

CANADA / JUDGMENT

# Savirimuthu v. Canada

## (Citizenship and Immigration)

2025 FC 1957

COURT

Federal Court

DECIDED

11 December 2025

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Savirimuthu v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions  
Date 2025-12-11 Neutral citation 2025 FC 1957 File numbers IMM-1205-25 Decision Content Date:  
20251211 Docket: IMM-1205-25 Citation: 2025 FC 1957 Toronto, Ontario, December 11, 2025  
PRESENT: The Honourable Justice Battista BETWEEN: GUNASEELAN SAVIRIMUTHU Applicant  
and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND  
REASONS (delivered orally from the bench on December 11, 2025)

- [1] The Applicant requests a writ of mandamus requiring a decision on his permanent residence application under the Protected Persons/Convention Refugees in Canada Class. The application has been in process for over six years, since September 27, 2019. The previous explanation provided by the Respondent for the delay was outstanding security checks, however, on December 3, 2025, the Respondent notified the Applicant that he passed the security assessment.
- [2] The criteria for a writ of mandamus were confirmed by the Federal Court of Appeal in *Apotex Inc v Canada (Attorney General)* (CA), 1993 CanLII 3004 (FCA), [1994] 1 FC 742. I am satisfied that these criteria are met in this case.
- [3] The remaining disputes between the parties concern the amount of time to be ordered for the issuance of a decision, and costs.
- [4] Given that nothing is outstanding for the completion of the Applicant's file, I am satisfied that 30 days is a reasonable time frame for a decision to be issued on the application.
- [5] Regarding costs, the Applicant requests solicitor and client costs predominantly on the basis of a procedural fairness letter issued on November 24, 2025, which raised security-related concerns that were resolved less than two weeks later. The Applicant asserts that the procedural fairness letter was not only without merit, but sent at such a late juncture that it required significant additional work which should be compensated by the Respondent. The Applicant submitted a billing log representing the cost of this work.

- [6] An award of costs is subject to section 22 of the Federal Courts Citizenship, Immigration and Refugee Protection Rules, SOR/93-22, which provides that no costs shall be awarded on applications for leave and judicial review but for “special reasons.”
- [7] I am satisfied that “special reasons” exist here based on the procedural fairness letter which was issued very close to the hearing of this matter raising serious concerns that were resolved in a very short period of time. There are legitimate concerns about the motivations behind the letter, and it did generate additional costs for the Applicant, in addition to understandable emotional distress. JUDGMENT in IMM-1205-25 THIS COURT’S JUDGMENT is that: The application for judicial review is granted. A decision will be rendered on the Applicant’s application for permanent residence within 30 days of the date of this order. The Respondent shall pay to the Applicant costs in the lump-sum amount of \$8,550. There is no question of general importance for certification. "Michael Battista" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-1205-25 STYLE OF CAUSE: GUNASEELAN SAVIRIMUTHU v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: DECEMBER 11, 2025 JUDGMENT AND REASONS: BATTISTA J. DATED: DECEMBER 11, 2025 APPEARANCES: Clarissa Waldman For The Applicant Aleksandra Murray For The Respondent SOLICITORS OF RECORD: Mithoowani Waldman Immigration Law Group Barristers and Solicitors Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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Prepared on 26 October 2026 · Esheria