

Federal Court



Cour fédérale

Date: 20251015

Docket: IMM-8805-24

Citation: 2025 FC 1694

Ottawa, Ontario, October 15, 2025

PRESENT: The Honourable Madam Justice Blackhawk

BETWEEN:

RANJINI RAJMANOHARAN

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] This is an application for judicial review (Application) of a decision of a Visa Officer (Officer), dated March 25, 2024, that denied the Applicant's Application for a permanent resident visa (the Decision).

[2] The Applicant argues that the Decision breached the Applicant's right to procedural fairness and was unreasonable.

[3] The Respondent argues that the Decision is reasonable and that there was no breach of procedural fairness.

[4] For the reasons that follow, the request for an adjournment of the Application is denied and the Application is dismissed.

II. Background

[5] The Applicant is a citizen of Sri Lanka.

[6] There is evidence that during the ongoing civil war in Sri Lanka, the Applicant performed some work to support the Liberation Tigers Tamil Eelam (LTTE), a group that is recognized as a terrorist entity by the Government of Canada. Specifically, the Applicant cooked for one hour two times a week and on occasion, tended to wounded soldiers between 1993 and 1994. In addition, a percentage of her teaching salary went to the LTTE as a form of tax between 1998-2006.

[7] The Applicant claims that her work for and financial contributions to the LTTE were made under duress.

[8] In 2006, the Applicant relocated to India because the LTTE commander raised the amount of the “tax” on her salary.

[9] While in India, the Applicant met her spouse, Rajmanoharan Rasiah, a Canadian citizen. They married on June 10, 2006, in India. The Applicant and her spouse have two daughters, who are also Canadian citizens.

[10] The Applicant returned to Sri Lanka in May 2008 from India.

[11] The Applicant has a lengthy immigration history in Canada:

- On December 12, 2008, the Applicant applied for refugee protection. On June 5, 2013, the Refugee Protection Division (RPD) refused the Applicant's refugee claim;
- The Applicant brought a motion for stay of removal from Canada, which was dismissed by this Court. She was removed from Canada on January 26, 2014;
- On November 9, 2015, the Applicant applied for permanent residence as a member of the Family Class. This application was refused because her spouse had previously defaulted on a earlier sponsorship undertaking; her spouse sponsored his ex-wife's family, who later applied for and received social assistance benefits;
- On September 25, 2015, the Applicant made an application for permanent residence on humanitarian and compassionate (H&C) grounds to the Canadian Visa Office in Colombo, Sri Lanka. The Applicant requested relief pursuant to section 25 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (*IRPA*), to overcome her spouse's ineligibility to sponsor her; and

- On April 7, 2022, the Applicant received notice to attend an interview on May 9, 2022, at the Visa Office in Colombo, Sri Lanka.

[12] On March 25, 2024, the application was refused, the Officer found the Applicant to be inadmissible to Canada pursuant to paragraph 34(1)(c) and (f) of the *IRPA* because there were reasonable grounds to believe that she was a member of an organization that has engaged in terrorism. The Officer found that because she was ineligible pursuant to section 34 of the *IRPA*, she was not eligible to benefit from section 25 H&C relief. This is the Decision that is the subject of the current Application.

III. Issues and Standard of Review

[13] The parties submit, and I agree, that the applicable standard of review applicable to the Decision in this case is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (*Vavilov*) at paras 25, 86).

[14] Reasonableness review is a deferential standard and requires an evaluation of the administrative decision to determine if the decision is transparent, intelligible, and justified (*Vavilov* at paras 12–15, 95). The starting point for a reasonableness review is the reasons for decision. Pursuant to the *Vavilov* framework, a reasonable decision is “one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker” (*Vavilov* at para 85).

[15] To intervene on an application for judicial review, the Court must find an error in the decision that is central or significant to render the decision unreasonable (*Vavilov* at para 100).

[16] The standard of review for procedural fairness issues is correctness, or akin to correctness (*Vavilov* at para 53; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 54–56). The reviewing court must consider what level of procedural fairness is necessary in the circumstances and whether the “procedure followed by the administrative decision maker respect[s] the standards of fairness and natural justice” (*Chera v Canada (Citizenship and Immigration)*, 2023 FC 733 at para 13). In other words, a court must determine if the process followed by the decision maker achieved the level of fairness required in the circumstances (*Kyere v Canada (Public Safety and Emergency Preparedness)*, 2020 FC 120 at para 23, citing with approval *Mission Institution v Khela*, 2014 SCC 24 at para 79).

