Federal Court Cour fédérale

Date: 20260116

Docket: IMM-24157-24

Citation: 2026 FC 64

Toronto, Ontario, January 16, 2026

PRESENT: Mr. Justice Diner

BETWEEN:

MANSOOR ALI

Applicant

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of a decision, of a visa officer [the Officer] dated October 29, 2024 [the Decision], refusing his application for a parent and grandparent super visa [Super Visa]. For the reasons detailed here, I find the Officer's Decision reasonable, and the application is dismissed.

[2] The Applicant is a citizen of Pakistan. He applied for a Super Visa on the basis that one of his sons had suffered a serious medical incident in 2022 and that he wished to visit Canada temporarily to provide support during his son's recovery.

[3] The Applicant argues that the Officer failed to meaningfully assess his purpose of travel, particularly the medical circumstances of his son.

[4] The record before the Officer included extensive documentation, including medical evidence relating to the Applicant's son, financial records, evidence of property ownership and business activities in Pakistan, along with letters of support from both Canada and Pakistan.

[5] In addition, counsel provided information concerning the Applicant's immigration history in their submissions. That history included prior Canadian temporary resident visa applications, as well as a finding of inadmissibility for misrepresentation arising from the Applicant's failure to disclose a prolonged unauthorized overstay of 5 years in the United States [U.S.] in a prior permanent residence (FC4) application. Although the period of inadmissibility had expired, the underlying conduct formed part of the Applicant's immigration record, as did the fact of that non-compliance with U.S. immigration law.

[6] Having weighed these factors cumulatively, the Officer concluded that the Applicant had not discharged the burden of establishing that his intended visit was consistent with a temporary stay and that he would leave Canada at the end of the authorized period.

[7] There is no controversy that the presumptive standard of review for the challenged merits of the Decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov* [*Vavilov*], 2019 SCC 65 at paras 15-17).

[8] A foreign national seeking entry to Canada bears the burden of satisfying the decision-maker that they seek admission on a temporary basis. It was therefore incumbent on the Applicant to demonstrate, with clear and credible evidence, that he would leave Canada at the end of the authorized period of stay. An officer must assess, on a balance of probabilities, whether an applicant will depart Canada upon the expiry of their authorized stay (*Obeng v Canada (Minister of Citizenship and Immigration)*, 2008 FC 754 at para 20).

[9] Visa officers are entitled to weigh a range of relevant factors, including family ties, economic circumstances, country conditions, and prior immigration compliance. Courts owe considerable deference to these assessments, which lie at the core of the officer's expertise (*Kaleka v Canada (Citizenship and Immigration)*, 2024 FC 1457 at para 16).

[10] Here, I have not been persuaded that the Officer overlooked elements provided in the documentation and submitted in covering materials, or otherwise failed to grapple with the evidence. The Officer expressly noted the son's medical condition and reviewed the supporting documentation. The Officer also considered the other key elements raised, including the constitution of the family including his two children living here in Canada, and the other push and pull factors at play. The Officer was entitled to conclude that these circumstances did not outweigh other factors pointing against temporary intent.

[11] The Officer was entitled to consider the Applicant's prior unauthorized stay in the U.S. and the earlier finding of misrepresentation in Canada, even though the period of inadmissibility had expired. Prior non-compliance is a relevant factor when assessing the likelihood of future compliance (*Rehan v Canada (Citizenship and Immigration)*, 2025 FC 246 at paras 21-26, 30; *Calaunan v Canada (Citizenship and Immigration)*, 2011 FC 1494, at para 28). Read as a whole and in light of the submissions, the Officer's Decision demonstrates a rational chain of analysis responsive to the core of the Applicant's submissions.

[12] I agree with the Respondent that the Applicant's submissions before this Court amount to a request to reweigh the evidence. That is not the role of the Court on judicial review (*Vavilov*, at para 125). Although Applicant's counsel strongly argued that the Officer failed to address the key aspect of the application – i.e. to alleviate difficulties that his son, along with his daughter-in-law and grandchild were experiencing on account of the medical complications – I do not agree. This was not a situation of evidence or submissions existing which contradicted the reasons (*Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration*), 1998 CanLII 8667 (FC) at paras 16–17).

[13] On the contrary, here the Officer addressed all key points and in doing so, did not have to go chapter and verse through every piece of evidence submitted. The Officer mentioned that he reviewed the full documentary package submitted, and the reasons do not suggest otherwise.

[14] Despite my sympathies of this case, which are certainly prevalent in the current circumstances, it does not change the fact that the Applicant had to convince the Officer on a balance of probabilities that he would leave Canada at the end of his stay, which he failed to do.

[15] Having said that, the Applicant's wife has received her Super Visa (she applied separately), and as counsel for the Respondent stated at the hearing, the Applicant is free to reapply with updated evidence. I note that about a year and a half has passed since the negative decision rejecting Mr. Ali's Super Visa application. He is therefore now further removed from his immigration non-compliance than he was for the refusal in question, and with what I assume will be further evidence of the evolution of the family circumstances in Canada in any future application.

[16] Finally, I note that this matter was heard in a 45-minute oral hearing, under the Federal Court's revised practice to hold shorter hearings for non-complex, temporary resident files, aimed to streamline procedures and promote consistency and efficiency in the litigation process. I thank both counsel for their exemplary professionalism in conducting themselves within the curtailed oral submission time frames under this new process.

I. Conclusion

For the reasons set out above, this application for judicial review is dismissed. Neither party proposed a question for certification, and I agree that none arises.

JUDGMENT in IMM-24157-24

THIS COURT'S JUDGMENT is that:

1. The Application for judicial review is dismissed.

2. No questions for certification were argued, and I agree none arise.

3. There is no award as to costs.

"Alan S. Diner"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-24157-24
STYLE OF CAUSE:	MANSOOR ALI v MCI
PLACE OF HEARING:	HELD BY WAY OF VIDEOCONFERENCE
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JUDGMENT AND REASONS:	DINER J.
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APPEARANCES:

Ali Abdulreda	FOR THE APPLICANT
Simarroop Dhillon	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Matkowsky Immigration Law Barristers and Solicitors Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT