Federal Court  Cour fédérale

Date: 20250709

Dockets: IMM-2899-24
IMM-10726-24

Citation: 2025 FC 1223

Ottawa, Ontario, July 9, 2025

PRESENT: The Honourable Madam Justice McVeigh

Docket: IMM-2899-24

BETWEEN:

SENTHURAN SELVAKUMARAN

Applicant

and

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondent

Docket: IMM-10726-24

AND BETWEEN:

SENTHURAN SELVAKUMARAN

Applicant

and

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondent

JUDGMENT AND REASONS

I. Introduction

[1] This judgment concerns applications for judicial review of two related files.

[2] IMM-2899-24 is an application for judicial review of a decision of the Minister of Public Safety and Emergency Preparedness [the Minister] accepting the recommendation of the Canada Border Services Agency – Ministerial Relief Unit [the CBSA] [collectively, the Relief Decision]. The Minister adopted the CBSA's recommendation to refuse the Applicant's application for ministerial relief under section 42.1 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*]. The Relief Decision was communicated to the Applicant on February 5, 2024.

[3] In IMM-10726-24, the Applicant challenges the Minister's decision to refuse the Applicant's request for reconsideration of the Relief Decision [the Reconsideration Decision]. The Reconsideration Decision was communicated to the Applicant on June 5, 2024.

[4] Both applications for judicial review are dismissed for the reasons below.

II. Background

[5] The Applicant is a 48-year-old citizen of Sri Lanka. His wife and eight-year-old daughter are both Canadian citizens. The Applicant remains in Sri Lanka.

[6] The Applicant's wife attempted to sponsor him to obtain permanent residence in Canada three times. The permanent residence applications were all refused because the Applicant was found to be inadmissible to Canada under paragraph 34(1)(f) of the *IRPA* due to his affiliation with the Liberation Tigers of Tamil Eelam [LTTE] in Sri Lanka in the 1990s.

[7] The Applicant's inadmissibility is based on statements he made in a claim for asylum in the United Kingdom [the UK] between approximately 1999 and 2001, and which he initially maintained with Canadian immigration authorities until 2007 [the Original Narrative].

[8] The Applicant provided UK immigration authorities with inconsistent explanations for his involvement with the LTTE. At various times, he claimed that he joined the organization because: i) he wanted to help; ii) because he was paid for the work; iii) in response to a friend's request, and; iv) under compulsion from the LTTE.

[9] In a 2007 interview with a Canadian visa officer, the Applicant was asked about these inconsistencies. He initially denied any intent to help the LTTE, claiming instead that he only sought permission to travel to the city of Colombo. He stated that he was unaware that he had been helping the LTTE. However, when asked if he worked for the LTTE and been paid, the Applicant answered "yes" to both questions. When asked again why he had told the UK

authorities that he assisted the LTTE because he wanted to and was being paid, the Applicant first denied making that statement, then said he did not recall saying it, and ultimately admitted that he said it but claimed the truth was that he only wanted to help a friend. The visa officer asked the Applicant if he had lied to the UK authorities about his reasons for assisting the LTTE. The Applicant maintained that he had been honest and truthful in his responses.

[10] In subsequent permanent residence applications, the Applicant explained that the narrative about his involvement with the LTTE was fabricated based on advice he received from a solicitor in the UK [the Alternative Narrative]. Since 2007, he has maintained the Alternative Narrative and highlighted that, on appeal, a UK asylum adjudicator found the Original Narrative to be "highly implausible and not credible." The Applicant has since argued that Canadian immigration authorities' reliance on the statements he made in the UK is problematic, and little weight should be given to the submissions he made in that country.

[11] In 2011, the Applicant submitted an affidavit attesting that he had "never done any work for the LTTE willingly or for payment." The Applicant adduced several affidavits from family members to support the Alternative Narrative.

