

Federal Court



Cour fédérale

**Date: 20240514**

**Docket: IMM-903-23**

**Citation: 2024 FC 738**

**Ottawa, Ontario, May 14, 2024**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**SHARAREH EDALAT**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Applicant, Sharareh Edalat, applied for a work permit as a self-employed business owner. An officer at Immigration, Refugees and Citizenship Canada [IRCC] refused her application on November 17, 2022. Ms. Edalat challenges this refusal on judicial review. I am dismissing the judicial review because I do not find that Ms. Edalat has established that the decision was unreasonable or made in a procedurally unfair manner.

## II. Procedural History and Application Background

[2] Ms. Edalat applied for a work permit to operate her own business selling beauty products in Canada under the self-employed or entrepreneur category, also known as the C-11 category. As she was applying under paragraph 205(a) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR], Ms. Edalat was not required to obtain a Labour Market Impact Assessment, but did have to establish that her business would generate a “significant economic, social or cultural benefit or opportunities for Canadian citizens or permanent residents.”

[3] The Officer found that Ms. Edalat had not demonstrated that she would be able to adequately perform the work she was seeking to do in Canada or that she would leave Canada at the end of her authorized stay. The Officer’s concerns related to Ms. Edalat’s proposed business in Canada. The Officer noted the following two key concerns: i) that a large part / the majority of Ms. Edalat’s 60-page business plan was general and seemed to have been copied from open source websites; and ii) that the projections were overly optimistic and speculative given the competitiveness of the beauty product industry in Canada.

## III. Analysis

[4] On judicial review, Ms. Edalat raised concerns with the fairness of the process and the reasonableness of the Officer’s decision.

A. *No merit to the procedural concerns*

[5] Ms. Edalat argued that it was procedurally unfair that IRCC updated the Program Delivery Instructions [PDI] on November 21, 2022, posting further guidance to officers evaluating C-11 applications, without first notifying the applicant of this change. The decision on Ms. Edalat's work permit was issued on November 17, 2022. Ms. Edalat has not explained how this further guidance impacted the decision made in this case, and has not addressed the fact that the guidance came out after the Officer's rejection of the application. In any case, as was noted at the judicial review hearing and acknowledged by Ms. Edalat's counsel, this Court has found no merit to the same generic procedural fairness concerns that have been raised in a number of other cases with the same solicitor of record (see, for example: *Shahbazian v Canada (Citizenship and Immigration)*, 2023 FC 1556 at paras 23–24, *Shidfar v Canada (Citizenship and Immigration)*, 2023 FC 1241 at para 31).

B. *Decision is reasonable*

[6] Counsel for Ms. Edalat focused most of his submissions at the judicial review hearing on questioning how the submitted business plan could have not been accepted. Counsel also asked whether the Court could appoint an expert to evaluate the viability of the business plan. As was explained at the hearing, and was noted in other decisions involving the same solicitor of record, the Court's role on judicial review is not to reweigh the evidence (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 125) and therefore it is not the Court's role to evaluate the "sufficiency of the business plan" (*Jamali v Canada (Citizenship and Immigration)*, 2023 FC 1328 at para 18, *Tehranimotamed v Canada*

(*Citizenship and Immigration*), 2024 FC 548 at paras 16–17; *Lotfikazemi v Canada (Citizenship and Immigration)*, 2024 FC 691 at para 14).

[7] I will address the two points that were raised in relation to the Officer’s reasons. I find neither is a serious shortcoming requiring this Court’s intervention. First, Ms. Edalat challenges the Officer’s finding that much of the information contained in the submitted business plan “appears to have been copied from open-source websites” without identifying the websites in particular to which the Officer was referring. Ms. Edalat has not shown how this is a sufficiently serious shortcoming given that they do not dispute that they relied on open source websites throughout their business plan. As noted by the Respondent, Ms. Edalat, in her further memorandum of argument, cites open source websites, stating that the websites were “the recognized sources” upon which the business plan was based.

[8] Second, Ms. Edalat argues that the Officer made a factual error when they stated that the business plan predicts business sales would “almost double” by year five of the business’s operations, finding that the projections are “overly optimistic and speculative.” Ms. Edalat asserts that the business plan projects \$356,052 of sales in year one, and \$507,850 in year five and that this is therefore a 42.63 percent increase and not “almost double” as noted by the Officer. I agree with the Respondent that this is not a flaw that is sufficiently central or significant to render a decision unreasonable (*Vavilov* at para 100). To find otherwise would be to embark on that “line-by-line treasure hunt for error” that *Vavilov* warns against (para 102).

[9] Ultimately, I am not satisfied that the Applicant has demonstrated that there was a serious shortcoming in the Officer's analysis and therefore the application for judicial review is dismissed. Neither party raised a question for certification and I agree none arises.

**JUDGMENT in IMM-903-23**

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

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

"Lobat Sadrehashemi"

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Judge

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

**DOCKET:** IMM-903-23

**STYLE OF CAUSE:** SHARAREH EDALAT v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

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

**JUDGMENT AND REASONS:** SADREHASHEMI J.

**DATED:** MAY 14, 2024

**APPEARANCES:**

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