[17] The issues in this Application are:

- a) Has there been a breach of the duty of procedural fairness owed to the Applicant?
- b) Was the Officer’s decision reasonable?

IV. Preliminary Issues

[18] Two preliminary issues were raised in this Application: the proper responding party and a request to adjourn this Application.

A. *Proper responding party*

[19] The first preliminary issue raised by the Respondent concerns the proper naming of the Respondent for this matter. The Respondent argued that the responding party should be the Minister of Citizenship and Immigration, pursuant to subsection 303(2) of the *Federal Courts Rules*, SOR/98-106. The Applicant did not make submissions on this issue.

[20] I agree that the style of cause ought to be amended. Accordingly, the amendment will be made forthwith and with immediate effect.

B. *Request to adjourn the Application*

[21] At the hearing, the Applicant requested that the Court adjourn the hearing of this Application pending the Federal Court of Appeal's determination in *Md Milton Talukder v Canada (Minister of Public Service and Emergency Preparedness)*, A-348-24. The Applicant submitted that the certified question before the Court of Appeal is relevant to her Application.

[22] The Respondent objected to the request for an adjournment.

[23] The Court proceeded with the hearing of the Application but granted the parties an opportunity to make further written submissions on the requested adjournment.

[24] In further written submissions, the Applicant withdrew her request for an adjournment.

V. Applicable statutory and legal framework

[25] Section 34 of the *IRPA* sets out the various security grounds under which a foreign national or permanent resident may be held inadmissible to Canada. The relevant and applicable paragraphs are 34(1)(c) and (f):

34 (1) A permanent resident or a foreign national is inadmissible on security grounds for	34 (1) Emportent interdiction de territoire pour raison de sécurité les faits suivants :
...	[...]
(c) engaging in terrorism;	c) se livrer au terrorisme;
...	[...]
(f) being a member of an organization that there are reasonable grounds to believe engages, has engaged or will engage in acts referred to in paragraph (a), (b), (b.1) or (c).	f) être membre d'une organisation dont il y a des motifs raisonnables de croire qu'elle est, a été ou sera l'auteur d'un acte visé aux alinéas a), b), b.1) ou c).

[26] The Federal Court of Appeal has noted that “membership” in an organization for the purposes of paragraph 34(1)(f) of the *IRPA* has not been given “a precise and exhaustive definition” by the Court (*Poshteh v Canada (Minister of Citizenship and Immigration)*, 2005 FCA 85 (*Poshteh*) at para 27. However, this Court and the Federal Court of Appeal have indicated that the term “member” should be interpreted broadly (*Poshteh* at paras 27–29). This is so because section 34 addresses subversion and terrorism. Canada’s immigration system and the integrity of our system depends on public confidence and the maintenance of public safety and national security. The Federal Court of Appeal has also found that “significant integration” test is not consistent with the broad interpretation to be given to the interpretation of the term

“member” (*Poshteh* at para 31 and *Mahjoub v Canada (Citizenship and Immigration)*, 2017 FCA 157 at para 93).

[27] I will note that subsection 34(2) was repealed in 2013. Subsection 34(2) granted the Minister discretion to exclude an individual from the operation of paragraph 34(1)(f), if the foreign national could satisfy the minister that their presence in Canada would not be detrimental to the national interest.

[28] Section 33 of the *IRPA* states:

33. The facts that constitute inadmissibility under sections 34 to 37 include facts arising from omissions and, unless otherwise provided, include facts for which there are **reasonable grounds to believe** that they have occurred, are occurring or may occur.

[Emphasis added.]

33 Les faits — actes ou omissions — mentionnés aux articles 34 à 37 sont, sauf disposition contraire, appréciés sur la base de **motifs raisonnables de croire** qu’ils sont survenus, surviennent ou peuvent survenir.

[Non souligné dans l’original.]

[29] The Respondent submits and I agree that the standard of proof for facts that constitute inadmissibility pursuant to section 34 of the *IRPA* “reasonable grounds to believe” requires something more than mere suspicion but less than proof on a balance of probabilities. The Supreme Court has clarified that this standard reasonably requires an “objective basis for the belief that is based on compelling and credible information” (*Mugesera v Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40 at para 114–116). That said, this Court has indicated

that this is a relatively low evidentiary threshold (*Sohan v Canada (Citizenship and Immigration)*, 2023 FC 515 at para 33).

