

Federal Court



Cour fédérale

**Date: 20250912**

**Docket: IMM-16356-23**

**Citation: 2025 FC 1516**

**Ottawa, Ontario, September 12, 2025**

**PRESENT: Madam Justice Pallotta**

**BETWEEN:**

**IFZAL AHMAD**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The applicant, Ifzal Ahmad, seeks judicial review of an officer's December 2023 decision refusing his request for reconsideration of a May 2023 decision that rejected his application for permanent residence as a privately sponsored refugee. Mr. Ahmad alleges that the reconsideration decision was unreasonable. He asks the Court to set aside the decision and remit the matter to a different officer.

[2] Mr. Ahmad is a citizen of Pakistan living in Papua New Guinea as a refugee. He applied to resettle in Canada as a permanent resident. Mr. Ahmad states he was surprised when his resettlement application was refused and realized after reading the refusal decision that he had been misguided and prejudiced by information that his sponsor gave him about the application process. He states he was given 24 hours to complete the application form and was told that, because he had refugee status in Papua New Guinea, he did not need to be concerned about the application form or his interview, which would be an informal process and only cover biographical data. As a result, Mr. Ahmad states that he filled out his application form without focusing on details and he was not prepared for an interview that asked substantive questions requiring him to recall details of events that happened years earlier.

[3] In November 2023, Mr. Ahmad retained counsel and submitted a request for reconsideration of the May 2023 decision. Counsel's letter stated that Mr. Ahmad was seeking reconsideration because: (i) the decision contained clear errors—it indicated there were major contradictions between the information in Mr. Ahmad's application form and the information he provided at the interview when there were no inconsistencies and these findings were unfounded; (ii) a breach of procedural fairness had occurred because Mr. Ahmad was misguided and prejudiced by his sponsor, the decision would likely have been different if the breach had not occurred, and the interests of justice required a reconsideration in order to ensure a full evaluation of his application on its merits.

[4] Mr. Ahmad's request for reconsideration was refused on December 19, 2023. The refusal letter states that Mr. Ahmad's application for permanent residence had been considered on the

merits, he had been given reasons why it was refused, and the matter concluded when the May 2023 decision was issued. The letter stated that Mr. Ahmad could file a new application if he had additional or different information. The reconsideration officer's notes state:

Application was refused 2023/05/23. Request for reconsideration was received 2023/11/23. Based on a review of the file and the information provided in the request for reconsideration, there appears to be no error in fact or error in law. The principles of procedural fairness were followed and a decision was made based on the information provided by the applicant. This request for reconsideration is refused.

[5] Mr. Ahmad alleges that the reconsideration decision was unreasonable.

[6] Mr. Ahmad submits that the officer was required to take all relevant circumstances into account when deciding whether to exercise discretion to reconsider: *Canada (Citizenship and Immigration) v Kurukkal*, 2010 FCA 230 at para 5. Relying on *Samtra v Canada (Public Safety and Emergency Preparedness)*, 2022 FC 282 at paragraph 24, he states that the exercise of discretion about whether to reconsider must involve a full assessment of any new evidence.

[7] According to Mr. Ahmad, the reconsideration decision was unreasonable because the officer:

- did not apply the right test to evaluate his reconsideration request; the officer only looked for errors in the May 2023 decision, and did so without considering his new evidence;

- provided inadequate reasons that lack any analysis of or reference to the evidence he submitted and the arguments that he made in support of a reconsideration, contrary to the principles in *Vavilov*:
  - i. the officer did not justify the finding that there were no errors in the May 2023 decision in light of the evidence and arguments explaining why the interviewing officer’s negative credibility finding could not stand—the statement that “there appears to be no error in fact or error in law” does not illuminate a rational chain of analysis and is unreasonable as per *Vavilov*;
  - ii. the officer did not justify the finding that there was no breach of procedural fairness having regard to his evidence and arguments explaining that he had been misguided by his sponsor—the statement that “the principles of procedural fairness were followed” does not illuminate a rational chain of analysis and is unreasonable as per *Vavilov*.