[12] Canadian visa officers for the Applicant's second and third applications for permanent residence rejected his recantation of the Original Narrative. These findings were made despite evidence the Applicant adduced to prove that he was not in the part of Sri Lanka where LTTE's activities were conducted at the relevant time. The visa officers questioned the veracity of these documents and reasoned that the evidence did not account for the entirety of the Applicant's whereabouts during that time, nor did they establish that he did not help the LTTE.

[13] The Applicant applied for ministerial relief from his inadmissibility in September 2016. The Applicant's submissions in support of his application for ministerial relief were based on both the Original Narrative and the Alternative Narrative.

[14] The Applicant's application for ministerial relief provided evidence to support the Alternative Narrative. However, he also submitted that, taking his Original Narrative at face value, his presence in Canada would not be detrimental to national security or public safety. He reasoned that, in line with his Original Narrative, his alleged association with the LTTE was minimal, non-violent, and indirect. Further, he has since led an exemplary life without contact with inadmissible groups and has a stable relationship with his spouse and daughter in Canada.

[15] On October 28, 2016, September 18, 2018, May 31, 2021, and September 16, 2022, the Applicant submitted updates to the ministerial relief application, indicating that the family continued to suffer serious hardship due to their lengthy separation. This evidence included:

- a letter of support from the Applicant's wife's Member of Parliament;
- further sworn statements from the Applicant and his wife;
- updated police clearance certificates showing he has no criminal record;
- updated letters of employment showing ongoing employment in Sri Lanka,
- the Ontario birth certificate for the Applicant's daughter;
- proof of visits by the Applicant's wife and daughter; and
- other supporting letters.

[16] On June 7, 2023, the CBSA disclosed to the Applicant a draft recommendation to the Minister to deny relief, along with the documentation the CBSA intended to put before the

Minister [the Draft Recommendation]. The Applicant was given an opportunity to respond to the Draft Recommendation, but none was provided.

A. *The Relief Decision*

[17] A ministerial brief prepared by the CBSA, and accepted by the Minister, forms the basis of the Relief Decision.

[18] Based on the conflicting accounts provided in the two narratives, the CBSA concluded that the Applicant's Alternative Narrative could not be accepted as true. Their analysis relied on the premise that the Applicant had been a member of the LTTE, as he initially admitted. While the CBSA acknowledged that the Applicant's Original Narrative was inconsistent, his efforts to disprove it introduced further issues with the reliability of the Alternative Narrative.

[19] The CBSA rejected the argument that the adverse credibility findings made by the UK adjudicator could assist the Applicant's case. They emphasized that they were not bound to accept the UK decision-maker's findings. Further, the UK inquiry focused on whether the Applicant faced a risk in Sri Lanka and did not make explicit findings about the Applicant's involvement with the LTTE. More broadly, the CBSA found it "disingenuous on [the Applicant's] part to use previous findings relating to the lack of credibility of his initial submissions to advance the argument that statements he is putting forward that are in his interest now should be believed to be true."

[20] In addressing the Applicant's remaining arguments, the CBSA found them all lacking merit. For example, the CBSA considered – but ultimately rejected – the Applicant's denial of

any direct participation in terrorism. They explained that this denial, while relevant, did not itself justify a grant of relief. Had the Applicant been directly involved in terrorism, he would have been barred from entry to Canada under different *IRPA* provisions. The CBSA reasoned that the Applicant's support for the LTTE's messaging, which occurred over a period of time when the LTTE was heavily involved in terrorist acts, remained a serious concern.

[21] Regarding the Applicant's claim that he was forced to work with the LTTE, the CBSA found that "[t]he totality of his inconsistent statements on this point" undermined this assertion. They also "duly noted" the time that had passed since the Applicant's involvement with the LTTE but explained that this did not alter the requirements for ministerial relief. Their concerns related specifically to the Applicant's prior involvement with the LTTE, not his current association or lack thereof.