[30] The Federal Court of Appeal has found that an individual who was involved in an organization under duress may not be found to be inadmissible (*Canada (Public Safety and Emergency Preparedness) v Gaytan*, 2021 FCA 163 at paras 78–79). To establish a defence of duress the Applicant must demonstrate the absence of a safe avenue of escape (*Chavarro Casstaneda v Canada (Citizenship and Immigration)*, 2025 CanLII 1500 (FC) at para 4).

[31] Finally, section 25 of the *IRPA* does not permit H&C exemptions in cases where an individual is found inadmissible pursuant to section 34 of the *IRPA*:

25 (1) Subject to subsection (1.2), the Minister must, on request of a foreign national in Canada who applies for permanent resident status and who is inadmissible — **other than under section 34**, 35, 35.1 or 37 — or who does not meet the requirements of this Act, and may, on request of a foreign national outside Canada — other than a foreign national who is inadmissible under section 34, 35, 35.1 or 37 — who applies for a permanent resident visa, examine the circumstances concerning the foreign national and may grant the foreign national permanent resident status or an exemption from any applicable criteria or obligations of this Act if the Minister is of the opinion that

25 (1) Sous réserve du paragraphe (1.2), le ministre doit, sur demande d'un étranger se trouvant au Canada qui demande le statut de résident permanent et qui soit est interdit de territoire — **sauf si c'est en raison d'un cas visé aux articles 34**, 35, 35.1 ou 37 —, soit ne se conforme pas à la présente loi, et peut, sur demande d'un étranger se trouvant hors du Canada — sauf s'il est interdit de territoire au titre des articles 34, 35, 35.1 ou 37 — qui demande un visa de résident permanent, étudier le cas de cet étranger; il peut lui octroyer le statut de résident permanent ou lever tout ou partie des critères et obligations applicables, s'il estime que des considérations d'ordre humanitaire relatives à

it is justified by humanitarian and compassionate considerations relating to the foreign national, taking into account the best interests of a child directly affected.

l'étranger le justifie, compte tenu de l'intérêt supérieur de l'enfant directement touché.

[Emphasis added.]

[Non souligné dans l'original.]

VI. Analysis

A. *Has there been a breach of the duty of procedural fairness owed to the Applicant?*

[32] The Applicant argued that the Officer breached the duty of procedural fairness owed to the Applicant by: failing to provide notice to the Applicant of concerns related to section 34 of the *IRPA*; failing to disclose the Canada Border Services Agency's (CBSA) report, dated December 14, 2021; the decision-making Officer did not interview the Applicant; the interviewing officer did not examine the Applicant and conduct a proper assessment of her inadmissibility pursuant to section 34 nor did the Officer properly consider her defence of duress; and the Applicant alleges bad faith on the part of the Officer.

[33] The Respondent argued that there was no breach of procedural fairness because: the Applicant was provided notice of inadmissibility concerns; she had an opportunity to provide submissions for consideration to address the admissibility concerns that were made known to her; the Applicant failed to establish that her involvement in the terrorist organization was under duress; the Officer making the decision was entitled to rely on the notes from the interviewing officer in the GCMS system; the Officer was not required to disclose the CBSA inadmissibility assessment; and the Applicant's allegations of bad faith are unfounded.

(1) Notice of concerns with respect to section 34 of the *IRPA*

[34] The Applicant argued that the Officer breached the duty of procedural fairness to the Applicant because they failed to provide notice of concerns about her admissibility pursuant to section 34 of the *IRPA*.

[35] A review of the record for this Application indicates that the Applicant made an access to information request and was made aware that her application was on hold due to concerns of inadmissibility due to paragraph 34(1)(f) of the *IRPA*. The Applicant acknowledges that she received this information prior to her interview of May 9, 2022.

[36] In addition, during the interview on May 9, 2022, the interviewing officer raised concerns about her admissibility related to her work with LTTE.

[37] Following the interview, on May 10, 2022, the Applicant submitted written submissions for consideration, addressing the concerns raised in the interview regarding her admissibility under paragraph 34(1)(f) and the issue of duress.

[38] I am not persuaded that there has been a breach of procedural fairness, or that the Applicant was not provided notice of concerns regarding inadmissibility pursuant to section 34 or an opportunity to respond to those concerns.

[39] This Court has clarified that procedural fairness requires an opportunity for the individual to know the case to be met and to respond to the case. Where an individual is provided an

opportunity to make submissions after an interview where specific concerns are raised, that satisfies procedural fairness (*Akintunde v Canada (Citizenship and Immigration)*, 2022 FC 977 at paras 30–34).

