

CANADA / JUDGMENT

Misaghi v. Canada (Citizenship and Immigration)

2026 FC 283

COURT

Federal Court

DECIDED

2 March 2026

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Misaghi v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-03-02 Neutral citation 2026 FC 283 File numbers IMM-19846-24 Decision Content Date: 20260302 Docket: IMM-19846-24 Citation: 2026 FC 283 Vancouver, British Columbia, March 2, 2026 PRESENT: The Honourable Madam Justice Aylen BETWEEN: ZIYA MISAGHI NILA MISAGHI NIKI MISAGHI NEDA ABBASI Applicants and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] This is an application for judicial review of the decision of a visa officer [Officer] dated October 7, 2024, wherein the Officer concluded that Ziya Misaghi [the Principal Applicant] had failed to meet the criteria for the issuance of a work permit pursuant to subsection 205(a) of the Immigration and Refugee Protection Regulations, SOR/2022-227 [Regulations]. The Principal Applicant's spouse and two children (who intended to accompany the Principal Applicant) had their respective temporary resident visa applications denied on the basis that the Principal Applicant's work permit was refused and, as such, the purpose of their visit was not consistent with a temporary stay.
- [2] The Principal Applicant, a citizen of Iran, applied for a Labour Market Impact Assessment exempt work permit under the C11 category of the International Mobility Program. This category is targeted towards entrepreneurs and self-employed candidates seeking to operate a business in Canada that would create or maintain significant social, cultural or economic benefits, or opportunities for Canadian citizens or permanent residents, pursuant to subsection 205(a) of the Regulations.
- [3] As part of his application, the Principal Applicant submitted a business plan, with accompanying financial documentation, outlining his plan to establish a machinery maintenance and equipment repair service for construction and mining industries in Edmonton, Alberta [Company]. The Principal Applicant would be the sole shareholder of the Company and employed as the Chief Maintenance Officer. The Principal Applicant intended to hire five employees during the first year, including himself, with the other employees working 32-37 hours per week. He then intended to increase staffing levels to 19 employees

by year five of operations.

- [4] Ten months prior to the submission of his application, the Principal Applicant established a business in Iran, which employed eight people (in addition to the Principal Applicant in the position of Chief Executive Officer). The Principal Applicant submitted proof of two contracts held by the Iranian company, one of which was for the specialized repair of road pavement machinery and the short-term rental of heavy equipment; and the other of which was exclusively for the rental of road maintenance machinery. Prior to establishing the Iranian company, the Principal Applicant had worked as a mechanical technologist, a mechanical maintenance supervisor and ultimately a maintenance manager.
- [5] The Principal Applicant intended to invest a total of \$255,000 CDN in the Company from his personal funds. In support of his application, the Principal Applicant provided an account balance statement and transaction history for a bank account in Iran with a balance of the equivalent of \$140,488 CDN and a further account statement (without transaction history) with a balance of the equivalent of \$356,372 CDN. The Principal Applicant indicated that the majority of the intended investment in the Company would come from the recent liquidation of a pump truck sold for the equivalent of \$353,651 CDN. Property title deeds demonstrating the Principal Applicant's ownership of two apartments in Iran were also provided.
- [6] In support of the application, the Principal Applicant also provided a support letter from a Canadian business (located in Saanichton, British Columbia) that specializes in fibre optics and electrical maintenance for industrial projects.
- [7] By letter dated October 7, 2024, the Officer refused the Principal Applicant's work permit on the basis that the Principal Applicant had "not demonstrated that [he came] within the exceptions of R205(a) and that the proposed work in Canada would create or maintain significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents." The Officer's notes as contained in the Global Case Management System [GCMS], which form part of the reasons for decision, set out the following concerns with the application: The Officer was concerned that the Principal Applicant's experience as a business owner was limited and it was unclear what level of operational management experience he holds (which is experience that is most likely to improve the viability of the business). The Officer noted issues with the sufficiency of evidence establishing the Principal Applicant's current employees, noting that the documents provided did not indicate the roles nor titles of any of the names listed. The Officer was concerned with the Principal Applicant's financial stability, as he had already sold personal property to raise capital for the proposed business, and was concerned that if the Applicant intended to liquidate additional assets to maintain the business, should the need arise, that would diminish his ties to Iran. The Officer was not satisfied that the Applicant's hiring plan was representative of a significant economic benefit that would create opportunities for Canadians and/or permanent residents. There was no indication that any agreement had been signed between the Company and the Canadian business that provided the support

letter, rendering the value of any such partnership unclear.