[22] Finally, the CBSA considered positive factors, such as the Applicant's desire to reunite with his family and the letters of support attesting to his good character. However, they ultimately concluded that these positive elements did not outweigh their adverse findings:

> most notably, as outlined in his original narrative, [the Applicant's] protracted involvement with the LTTE, a listed terrorist entity, for a period of approximately seven years. [The Applicant's] involvement in the distribution of the LTTE's propaganda for payment, as outlined in his original narrative, which would have the effect of facilitating the organization's efforts to spread its messaging at a time when the LTTE was actively involved in committing terrorist acts, weighs against a grant of relief. Finally, [the Applicant's] inconsistent and contradictory statements, most notably, the diametrically opposed narratives he put forth as part of his UK refugee claim and those made in his subsequent Canadian immigration processes also do not weigh in favour of a grant.

B. *The Reconsideration Decision*

[23] On February 15, 2024, the Applicant made a request for the Minister to reconsider the Relief Decision because he discovered that his counsel mistakenly failed to send his reply submissions in response to the CBSA's Draft Recommendation [the Omitted Materials].

[24] The CBSA provided the Minister with a ministerial brief recommending that the Applicant's reconsideration request be dismissed. This brief was accepted by the Minister and forms the basis of the Reconsideration Decision.

[25] The CBSA first outlined the Applicant's four additional submissions made in the intervening years between September 2016 and the date of the Relief Decision. They also observed that on June 7, 2023, the CBSA delivered the Draft Recommendation for the Relief Decision to the Applicant for his comment. The Draft Recommendation contained instructions on how to respond, and the Applicant's counsel confirmed receipt of the disclosure that day.

[26] On February 23, 2024, the CBSA advised the Applicant's counsel that there was no record of any post-disclosure submissions ever being received. The CBSA requested proof of transmission of the Omitted Materials, but the Applicant's counsel acknowledged that while she had them in her possession, she had failed to submit the documents to the CBSA.

[27] The CBSA considered that the Applicant had been represented by the same law office since September 2016 and that counsel was well acquainted with the process of submitting materials to the CBSA. Additionally, neither the Applicant, nor his counsel, submitted any proof

that they provided, attempted to provide, or followed-up on their submission of the Omitted Materials. The CBSA only learned of the Omitted Materials approximately ten days after the Minister issued the Relief Decision.

[28] The CBSA noted that the Applicant had already applied to judicially review the Relief Decision before the Federal Court, which in their view, was the proper forum for review. The CBSA was concerned that accepting the reconsideration request could give rise to an increase in similar requests, whereby dissatisfied individuals could simply forego the Federal Court process and instead request reconsideration because of their belief that they had provided omitted submissions. The CBSA pointed out that if the Applicant is unsatisfied with the Federal Court's decision, it would be open to him to submit a new ministerial relief application.

[29] The CBSA recommended denying the request to reconsider as "the applicant has not sufficiently established a *prima facie* reason to justify reconsideration." Alternatively, should the Minister wish to reconsider, "the CBSA continues to recommend that relief be denied." The CBSA found that the Applicant's additional submissions and Omitted Materials would not have materially changed the Relief Decision.

III. Issues and Standard of Review

[30] The issues in these applications for judicial review are the same. The parties dispute the reasonableness of the Relief Decision and the Reconsideration Decision.

[31] As per the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], a reasonable decision is based on an internally

coherent and rational chain of analysis and is justified in relation to the facts and law that constrained the decision-maker.

[32] The reviewing court must assess whether the decision bears the requisite hallmarks of justification, transparency, and intelligibility (*Vavilov* at para 99). When applying the reasonableness standard, it is not the court's role to decide the issue itself, reweigh or reassess the evidence considered by the decision-maker, or interfere with factual findings absent exceptional circumstances (*Vavilov* at paras 83, 125). The applicant bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100).

IV. Analysis

[33] I find that the Relief Decision and the Reconsideration Decision are both reasonable.