[40] The record is clear; the Applicant was given a full and fair opportunity to respond to the concerns raised and indeed availed herself of that opportunity. There was no breach of procedural fairness due to an alleged lack of adequate notice of the concerns regarding her admissibility under section 34 of the *IRPA*.

[41] The Applicant also argues that on May 5, 2022, her counsel sent a letter requesting that the IRCC contact the Applicant if there were questions or concerns about her application. The Applicant argues that the Officer did not contact her to give her an opportunity to respond. I am not persuaded by this argument, as the May 5, 2025 letter was submitted to IRCC five days ahead of her interview and six days ahead of her written submissions to the IRCC. As noted above, the record indicates that the Applicant was provided notice, knew the concerns that the Officer had and was afforded an opportunity to make submissions.

(2) Factual foundation for defence of duress

[42] The Applicant alleges that the interviewing officer failed to conduct a proper interview to ascertain the defence of duress.

[43] It is an applicant's burden to set out the factual foundation for a defence of duress. The record illustrates that the Applicant raised the defence of duress during her interview on May 9, 2022, and made further written submissions on May 10, 2022 to substantiate this defence.

[44] However, the Officer found that the Applicant did not provide evidence that established that the LTTE restricted her movements or mobility or that she did not have a safe avenue to escape. The Officer found that she left Sri Lanka and moved to India in May 2006, but not out of fear of the LTTE, but because the LTTE tax on her salary had increased. There was no evidence that she had difficulty leaving Sri Lanka or was forced to continue her work to support the LTTE.

[45] The Respondent argued that she did not establish the necessary factual foundation for a defence of duress. I agree.

[46] A review of the GCMS notes and Decision illustrate that the Officer clearly turned their mind to the defence but found that the Applicant had provided minimal evidence to support the defence. As noted above, the Applicant was made aware of the concerns and was provided a full and fair opportunity to provide evidence to support her claims. The Applicant failed to satisfy the evidentiary burden to make out a defence of duress.

(3) Deciding Officer's reliance on the interviewing officer's notes

[47] The Applicant submits that the Officer breached the duty of procedural fairness or otherwise fettered their discretion by making a decision based on another officer's interview

notes, rather than conducting a fresh independent interview and an assessment of that evidence.

[48] A review of the jurisprudence from this Court “establishes that immigration officers may rely on notes prepared by other officers in the GCMS system” (*Jemmo v Canada (Citizenship and Immigration)*, 2021 FC 1381, citing *El-Souri v Canada (Citizenship and Immigration)*, 2012 FC 466 (Phelan J) at paras 13-15; *Ching v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 839 (Diner J) at paras 186 and 189; and *Zhang v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1381).

[49] I am not persuaded that there was a breach of procedural fairness in this case due to the deciding officer relying on the notes from the interviewing Officer. The Applicant has not pointed to specific errors in the notes or anything that would render the deciding Officer’s reliance on the notes improper.

(4) Disclosure of the CBSA inadmissibility assessment

[50] The Applicant argues that the Officer breached the duty of procedural fairness by failing to disclose to the Applicant the December 14, 2021 CBSA report.

[51] The Respondent argues that the duty of fairness can be met without providing all documents that the decision maker relied upon; rather the Respondent argues the relevant question is if an applicant had an opportunity to meaningfully participate in the decision-making process.

[52] The jurisprudence from this Court is clear that the duty of procedural fairness owed to an applicant is generally at the lower end of the spectrum. Generally, the onus is on an applicant to establish that they are admissible (*Amiri v Canada (Citizenship and Immigration)*, 2019 FC 205 (*Amiri*) at para 31–32).

[53] Where an officer relies on a report that has not been disclosed, questions concerning the applicant's full and fair opportunity to participate in the decision-making process must be considered. However, as this Court has found, the failure to disclose the report in-and-of itself does not mean that there has automatically been a breach of procedural fairness (*Gebremedhin v Canada (Citizenship and Immigration)*, 2013 FC 380 at para 9). Rather, what is important is that an applicant has an opportunity to meaningfully participate in the process, not that they were provided a specific document (*Amiri* at paras 31–36; *Gebremedhin* at para 9; *Bhagwandass v Canada (Minister of Citizenship and Immigration)*, 2001 FCA 49 at para 22).

