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## NEWS RELEASE: MANAGED LITIGATION OF SELF-EMPLOYED APPLICATIONS

**February 10, 2021, Toronto:** Our firm represents a group of 83 (and growing) Iranian artists, athletes and farmers who have had their applications for permanent residence refused, pursuant to the Federal Self-Employed (“FSE”) program. Each litigant operates at the highest levels of their profession, nationally and internationally, with many having already earned income as self-employed individuals in Canada. However, each of their applications have been refused in what we believe to be a systemic breach of their right to procedural fairness and through unlawful and unreasonable “assessments” of their applications.

Through this unique and complex managed litigation, applicants have been able to pool their evidence to document what seems to be a decided decision by IRCC to transfer an inventory of pending FSE applications of Iranians to a specific visa post, Warsaw, wherein officers began an onslaught of refusal in complete contrast with past practices for the program, and in palpable breach of applicants’ rights to procedural fairness.

Given that the FSE program in particular does not provide applicants any guidance or instructions on how to demonstrate their compliance in a key eligibility requirements – ability and intent to become self-employed in Canada and qualifying work experience, the IRCC’s instructions to officers unequivocally acknowledges that genuine assessments of applicants in this program require officers to send a Request Letter outlining the evidence they want to see in satisfaction of the same, as well as an interview in all cases where satisfaction of eligibility requirements cannot be confirmed through the documentary evidence. Yet, in complete defiance of IRCC’s instructions, Warsaw visa officers not only did not schedule a single interview for the applicants in the group, in most cases, they also failed to send a Request Letter all together. Officers refused applicants based on a finding that business plans submitted by applicants, which the Federal Court has confirmed is not a requirement and IRCC instructs officers to discourage applicants to submit, were too “general” in nature.

Even more concerning is the fact that even when applicants provided detailed business plans spanning several hundred pages, Warsaw visa officers are continuing to refuse our clients’ FSE applications, based on which the group of litigants continues to grow each day. Mrs. Pantea Jafari, counsel for the applicants, notes, “[t]he continued refusals of FSE applications, when applicants have gone to great length to comply even with the unreasonable and unlawful new expectations coming out of the Warsaw visa post is very alarming. It signals what the applicants have been afraid of all along – that the sudden knit-picking of their business plans is just a ruse. The intention seems to be simply to refuse their applications at all cost, regardless of the evidence submitted by applicants.”

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