A. *Relief Decision*

[34] Section 42.1 of the *IRPA* empowers the Minister to issue an exemption from the application of certain inadmissibility provisions in the *IRPA* (including section 34) if the Minister is satisfied that a grant of relief would not be contrary to the "national interest." The parties agree that as per *Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 [*Agraira*], national security and public safety are the predominant factors when interpreting national interest. However, the term national interest also encompasses broader considerations like the values underlying the *Canadian Charter of Rights and Freedoms* and Canada's international obligations (*Agraira* at paras 64-88).

[35] At issue is the Applicant's position that the CBSA did not meaningfully consider national security and public safety and failed to ascribe weight to the vast majority of the positive factors raised by him. More generally, he says that the CBSA gave no weight to present and forward-looking considerations of national security and public safety and displayed reasoning that suggests the Relief Decision was improperly based on his previous inadmissibility decisions.

[36] The Applicant contends that under Canada's obligations under the *Convention on the Rights of the Child* and other international instruments, family unity and the best interests of the Applicant's daughter were clearly relevant in his application for ministerial relief (citing *Mauricette v Canada (Public Safety and Emergency Preparedness)*, 2008 FC 420 at para 27). He explains that constraining the section 42.1 determination to reasons of inadmissibility would render the provision meaningless. For instance, in *Soe v Canada (Public Safety and Emergency Preparedness)*, 2018 FC 1201 [*Soe*] and *Al Yamani v Canada (Public Safety And Emergency Preparedness)*, 2022 FC 1276 [*Al Yamani*], the Federal Court set aside ministerial relief refusals because the Minister had failed to consider the applicant's pro-social behaviour in the years after the events relating to inadmissibility (citing *Soe* at paras 34-35; *Al Yamani* at paras 40, 68-70).

(1) Weighing of Positive Factors

[37] In the Applicant's view, the only positive weight the Minister attached to the application was the best interests of his daughter. The Applicant argues that the CBSA merely "duly noted," "considered," or took "into account," the numerous other positive elements, which include:

- the lengthy passage of time since the Applicant's association with the LTTE;

- the Applicant's genuine marriage to a Canadian spouse and the couple's suffering due to prolonged separation;
- the lack of evidence of national security or public safety risk;
- positive attestations and supporting letters; and
- the Applicant's proof of stable employment.

[38] The Applicant contends that the CBSA needed to explicitly analyze how these positive factors were accounted for – i.e., whether they were considered positively, negatively, neutrally, etc.

[39] I do not agree. The ministerial brief could have been clearer regarding how the Applicant's positive factors were individually treated; however, this is not a sufficient basis to grant judicial review. When the CBSA's reasons are reviewed as a whole, it is clear that each of the positive factors were considered and assigned positive weight, even if not stated explicitly. The CBSA was not required to provide reasons explaining why certain factors were more heavily weighted than others (*Siddique v Canada (Public Safety and Emergency Preparedness)*, 2016 FC 192 at para 84; *Naeem v Canada (Public Safety and Emergency Preparedness)*, 2016 FC 1285 at paras 52-56 [*Naeem*]).

[40] The decision under section 42.1 is an exercise of discretion. It is not this Court's role to engage in a reweighing of the relevant factors or decide that the Applicant's recent activities (*Naeem* at para 54) or humanitarian and compassionate factors (*Rizvi v Canada (Public Safety*

and Emergency Preparedness), 2019 FC 565 at para 38 [*Rizvi*]) should have been weighed differently.

(2) Consideration of National Security and Public Safety

[41] The Applicant acknowledges the weight that the CBSA put on his recanting of the Original Narrative. However, he says: "The fact that there were historic inconsistencies from nearly 2 decades ago is logically supportive of, rather than undermining of, [the Applicant's] consistent position since the end of his 2007 interview that he was, in reality, never involved in the LTTE." While the Applicant admits it is not the purpose of ministerial relief to make a new inadmissibility finding, he contends that such evidence is relevant to the assessment of whether it is against the national interest to grant relief. He argues that the CBSA engaged in unfounded speculation regarding the UK tribunal's asylum decision. The Applicant asserts that his evidence undermines the previous inadmissibility findings and supports his Alternative Narrative that he was never involved with the LTTE.