[54] I have reviewed the record for this Application, including the CBSA report dated December 14, 2021. In my view, the Applicant was provided sufficient and clear information in respect of the allegations against her to permit her full participation in the process, most notably via the interview where the Applicant was asked about the information in the report and she was provided an opportunity to respond to the concerns orally at the interview and later in writing. The Applicant meaningfully participated in the decision-making process and was aware of the concerns with respect to her admissibility. There has been no breach of procedural fairness.

[55] The CBSA report is a summary of the Applicant's immigration history, publicly available information concerning the LTTE's history and activity, section 34 jurisprudence and a

statement provided by the Applicant. The Applicant has not pointed to any information that was contained in the CBSA report that was unknown to her at the time of the interview or that she was not able to respond to at the interview or in her subsequent submissions in writing on May 10, 2022.

(5) Bad faith

[56] Finally, the Applicant makes a general argument of bad faith on the part of the Officer.

[57] Generally, allegations of bad faith in respect of a public official's performance of a public duty are serious. Parties alleging bad faith have the burden of proof. It is presumed that public officials acting in the performance of their duties do so properly and faithfully (*Freeman v Canada (Citizenship and Immigration)*, 2013 FC 1065 at para 25; and *Goraya v Canada (Citizenship and Immigration)*, 2018 FC 341 at para 25).

[58] The Applicant has made a bare allegation of bad faith and has not pointed to any evidence to support her claim. I am not persuaded that the Applicant has established bad faith on the part of the Officer. A review of the record for the Application establishes that the deciding officer afforded the Applicant an opportunity to address the concerns regarding per inadmissibility pursuant to section 34 at the interview and in further written submissions.

[59] I agree with the Applicant that the level of procedural fairness owed to an applicant is contextual and must consider the stakes and the impacts. However, the Applicant has not persuaded me that she was not aware of the concerns that the Officer had regarding her

admissibility and was not afforded an opportunity to participate in the process. Accordingly, I do not find that the Applicant's procedural fairness was breached by the Officer in the decision-making process.

B. *Was the Officer's decision reasonable?*

[60] The Applicant argued that the Decision is unreasonable, irrational and ignored critical evidence advanced by the Applicant in support of her Application and defence of duress. In other words, the Officer's decision is not transparent, intelligible or justified.

[61] The Respondent argued that the Decision is reasonable, and the Officer's reasons contain the requisite hallmarks of a reasonable decision. The Officer's reasons are transparent, intelligible and justified.

(1) Defence of duress

[62] The Applicant argued that the Decision in respect of her defence of duress was unreasonable, as the Officer ignored evidence from the RPD, and failed to evaluate the defence on the appropriate standard of proof.

[63] The Respondent argued that the Officer did not ignore evidence and the Officer applied the proper standard of proof.

[64] A review of the Decision and the GCMS notes illustrates that the Officer considered:

- That “there was no formal admissibility assessment performed by the RPD. Moreover, the Officer noted that the decision by the CBSA to discontinue the admissibility proceedings did not in itself clear the PA of any inadmissibility concerns nor does it suggest the inadmissibility allegation lacks merit”; and
- The standard of proof in respect of inadmissibility issues under section 33 is “reasonable grounds to believe”; a relatively low standard.

[65] I agree with the Respondent; the Officer’s reasons did not ignore or depart from the RPD. The RPD did not make findings with respect to the Applicant’s admissibility. Further, the Decision clearly provides an explanation concerning the CBSA decision to discontinue admissibility proceedings.

[66] The Officer’s reasons are transparent, intelligible and justified and considered the totality of the Applicant’s immigration history and the relevance of the earlier decisions. Ultimately, the RPD’s decision was not determinative of the issues in this Application.

[67] Second, in my view, the Officer applied the correct standard of proof, reasonable grounds to believe, as clearly set out at section 33 of the *IRPA*.

[68] The Applicant has not persuaded me that there are reviewable errors or that the Decision is not justified, transparent or intelligible in view of the relevant factual and legal constraints before the Officer in the Application. The Applicant has failed to demonstrate that there are any errors that warrant this Court’s intervention.

- (2) Failure to provide sufficient analysis for a finding of membership in a terrorist organization pursuant to section 34 of the *IRPA*

[69] The Applicant argues that the Decision is unreasonable because the Officer failed to provide sufficient analysis to ground a finding that the Applicant was a member of a terrorist group pursuant to section 34 of the *IRPA*.

