

Federal Court



Cour fédérale

Date: 20250724

Docket: IMM-9302-24

Citation: 2025 FC 1324

Toronto, Ontario, July 24, 2025

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

AMJED KHAN

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Amjed Khan, applied for permanent residence through a spousal sponsorship application in January 2019. In May 2024, Mr. Khan applied to this Court for an order of *mandamus* requesting that the Minister be required to make a decision on his permanent residence application, arguing the Minister had unreasonably delayed its processing.

[2] At the outset of the hearing, I provided my reasons for denying a motion filed by Mr. Khan on June 18, 2025 and then updated on July 7, 2025 where he asked the Court to restore his temporarily inactivated and later cancelled ten year multiple-entry Temporary Resident Visa (“TRV”) so that he could attend the judicial review in person. I explained that the only application before me related to Mr. Khan’s application asking that Immigration, Refugees and Citizenship Canada be ordered to make a decision on his permanent residence application: the *mandamus* application. The decisions relating to his TRV are not before me. Further, I noted that, in general, applicants do not have a right to a particular mode of hearing. I also explained that there was no evidence to support his allegation that the cancellation of the TRV was a revengeful act because of his *mandamus* litigation.

[3] The remainder of the hearing concerned the question of whether the *mandamus* application was now moot because a decision had been made on Mr. Khan’s permanent residence application.

[4] Approximately two months ago, in May 2025, Mr. Khan was sent a procedural fairness letter explaining that the Officer had concerns that Mr. Khan is inadmissible under paragraph 34(1)(f) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] for being a member of an organization that there are reasonable grounds to believe engaged in subversion by force of a government.

[5] Then, approximately three days prior to the Court hearing the *mandamus* application, a decision was issued on Mr. Khan’s permanent residence application.

[6] The Minister wrote to the Court and Mr. Khan advising that the matter, in their view, was now moot. Mr. Khan stated that he wished to make submissions to the Court. I advised at the outset of the hearing that the submissions should be focused on the issue of the mootness of the *mandamus* application and not about the unfairness or unreasonableness of the inadmissibility determination.

[7] Mr. Khan's submissions were essentially about the unreasonableness of the inadmissibility finding and the unfair process leading up to this finding. As I explained at the hearing, the Minister's decision to refuse Mr. Khan's permanent residence application based on section 34 inadmissibility is not before me on this judicial review. I also explained that the process and substance of that determination can be challenged by filing an application for leave and judicial review of the refusal of the permanent residence application.

[8] The test for determining whether a matter is moot is well known and set out in the Supreme Court of Canada's decision, *Borowski v Canada (Attorney General)*, 1989 CanLII 123 (SCC) 1 SCR 342 [*Borowski*]. The first step is to determine whether a live controversy remains that affects or may affect the rights of the parties (*Borowski* at 353). If there is no live controversy, the Court then considers whether it should hear the moot case nonetheless.

[9] Now that a decision has been reached on Mr. Khan's permanent residence application, I find there is no longer any live controversy between the parties with respect to the relief being sought in the *mandamus* application. The matter is therefore moot. I also find no basis to exercise my discretion in these circumstances to hear the matter despite it being moot.

[10] As explained, it remains open to Mr. Khan to file separate applications for leave and judicial review to try to challenge the refusal of his permanent residence application and the cancellation of his TRV.

JUDGMENT in IMM-9302-24

THIS COURT'S JUDGMENT is that:

1. The style of cause is hereby amended to name the Minister of Citizenship and Immigration as the proper Respondent;
2. The motion, dated June 18, 2025 and updated on July 7, 2025 is dismissed;
3. The application for judicial review is dismissed due to mootness; and
4. No serious question of general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9302-24

STYLE OF CAUSE: AMJED KHAN v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 22, 2025

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: JULY 24, 2025

APPEARANCES:

Amjed Khan

FOR THE APPLICANT
(ON HIS OWN BEHALF)

David Knapp

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Attorney General of Canada
Toronto, Ontario

FOR THE RESPONDENT