[42] Finally, even accepting the Original Narrative as true, the Applicant asserts that the Minister failed to give favourable weight to the minor and non-violent nature of his LTTE involvement.

[43] I again disagree with the Applicant.

[44] It is helpful to first outline the unusual foundation of the Applicant's submissions. The Applicant requested the CBSA to impugn the Original Narrative he had presented to UK and Canadian immigration officials, arguing that it is inherently not credible and that his more recent

narrative established his “actual” story. As part of his submissions, he asked the CBSA to find his former account so implausible that the Alternative Narrow must be true.

[45] Confusingly, the Applicant’s second line of argument took the opposite position. He argued that the Original Narrative contained reliable evidence that should support the grant of ministerial relief if the Alternative Narrative was rejected. He pointed to consistencies in his Original Narrative – which he had elsewhere characterized as contradictory – to argue that the CBSA should accept certain facts as accurate, such as his “alleged involvement” with the LTTE being indirect and non-violent.

[46] By virtue of arguing that both narratives could be considered as facts, the Applicant effectively discredited both stories. In particular, by suggesting that elements of the UK asylum claim could be considered both accurate and unbelievable on their face.

[47] While the Applicant presented substantial evidence to support his position that he was never associated with the LTTE, the CBSA determined that it was not the Minister’s role “to determine which of [the Applicant’s] competing narratives is accurate, or even which portions of his narratives may be true.”

[48] I find that it was reasonable for the Minister to ultimately adopt the same position as previous Canadian immigration officers that the Applicant’s Original Narrative should serve as the premise of his claim. On that basis, it was reasonable to find that the Applicant’s seven-year affiliation with the LTTE and the fact that his two narratives were themselves diametrically opposed and internally inconsistent, were sufficiently negative factors to outweigh the positive

considerations – such as family reunification, the best interests of the Applicant's daughter, and recent evidence establishing his good character.

[49] National security and public safety considerations may include questions about the nature and extent of a person's past involvement with a terrorist group, their knowledge of the group's activities at the time of their membership, and their truthfulness in explaining those things to Canadian immigration authorities. The ministerial relief review is not limited to the future danger that the foreign national presents to the public or the security of Canada (*Agraira* at paras 81-83).

[50] I recognize the Applicant's argument that the inadmissibility finding against him – that he was involved with the LTTE over 25 years ago on an allegedly limited basis – may not have supported the Relief Decision on its own (see *Al Yamani* at para 70; *Soe* at para 34; *Naeem* at para 56). However, the CBSA determined that the Applicant's inconsistent narrative was itself a negative factor: "The integrity of Canada's immigration system depends on individuals complying with their legal obligation to be truthful in their dealings with Canadian officials."

[51] Unlike admissibility hearings, ministerial relief applications consider all relevant national interest factors, including the extent of the inadmissible conduct (*Puvanenthiram v Canada (Public Safety and Emergency Preparedness)*, 2016 FC 587 at para 26). The Applicant has not contended that his untruthfulness toward immigration officials should not have been considered negative to the national interest.

[52] Indeed, much of the 30-page ministerial brief is a comprehensive discussion of the Applicant's current and previous narratives of events. The CBSA considered evidence both

related to and independent of his permanent residence applications. They found that the Applicant had not provided a satisfactory explanation for the CBSA to disregard the Original Narrative. This is a finding of sufficiency that the CBSA reasonably supported and explained (*Clarke v Canada (Citizenship and Immigration)*, 2023 FC 680 at paras 25-26).

