

CANADA / JUDGMENT

Khan v. Canada (Citizenship and Immigration)

2026 FC 591

COURT

Federal Court

DECIDED

4 May 2026

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Khan v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-05-04 Neutral citation 2026 FC 591 File numbers IMM-18614-24 Decision Content Date: 20260504 Docket: IMM-18614-24 Citation: 2026 FC 591 Ottawa, Ontario, May 4, 2026 PRESENT: The Honourable Mr. Justice Régimbald BETWEEN: MUHAMMAD JALAL KHAN Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] The Applicant is seeking a writ of mandamus compelling the Minister of Citizenship and Immigration [Minister] to make a decision on his study permit application. The Applicant also claims that “special reasons” exist in his case and seeks costs against the Respondent.

- [2] On April 21, 2026, one week prior to the hearing, Immigration, Refugees and Citizenship Canada [IRCC] issued its decision, refusing the Applicant’s study permit application on the basis that he is inadmissible to Canada under paragraph 34(1)(d) of the Immigration and Refugee Protection Act SC 2001, c 27 [IRPA].
- [3] The Applicant’s request for a mandamus is therefore moot, and the Applicant no longer pursues this ground.
- [4] There remains only the issue of costs for consideration. Relying on *Sachdeva v Canada (Citizenship and Immigration)*, 2024 FC 1522 at paragraph 69, the Applicant argues that “special reasons” justify a cost award because IRCC unnecessarily and unreasonably prolonged the proceedings, acted unfairly, oppressively, or improperly, and engaged in conduct that was actuated by bad faith.
- [5] The Applicant asserts that he filed his student visa application in July 2023 and that the Global Case Management System notes do not reflect any active security processing between August 2023 and March 2026. Then, following his application for a mandamus and the scheduling of the Court hearing, in March 2026, IRCC issued a procedural fairness letter. However, in that letter, IRCC did not raise any new security issue but rather relied on security concerns based entirely on information available to IRCC since August 2023 and the letter is therefore unfair (relying on *Jahantigh v Canada (Citizenship and Immigration)*, 2023 FC 1253 [Jahantigh]). Moreover, relying on *Savirimuthu v Canada (Citizenship and*

Immigration), 2025 FC 1957 [Savirimuthu], the Applicant submits that the timing of the procedural fairness letter, in March 2026 and very close to the hearing of the application for a mandamus, raises legitimate concerns on the motivations behind the letter.

- [6] The Applicant submits that IRCC has provided no explanation for why it waited nearly three years to act on the information it always possessed and then acted only when compelled by an upcoming application for a mandamus. The Applicant therefore argues that the unexplained delay unnecessarily and unreasonably prolonged the proceedings and generated significant additional costs and emotional distress.
- [7] Costs may be awarded to an applicant under Rule 22 of the Federal Courts Citizenship, Immigration and Refugee Protection Rules, SOR/93-22 if the Court finds “special reasons” for doing so and the threshold for proving “special reasons” is a high one (Contreras Monterroso v Canada (Citizenship and Immigration), 2025 FC 170 at para 7 citing Ibrahim v Canada (Citizenship and Immigration), 2007 FC 1342 at para 8).
- [8] As held by Justice Azmudeh in Sellathurai v Canada (Citizenship and Immigration), 2024 FC 1548 at paragraph 14, “the jurisprudence of this Court is narrow in awarding costs, and it is limited to when special circumstances have been found, such as situations where unexplained and unjustified delay by the Respondent has exposed the claimants to unnecessary danger, or undue stress and aggravation (Ndererehe v Canada (Citizenship and Immigration), 2007 FC 880), or where there has been reprehensible, scandalous or outrageous conduct on the part of a party (Toure v Canada (Public Safety and Emergency Preparedness), 2015 FC 237 at para 16)”.
- [9] In my view, no “special reason” exists in this case that would warrant an award for costs against the Respondent.
- [10] The Applicant’s student visa application was filed on July 20, 2023. The file was sent to “partners” for “VIT” on August 25, 2023, which is within a reasonable timeline. A “VIT” stands for “Visitor Information Transmission” and is a code for security screening. A security screening by other partners was therefore requested.
- [11] The Applicant’s argument that no “screening” was conducted thereafter until March 2026 and that no other agencies were involved cannot be accepted. The Applicant inquired twice with IRCC as to the status of his application, and IRCC responded on April 2, 2024, and January 29, 2025, that background investigations “are conducted by outside agencies” (Applicant’s Affidavit, Exhibit B). A justification for the delay was therefore offered to the Applicant.
- [12] Once the security screening was completed and information was obtained from the outside agencies, a procedural fairness letter was sent by IRCC in March 2026; and a decision issued on April 21, 2026. As opined in Jahantigh and Savirimuthu, the timing of a procedural fairness letter may sometime raise questions. However, those cases stand on specific facts and, generally, bad faith cannot be imputed solely on the timing of a procedural fairness

letter (see *Doust v Canada (Citizenship and Immigration)*, 2025 FC 1546 at paras 25-26).

Moreover, the fact that a decision was made one week before the hearing of an application for a mandamus cannot on its own be evidence of bad faith (*Zaghib v Canada (Public Safety and Emergency Preparedness)*, 2016 FCA 182 at para 45). I am not prepared to make such a finding in this case absent of more convincing evidence.

- [13] I find that the delay in this case, while long, was not so oppressive as to constitute reprehensible conduct. The security of Canada is important, and security screenings is a necessary and important requirement under the IRPA (*Medovarski v Canada (Citizenship and Immigration)*, 2005 SCC 51 at para 10; *Canada (Citizenship and Immigration) v Solmaz*, 2020 FCA 126 at para 53). Indeed, paragraphs 3(1)(h) and (i) explicitly provide that maintaining the security of the Canadian society and promoting international justice and security are among the objectives of the IRPA.
- [14] I accept the evidence and arguments of the Respondent that, contrary to the assertion of the Applicant, the file was not “dormant” for three years. Security background checks were sought and obtained from other partners and that process took time. While the Applicant’s security screenings may have taken more time than in other cases, I find that no “special reason” has been established by the Applicant on the evidence adduced that would justify an award of costs in this case. II. Conclusion [15] The Application is dismissed, without costs.
- [16] There is no question of general importance for certification. JUDGMENT in IMM-18614-24 THIS COURT’S JUDGMENT is that: The Application for Judicial Review is dismissed, without costs. There is no question for certification. "Guy Régimbald" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-18614-24 STYLE OF CAUSE: MUHAMMAD JALAL KHAN v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: VIDEOCONFERENCE DATE OF HEARING: APRIL 28, 2026 JUDGMENT AND REASONS: RÉGIMBALD J. DATED: MAY 4, 2026 APPEARANCES: Mr. Muhammad Jalal Khan For The APPLICANT (ON HIS OWN BEHALF) Mr. Guillaume Bigaouette For The RESPONDENT SOLICITOR OF RECORD: Attorney General of Canada Montréal (Québec) For The RESPONDENT

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