[8] Mr. Ahmad points to *Zhang v Canada (Citizenship and Immigration)*, 2025 FC 294, where the Court noted the two-stage process for reconsideration: an officer must first decide whether to exercise discretion to “open the door to reconsideration” and if the officer opens the door, then they must reconsider the original decision on the merits. He states that the reconsideration officer erred in the same way as in *Zhang* because it is not possible to know from the limited reasons provided whether the officer reopened the matter or refused to reopen it: *Zhang* at para 11.

[9] Furthermore, Mr. Ahmad states that the level of required engagement depends on the circumstances of the case. As in *AB v Canada (Citizenship and Immigration)*, 2021 FC 1206, when considered in light of the stakes and the detailed evidence and submissions presented on reconsideration, the officer's decision fell short of *Vavilov*'s requirements, even as a first stage refusal to reopen the matter: *AB* at paras 30-32, 36-39. The reasons were not merely brief—they were template: *Lopez Assia v Canada (Citizenship and Immigration)*, 2024 FC 1572 at para 23.

[10] The respondent submits it is clear that the reconsideration officer's decision was a first stage refusal to reopen, and when considered in light of the record (including the reasons for the May 2023 decision), the officer's reasons adequately supported the first stage decision not to reopen. The respondent argues that Mr. Ahmad's attempt to address the interviewing officer's negative credibility finding and fault his sponsor would not have altered the May 2023 decision, and there was no reason for the reconsideration officer to repeat the reasons for refusing the application. Relying on *Kaur v Canada (Citizenship and Immigration)*, 2015 FC 674 and other decisions of the Federal Court, the respondent submits that a request for reconsideration is reasonably denied where there is no evidence that could have altered the original decision.

[11] Mr. Ahmad counters that the cases the respondent relies on are distinguishable because they were cases where the applicant's submissions in support of reconsideration were duplicative of the original submissions or where the original decision was reasonable and the applicant had not alleged a breach of procedural fairness.

[12] In my view, the officer clearly refused to reopen Mr. Ahmad's matter. The officer did not enter the second stage of reconsidering the May 2023 decision.

[13] I do not agree with Mr. Ahmad that the officer was required to conduct a full assessment of his new evidence at the first stage of the reconsideration analysis. However, as noted in *AB*, at the first stage an officer will need to consider to an applicant's submissions about why it is necessary or in the interests of justice to reconsider the original decision: *AB* at para 31. In Mr. Ahmad's case, it is not clear that the officer considered the evidence and arguments alleging a breach of procedural fairness due to the sponsor's misguidance. The officer's statement that "[t]he principles of procedural fairness were followed" appears to be about the interview and the May 2023 decision, not Mr. Ahmad's allegation that he was misguided by his sponsor. The officer did not address the evidence and arguments about the sponsor.

[14] The respondent argues that Mr. Ahmad was essentially alleging incompetence against the sponsor and faulting the sponsor for telling him he did not need to provide details even though the application forms themselves state that details are required. The respondent points out that Mr. Ahmad did not mention the sponsor's advice in response to the interviewing officer's concerns about his testimony or raise allegations against the sponsor at his interview.

[15] In my view, the respondent's arguments supply reasons that the officer did not give. While a reviewing court may "connect the dots on the page where the lines, and the direction they are headed, may be readily drawn," it must not speculate as to what the decision maker was

thinking, supply the reasons that might have been given, or make findings of fact that were not made: *Vavilov* at para 97.

[16] The breach of procedural fairness due to the sponsor's misguidance was one of two central arguments supporting the request for reconsideration and the officer did not address it. In my view, this was a sufficiently serious shortcoming in the decision, and warrants setting it aside.

[17] For these reasons, Mr. Singh's application is allowed. The parties did not propose a question for certification, and I find there is no question to certify.

**JUDGMENT IN IMM-16356-23**

**THIS COURT'S JUDGMENT is that:**

1. This application for judicial review is granted.
2. The officer's December 19, 2023 decision is set aside and the matter shall be remitted to a different officer for redetermination.
3. There is no question of general importance to certify.

"Christine M. Pallotta"

Judge



**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-16356-23

**STYLE OF CAUSE:** IFZAL AHMAD v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 4, 2025

**JUDGMENT AND REASONS:** PALLOTTA J.

**DATED:** SEPTEMBER 12, 2025

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