[53] The CBSA concluded that the Applicant's activities were sufficiently serious to maintain his inadmissibility to Canada. Of particular concern was the level of violence that the LTTE conducted during the years that the Applicant was affiliated with the organization:

> [The Applicant], for a protracted period, provided assistance to an organization that itself relied on terrorism in pursuit of its political goals. It is noted that the LTTE was heavily engaged in the commission of terrorist acts before and during the seven years that [the Applicant] was carrying out work for the LTTE. For instance, the open source information included in attachment 1 notes that in the two decades following 1987, the LTTE "conducted over 200 suicide bombings, a number unequaled by any other non-state group." Some notable examples of the violence attributed to the LTTE during this period include the assassination of the Sri Lankan President, Ranasinghe Premadasa, in 1993, as well as a suicide bombing attack that killed Sri Lankan presidential candidate Gamini Dissanayake and 54 others in October 1994. The documents also highlight several other notable examples of terrorism perpetrated by the LTTE during this period, including suicide bombings in November 1995 that killed 15 civilians and injured another 59, as well as an attack in 1996 against Sri Lanka's central bank using a truck bomb that killed 60 people and injured 1400 others (see attachment 1).

[54] Additionally, the CBSA found that the Applicant's "numerous inconsistent statements… cast significant doubt on his assertion that he was compelled to work for the LTTE":

> As previously noted, [the Applicant] cites multiple reasons for offering his voluntary assistance to the LTTE including a desire to help the organization; for money; a desire to help his friend; and because the LTTE required everyone to help in their offensive against the Sri Lankan army.

[55] In the circumstances of this case, the Applicant's prior, inconsistent narrative was a reasonable ground for the Minister justify their negative determination and for them to question the Applicant's extent of involvement in the organization. I find that the Applicant simply disagrees with the Minister that the passage of time and evidence of his more recent lifestyle were insufficient to satisfy his burden of demonstrating that his presence in Canada is not detrimental to the national interest.

[56] The Relief Decision includes a detailed summary of the Applicant's history and submissions. The Applicant's submissions are further set out and grappled with in the analysis portion. The Applicant "failed to satisfy the Minister 'that it is not contrary to the national interest' to effectively set aside the prior inadmissibility finding" (*Abdulimiti v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 1960 at para 16). The predominant factors in this assessment are national security and public safety, to which the CBSA reasonably focused on.

B. *Reconsideration decision*

[57] In deciding whether to exercise discretion to reconsider the Relief Decision, the Minister was required to consider "all of the relevant circumstances" (*Sharanych v Canada (Citizenship and Immigration)*, 2023 FC 1655 at para 20 [*Sharanych*]). According to Justice Little in *Sharanych* at paragraph 22, this includes the "interests of justice" and "unusual circumstances of the case."

[58] In the Reconsideration Decision, the CBSA explicitly reviewed the following circumstances:

- The Applicant applied for ministerial relief in September 2016 and provided four additional submissions that were considered.
- The CBSA disclosed the Draft Recommendation to the Applicant on June 27, 2023. Counsel confirmed receipt without further response.
- The Applicant intended to provide further submissions in response to the Draft Recommendation, but upon the CBSA's request for receipt of transmission it was discovered that the Applicant's counsel mistakenly failed to send the Omitted Materials.
- The Applicant's counsel is well acquainted with the Applicant's file and the ministerial relief submission process.
- Instruction on how to submit responding material was clearly provided in the disclosure.
- The CBSA first learned of the Omitted Materials ten days after issuing the Relief Decision.
- Acquiescence of the Applicant's reconsideration request could set a precedent whereby applicants who disagree with the Minister's refusal could obtain reconsideration simply by claiming that they believed they had provided submissions.
- It is open to the Applicant to submit a new ministerial relief application.
- It is open to the Applicant to apply for judicial review.
- The Applicant took issue with the CBSA's assessment in the Relief Decision. In the CBSA's view, the Applicant's reconsideration submissions would not have changed the Relief Decision.
- The Applicant's central contention was that the Minister should reconsider the Relief Decision because of his counsel's lack of diligence in sending the Omitted Materials.

[59] The question on judicial review is what additional circumstances should the Minister have considered? In the Applicant's view, the reasons fail to account for the length of time he and his family had been waiting for the Relief Decision to be rendered.