- [8] The Applicants' arguments relate to the asserted unreasonableness of the Officer's decision. The parties agree and I concur that the applicable standard of review is that of reasonableness. When reviewing for reasonableness, the Court must take a "reasons first" approach and determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible and justified [see *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 8]. 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 [see *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 15, 85]. The Court will intervene only if it is satisfied there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency [see *Adeniji-Adele v Canada (Citizenship and Immigration)*, 2020 FC 418 at para 11].
- [9] It is well-settled that it is up to a temporary work permit applicant to provide all relevant supporting documentation and sufficient credible evidence to satisfy a visa officer that the job requirements can be fulfilled. In other words, it is for the applicant to put their best case forward [see *Pacheco Silva v Canada (Citizenship and Immigration)*, 2007 FC 733 at para 20]. In this case, as the Principal Applicant was seeking a work permit under C11, it was incumbent on the Principal Applicant to establish that his business would create or maintain significant social, cultural or economic benefits or opportunities for Canadian citizens or permanent residents.
- [10] The Applicants assert that each concern raised by the Officer and the reasons given in relation thereto was unreasonable. First, the Applicants assert that the Officer ignored evidence of the Principal Applicant's "long-standing operational management and documented business leadership". The Applicants assert that the Officer ignored: (a) the Principal Applicant's current role as Chief Executive Officer with the Iranian company, which "demonstrates the highest level of operational management"; (b) the substantial success the Principal Applicant achieved in securing two significant contracts for his Iranian company in a short period of time, which the Applicant asserts is "irrefutable evidence of advanced business acumen and operational capacity"; (c) the evidence from his prior employer showing eight years of experience as a maintenance manager and detailing his various responsibilities, which demonstrate clear operational management experience; and (d) the portion of the business plan that specifically addresses the Principal Applicant's management qualifications. The Applicants assert that the Officer improperly considered the Principal Applicant's operational management experience based on his experience as a business owner in isolation from his nearly 20 years of progressive experience in the industry. The Applicants also criticized the Officer's reliance on the tax-related payroll ledger for the Iranian company as a form of an internal organizational chart for the company when, clearly, that was not the purpose of the document. The Applicants assert that to discount this document, together with the Principal Applicant's extensive experience,

demonstrates that the Officer was simply looking for a reason to refuse the application rather than conducting a fair assessment of the Principal Applicant's ability to run the proposed Canadian business.

- [11] I find that the Applicants' assertions lack merit. The Officer's concern that the Principal Applicant lacked experience owning and running a business was reasonable, based on the evidence before the Officer. The Principal Applicant's Iranian company was only established ten months before the submission of the Principal Applicant's work permit application, had secured only two contracts and the Principal Applicant had no other past experience in running a business. While the Principal Applicant points to his lengthy experience as a maintenance manager as demonstrative of extensive operational management experience, I find that it was open to the Officer to not consider this position as constituting operational management experience. In that regard, as noted by the Respondent, the duties that the Principal Applicant undertook in his past employment as a maintenance manager do not align with the duties listed by the Principal Applicant in his business plan for an Operations Manager (NOC 00015).
- [12] Second, the Applicants assert that the Officer's conclusion regarding the Principal Applicant's financial stability was not justified in light of the record before the Officer and rested on speculation rather than an assessment of the Principal Applicant's documented ability to fund the first year of operations. The Applicants assert that the business plan demonstrates that the initial investment of \$255,000 would cover all operational expenses in the first year and projects a positive cash balance by year end. The Applicants assert that the Officer's concern that the Principal Applicant may need to liquidate more assets in the future was speculative, particularly given that the Officer did not take issue with the cash-flow forecast set out in the business plan.
- [13] I am not satisfied that the Applicants have demonstrated that the Officer's consideration of the Principal Applicant's financial stability was unreasonable. The Principal Applicant had liquidated a major asset in order to fund the Company and limited banking information was provided regarding his bank accounts (with one of the two accounts having no transaction history). While it is obviously unknown whether the Company would be able to achieve the projected cash flows, I do not find that a potential shortfall in revenue resulting in the need to liquidate further assets was an unreasonable or speculative consideration on the Officer's part, particularly given that the business plan: (a) notes that the Company will face "significant competition from established service providers and emerging companies within the construction and mining machinery maintenance industry"; and (b) forecasts a net loss in year one in the amount of \$33,560 CDN.

