

Federal Court



Cour fédérale

Date: 20241031

Docket: IMM-7849-23

Citation: 2024 FC 1734

Toronto, Ontario, October 31, 2024

PRESENT: The Honourable Justice Battista

BETWEEN:

SOLMAZ AHMADI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

**(Delivered orally from the bench on October 30, 2024.
Edited for grammar and syntax.)**

[1] The Applicant, Solmaz Ahmadi, filed a visitor visa application to visit her Canadian brother and his family. She is a PhD student who had over \$27,000 (CAD) available to her for her visit, as well as an employment letter and ownership interests in several apartments in Iran.

[2] The visa officer (Officer) refused the application based on the conclusion that the Applicant would not leave Canada. For the reasons that follow, that decision is unreasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65). As such, it is not necessary to deal with the Applicant's procedural fairness arguments.

[3] The Officer justified the decision with three reasons.

[4] First, the Officer relied upon the fact that the Applicant is married, mobile, and has no dependents. This reasoning is unintelligible for its failure to acknowledge the fact that the Applicant's spouse would remain in Iran and would presumptively be a reason for her return. The Officer also failed to explain how the Applicant's mobility reduced her chances of returning to Iran.

[5] Second, the Officer acknowledged the Applicant's bank statements but relied upon a lack of transaction history to find that the source of funds was unclear. The Officer's reasoning on this issue is impossible to understand given that bank transaction histories are not an independent requirement for a visitor visa. If the Officer's concern related to the Applicant's financial sufficiency, this concern is unreasonable given the Applicant's other evidence of wealth and income, such as her property ownership.

[6] Finally, the Officer supported the refusal by pointing to the Applicant's "socio-economic" situation. This was unexplained, and, if it was meant to imply lack of financial sufficiency, it was unreasonable given the ample evidence of the Applicant's wealth, as noted above.

JUDGMENT in IMM-7849-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted, the decision on the Applicant's temporary resident visa application is quashed, and the matter will be returned for re-determination by a different officer.
2. There is no question for certification and no order related to costs.

"Michael Battista"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7849-23

STYLE OF CAUSE: SOLMAZ AHMADI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HEARD BY VIDEOCONFERENCE

DATE OF HEARING: OCTOBER 30, 2024

JUDGMENT AND REASONS: BATTISTA J.

DATED: OCTOBER 31, 2024

APPEARANCES:

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