[60] In their email requesting reconsideration, counsel for the Applicant wrote the following:

> In the interest of natural justice and given the length of time overall since the application was initially submitted in 2016, we respectfully request that the attached items be put before the Minister and that the Minister reconsider the refusal of Mr. Selvakumaran's application for relief.
>
> [emphasis added]

[61] Counsel's email attached the Omitted Materials, which included the Applicant's written argument responding to the CBSA's Draft Recommendation.

[62] I acknowledge that the "the length of time overall since the application was initially submitted in 2016" (i.e., delay) was not discussed under the "Considerations" heading in the Reconsideration Decision. Nonetheless, I find that this factor was reasonably contemplated by the Minister.

[63] First, as summarized above, the timeline between the Applicant's initial submission of his application and the Relief Decision was summarized at the outset of the Reconsideration Decision.

[64] Further, in the Reconsideration Decision, the CBSA noted that the Applicant disagreed with the merits of the Relief Decision: "the Applicant takes issue with the CBSA's assessment of

his case…" This is relevant because the CBSA explicitly considered the issue of delay in the Relief Decision:

> In subsequent submissions provided in support of his Ministerial relief application, [the Applicant] laments the delays in having his application decided, and requests that his Ministerial relief application be processed as soon as possible due to the hardships faced by his family…

[65] In the Reconsideration Decision, the CBSA stated that: "Notwithstanding the applicant's recent arguments, the CBSA maintains that the entirety of the applicant's case has been appropriately assessed" [emphasis added].

[66] In the context of this case, it was reasonable for the CBSA to have accounted for this factor in the Relief Decision but not the Reconsideration Decision.

[67] The Relief Decision was issued in February 2024 – seven years and five months after the Applicant submitted his ministerial relief application. The Reconsideration Decision was issued in June 2024 – seven years and nine months after the Applicant's ministerial relief application. This difference of four months – in the context of a delay that had already extended over seven years – did not warrant further, explicit analysis in the Reconsideration Decision.

[68] If the Applicant sought to take issue with the extent of delay, it is reasonable to expect that counsel would have argued it in their argument responding to the CBSA's Draft Recommendations. This was "item 1" of the Omitted Materials. However, in their June 2023 responding argument, they made no mention of this issue. I find that only raising it now as an alternative basis to obtain reconsideration is disingenuous. The Applicant's central argument for

reconsideration was that the Omitted Materials were mistakenly excluded by his counsel. However, the Omitted Materials make no mention of delay.

[69] I note that the extent of the Minister's obligation to provide reasons for declining to reconsider the Relief Decision was minimal (*Trivedi v Canada (Citizenship and Immigration)*, 2010 FC 422 at para 30; *Ali v Canada (Citizenship and Immigration)*, 2022 FC 1638 at para 39). Further, there was no general obligation on the Minister to reconsider. Given this context, I find that the CBSA reasons are sufficient to establish that they accounted for the Minister's delay as a relevant circumstance in contemplating reconsideration.

[70] Finally, I reject the Applicant's argument that the Minister fettered their discretion to reconsider by referencing the potential negative precedent it would set for unsatisfied applicants. The Minister had the discretion to consider "all of the relevant circumstances." I cannot say that it was unreasonable for the Minister to consider the effect of the Applicant's request on the integrity of the ministerial relief process as a "relevant circumstance" to consider. The CBSA and the Minister were entitled to reasonably weigh this factor against all other relevant circumstances, which the reasons show that they did.

V. Conclusion

[71] I dismiss both applications for judicial review. The Applicant has not met his burden of demonstrating that the Relief Decision or the Reconsideration Decision are unreasonable.

[72] No questions were presented for certification, and none arise.

JUDGMENT in IMM-2899-24 and IMM-10726-24

THIS COURT'S JUDGMENT is that:

1. The applications for judicial review are dismissed.

2. No question is certified.

"Glennys L. McVeigh"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKETS:	IMM-2899-24 AND IMM-10726-24
STYLE OF CAUSE:	SENTHURAN SELVAKUMARAN v THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS
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