- [14] Third, the Applicants assert that the Officer's assessment of job creation was unreasonable as it improperly focused on the first year of the business plan and ignored the nineteen employment opportunities that would be generated by year five. The Applicants assert that the creation of nineteen jobs in the Edmonton employment market would have a substantial economic impact.
- [15] I find that there is no merit to this argument. In considering the potential significant benefit of a proposed business, the program instructions instruct visa officers to look at "the significant benefit that would be generated from the applicant's work in Canada during the period of the work permit as opposed to some future time, after the applicant has left." In this case, the Principal Applicant was applying for a two-year work permit and, as such, the Officer was required to focus on the initial two years of the business plan. I therefore see no error in the Officer's assessment of potential job creation in the short-term and their determination that the hiring plan did not demonstrate a significant economic benefit.
- [16] Finally, the Applicants assert that the Officer's treatment of the support letter was unreasonable as it failed to grapple with the content of the letter and imposed an extra-statutory, premature requirement for a finalized contract with the supporting company. The Applicants assert that the support letter constitutes substantial probative evidence relevant to the Officer's significant benefit assessment (as it corroborated the Principal Applicant's business plan) which the Officer ignored. The Applicants assert that it was not open to the Officer to discount the letter because it did not evidence a signed contract with the Company, without explaining why the content of the support letter did not credibly support the business plan.
- [17] I find that the Officer's assessment of the support letter was reasonable. The fact that the letter did not include confirmation of any contracts between the two companies is a relevant consideration in light of the C11 requirements and supported the Officer's determination that the letter did not carry significant weight. The Applicants merely disagree with the weight assigned to such evidence by the Officer, which is not a basis upon which the Court may find a reviewable error. A sufficient justification was provided by the Officer for their assessment of this evidence and, contrary to the Applicants' assertion, further reasons were not required in light of the nature of application at issue.
- [18] While the Applicants stated in the issues section of their written representations that the Officer breached the Principal Applicant's procedural fairness rights by not providing him with an opportunity to respond to credibility findings, the Applicants made no substantive submissions on this issue. As such, it is not properly raised on this application. In any event, I find that the Officer's reasons make it clear that no adverse credibility finding was made by the Officer.
- [19] As the Applicants have failed to demonstrate any basis for the Court's intervention, the application for judicial review shall be dismissed.

[20] Neither party proposed a question for certification and I agree that none arises. JUDGMENT in IMM-19846-24 THIS COURT'S JUDGMENT is that: The application for judicial review is dismissed. There is no question for certification. "Mandy Aylen" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-19846-24 STYLE OF CAUSE: ZIYA MISAGHI, NILA MISAGHI, NIKA MISAGHI, NEDA ABBASI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA DATE OF HEARING: MARCH 2, 2026 JUDGMENT AND REASONS: AYLEN J. DATED: MARCH 2, 2026 APPEARANCES: Alireza Eftekhhardadkhah For The ApplicantS Matisse Emanuele For The Respondent SOLICITORS OF RECORD: Infinity Law Corporation Barristers and Solicitors Victoria, British Columbia For The ApplicantS Attorney General of Canada Vancouver, British Columbia For The Respondent

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