[70] A review of the Decision illustrates that the Officer considered:

- That the LTTE is an ethnic nationalist group based out of Sri Lanka that formed during the ethnic tensions between the dominant Sinhalese and the minority Tamils;
- The LTTE “operated as both a covert guerrilla movement as well as a conventional military force. The LTTE has engaged in suicide bombings, assassinations and attacks on civilians to compel the Sri Lankan government to recognize an autonomous Tamil state in North-Eastern Sri Lanka. The LTTE conducted numerous attacks against military and civilian targets throughout its existence. The LTTE was listed as a terrorist entity by the Government of Canada on April 8, 2006. Based on this information, I am satisfied the LTTE is an organization that has engaged in terrorism as per paragraph 34(1)(c) of the *IRPA*”.

[71] After finding that the LTTE was a terrorist organization, the Officer reasonably considered the Applicant’s actions and if those actions were sufficient to bring her within the broad meaning of “membership” for the purpose of section 34.

[72] A review of the Officer's reasons illustrates that the Officer grappled with the totality of the evidence and considered the nature of the Applicant's actions, the length of time she was involved, and how the Applicant's actions contributed to the LTTE's goals and objectives.

[73] Finally, the Officer reasonably considered the Applicant's assertion that her actions and contributions to the LTTE were made under duress.

[74] The Applicant argued that she was forced and therefore, the Officer's conclusions were not reasonable. However, a review of the record demonstrates that the Applicant did not provide clear evidence to establish that she was forced. For example, she does not provide details of use of force, threats or other actions by LTTE that coerced her participation. The Officer noted that there was no evidence that she was limited in her regular activities, that her mobility was restricted or that she was held in an enclosed or guarded space or in an unknown area.

[75] Further, there was no evidence that the Applicant had no avenue of safe escape. Indeed, the Officer clearly found the opposite, noting that when the Applicant left Sri Lanka for India, and there was no evidence that LTTE forces attempted to stop her or that she was threatened and tracked outside of Sri Lanka.

[76] I agree with the Respondent that the Applicant has not demonstrated that the Officer's decision was unreasonable or committed a reviewable error that warrants this Court's intervention. I also note that the Applicant does not appear to challenge the Officer's reasons or findings of fact in respect to these issues.

[77] Considering the foregoing, I am of the view that the Decision is reasonable, the Officer has provided transparent, intelligible and justified reasons, and the Applicant has not pointed to any error that warrants this Court's intervention.

[78] Ultimately, the Applicant has indicated that the Decision is not reasonable because she disagrees with the conclusions that the Officer made. With respect, I do not agree. In my view, the Applicant is inviting this Court to substitute its assessment of the evidence, which is not the proper role for the Court on an application for judicial review (*Doyle v Canada (Attorney General)*, 2021 FCA 237 at paras 3-4).

(3) Impacts of the Decision

[79] I will note that the Applicant also argued that the failure of the Officer to address the impacts of the decision on her Canadian family members renders the decision unreasonable because it is not justified.

[80] With respect, I do not agree. I understand that this decision has significant impacts on the Applicant's family; her spouse and children are undoubtedly impacted by the Decision, as the family is unable to reunite in Canada because the Applicant is not admissible. The Applicant pointed to the length of time it took to process her application, nine years, and H&C factors including the best interests of the children, family unity and the emotional and psychological impacts of family separation.

[81] I am sympathetic to the Applicant and her family's situation. However, section 25 of the *IRPA* is clear, for applicants who have been found to be inadmissible for reasons under section 34, H&C considerations and relief is not available. The Officer reasonably concluded that as the Applicant was ineligible pursuant to section 34 therefore it was not necessary to consider these factors.

[82] In any event, I note that the Officer also found that the Applicant's spouse continues to be ineligible to sponsor the Applicant, as the debt owed from his prior sponsorship default has not been repaid in full. I understand that the Applicant's spouse has taken steps to repay a significant portion of the debt; however, there continues to be an outstanding amount owing.

VII. Conclusion

[83] The Applicant has not persuaded me that the Decision was unreasonable or that there was a breach of procedural fairness.

[84] The parties did not raise any questions for certification and I agree there are none.

JUDGMENT in IMM-8805-24

THIS COURT'S JUDGMENT is that:

1. The Responding party shall be the Minister of Citizenship and Immigration.
2. The Applicant's request to adjourn the hearing of this Application is denied.
3. The application for judicial review is dismissed.
4. No question is certified.

"Julie Blackhawk"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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