

Federal Court



Cour fédérale

Date: 20250501

Docket: IMM-10347-24

Citation: 2025 FC 794

Toronto, Ontario, May 1, 2025

PRESENT: The Honourable Justice Battista

BETWEEN:

DEEQ MAHAD ABDI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS
(delivered orally from the bench on May 1, 2025)

[1] The Applicant's wife applied to sponsor him through an inland spousal sponsorship application. That application was refused because the Officer determined that humanitarian and compassionate (H&C) factors did not overcome the Applicant's criminal inadmissibility to Canada. He had previously been convicted in Minnesota for giving a police officer false information, and he received a minor sentence.

[2] The application for judicial review is granted because the Officer's chain of analysis is not rational or justified, rendering the decision unreasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 101).

[3] The Officer identified and gave weight to evidence supporting H&C relief, such as the best interests of the children remaining with both parents, the Applicant's genuine relationship with his Canadian spouse, and the hardship which would arise from family separation.

[4] Rather than providing the relief requested based on this evidence, the Officer concluded that the Applicant and his family could relocate to the United States or maintain the *status quo* while waiting for his eligibility and a possible successful result in a criminal rehabilitation application. The Officer also speculated that a temporary resident permit application could yield positive results.

[5] The Officer was distracted by their views on these separate, uncertain immigration processes which were not relevant to the question before the Officer. That question was whether the H&C factors documented by the Applicant outweighed his minor criminality. The Officer provided a conclusory, but not reasoned or justified answer to that question (*Vavilov* at paras 101-102; *Williams v Canada (Citizenship and Immigration)*, 2017 FC 1027 at para 24).

[6] For these reasons, the decision is unreasonable for its lack of rationality and justification in light of the evidence and the law, and the application for judicial review is granted.

JUDGMENT in IMM-10347-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is granted.
2. The decision rendered on the Applicant's spousal sponsorship application is quashed, and the matter is remitted to a different officer for redetermination within 60 days of this order.
3. There is no question for certification and no order regarding costs.

"Michael Battista"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-10347-24

STYLE OF CAUSE: DEEQ MAHAD ABDI v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 1, 2025

JUDGMENT AND REASONS: BATTISTA J.

DATED: MAY 1 2025

APPEARANCES:

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