sent the parties’ counsel a weblink to join this hearing via Zoom videoconference.

[16] That day, counsel for the Applicant replied to the RO with an email stating: “The Applicant or his lawyer will not appear.”

[17] On April 16, 2024—the day of the hearing—the Court directed that counsel for the Applicant appear at the hearing at 11:00 AM. Counsel for the Applicant responded to the RO with an email stating: “I am unable to attend today's hearing due to a scheduling conflict.”

[18] At the hearing, I asked counsel for the Respondent if they would be seeking costs in this matter and provided them five business days to update the Court. They did not make submissions.

[19] Reprehending this conduct is not enough. The Court must act.

[20] Costs are awarded in applications for judicial review under the *IRPA* for “special reasons,” which is a high threshold (*Almuhtadi v Canada (Citizenship and Immigration)*, 2021 FC 712 at paras 55-56, citing Rule 22 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 (“Rules”), *Taghiyeva v Canada (Citizenship and Immigration)*, 2019 FC 1262 (“*Taghiyeva*”) at paras 17-23, and *Ndungu v Canada (Citizenship and Immigration)*, 2011 FCA 208 at para 7).

[21] Conduct that forms “special reasons” for costs includes unnecessarily or unreasonably prolonging proceedings, acting unfairly, oppressively, or improperly, engaging in conduct that was “actuated by bad faith,” as well as engaging in conduct that undermines our judicial system’s integrity (*Canada (Public Safety and Emergency Preparedness) v Oko-Oboh*, 2022 FC 740 (“*Oko-Oboh*”) at para 10, citing *Taghiyeva* at para 18 and *Mayorga v Canada (Citizenship and Immigration)*, 2010 FC 1180 at paras 21, 47).

[22] However, costs are awarded with regard to each case's "particular circumstances," and there is "no exhaustive list of grounds which may justify an award of costs in immigration proceedings" (*Oko-Oboh* at para 10, citing *Khizar v Canada (Public Safety and Emergency Preparedness)*, 2021 FC 641 at para 37 and *King v Canada (Citizenship and Immigration)*, 2011 FC 1193 at para 2).

[23] As provided to me, counsel for the Applicant's informal email stating that they would not be attending the hearing did not contain any explanation for failing to attend. That email did not include a request that the Court proceed based on written submissions or reschedule. That email, based on the evidence before me, appears to have been sent only to the RO. And that email was sent less than a week before the hearing, despite the hearing date being set down months in advance. Furthermore, when I directed that counsel for Applicant attend the hearing, they did not, citing a scheduling conflict.

[24] This indifferent attitude warrants costs. Counsel for the Applicant has shown complete disregard for the Court's resources. They have unnecessarily prolonged these proceedings. They have impeded this Court's ability to render decisions, engaging in conduct that undermines our judicial system's integrity.

[25] Therefore, pursuant to Rule 22 of the *Rules*, I find that there are special reasons to award costs in this matter. I make such an order for an all-inclusive lump sum amount of \$750.00.

**JUDGMENT in IMM-1928-23**

**THIS COURT'S JUDGMENT is that:**

1. This application for judicial review is dismissed.
2. Costs are awarded against the Applicant in the amount of \$750.00.
3. No question is certified.

\_\_\_\_\_  
"Shirzad A."

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-1928-23

**STYLE OF CAUSE:** MARYAM ZAERI v MINISTER OF CITIZENSHIP  
AND IMMIGRATION CANADA

**PLACE OF HEARING:** BY VIDEOCONFERENCE

**DATE OF HEARING:** APRIL 16, 2024

**JUDGMENT AND REASONS:** AHMED J.

**DATED:** APRIL 25, 2024

**APPEARANCES:**

Shirin Taghavikhansari  
(DID NOT APPEAR)

FOR THE APPLICANT

Jennifer Luu

FOR THE RESPONDENT

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