

Federal Court



Cour fédérale

**Date: 20250603**

**Docket: IMM-11568-24**

**Citation: 2025 FC 995**

**Toronto, Ontario, June 3, 2025**

**PRESENT: Madam Justice Whyte Nowak**

**BETWEEN:**

**SARA SIAH POUR  
ALI MONJEZI**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The principal applicant, Sara Siah Pour [Applicant], is an Iranian activist and human rights defender who has provided evidence that she was tried, convicted and sentenced to five years in prison for her activism in the Islamic Republic of Iran [Iran]. She escaped to Turkey where she lives in hiding. She claims that if she is forced to return to Iran, she faces an imminent

risk to her life, prolonged and arbitrary detention, torture and possible execution. In Turkey, she faces a serious risk of refoulement to Iran. She and her common-law partner, Ali Monjezi [Spouse], [collectively, the Applicants] filed a private refugee sponsorship application [Application] in July 2023 under the Convention Refugee Abroad or Country of Asylum class. Despite their request for expedited processing, their Application remains outstanding. Accordingly, they have brought this application for leave for judicial review and for a writ of *mandamus* to compel the Minister of Citizenship and Immigration to decide their Application.

[2] As grave as the Applicants' circumstances are, I must dismiss this application as the Applicants have not made out the test for the issuance of a writ of *mandamus* as they have not shown *prima facie* delay in the processing of their Application. However, Immigration, Refugees and Citizenship Canada [IRCC] as a public entity has, by its conduct in flagging the Application for priority processing as of May 24, 2025, triggered a legitimate expectation on the part of the Applicants that their Application will be processed in an expedited manner going forward, which IRCC will be expected to honour.

## II. Facts

[3] The following factual background is taken from the Application Record which includes the Applicants' Application and Temporary Resident Permit [TRP] application, the latter of which is not at issue on this application.

A. *The Applicant's History of Activism*

[4] The Applicant became a teacher in 2005. She wished to fix the injustices she saw in the education system in Iran and joined the Coordinating Council of the Iranian Teachers' Trade Associations [Teachers' Union] in Tehran. She participated in many public protests over many years, objecting to what she describes as the Iranian Government's disregard for education and equality, and the criminalization of teachers. She is a leader in the Teachers' Union.

[5] In August 2022, the Applicant and her Spouse were arbitrarily arrested by the Islamic Revolutionary Guard Corps and taken to a detention facility. The Applicant claims that she was strip-searched and transferred to solitary confinement where she remained for ten days, enduring severe interrogation and mistreatment. She was released from solitary confinement in September 2022 after posting bail.

[6] According to the Applicant, she was informed about her subsequent trial over the phone and was not given access to her lawyer nor the ability to mount a defence at the trial. She was convicted and received a sentence that included five years in prison for assembly and collusion, and an additional year in prison for propaganda-related activities against the regime. Her appeal [Appeal] was held in February 2023 without her knowledge. The Appeal verdict was posted online in June 2023 and she was sentenced to five years in prison. She was contacted by her Iranian lawyer who advised her that a summons had issued against her in relation to her Appeal. The summons indicated that if she did not surrender herself within five days to execute the order,

she would be arrested. The Applicant went into hiding until she escaped to Turkey on June 13, 2023, with the assistance of smugglers.

[7] The Applicant believes that she is not safe in Turkey: there are reported cases of Iranian nationals in Turkey being deported at the request of the Iranian authorities and sentenced to death upon their return. She therefore says that she faces significant risk of refoulement to Iran and must stay inside as much as possible.

B. *The Status of the Application*

[8] The Applicants filed their Application in July 2023 under the Convention Refugee Abroad or Country of Asylum class. They requested expedited processing. The Applicants' Application sponsor, Canadian Baptists of Atlantic Canada, the constituent group Birch Cove Baptist Church and supporters in the Canadian Association of University Teachers all made efforts to expedite their Application under the Private Sponsorship of Refugees Program [Sponsorship Application]. The Applicants' Sponsorship Application was granted in November 2023.

[9] Before the hearing of the motion, counsel for the Respondent provided a further affidavit attaching the most recent Global Case Management System [GCMS] notes for the Application, which show that as of May 24, 2025, IRCC designated the Application as "Processing Priority is Urgent or Expedited". The GCMS notes also show the following recent steps in the processing of the Application: interviews were held; medicals were approved; new forms were provided; and clarification was provided by the Applicants on April 29, 2025, as to whether the

Applicant's Spouse was seeking to accompany the Applicant in Canada. According to the GCMS notes, security clearances remain outstanding.

### III. Issues

[10] The Applicants advised the Court at the outset of the hearing of this application that they are no longer seeking relief by way of a directed verdict either in relation to the Application or a TRP, nor are they seeking costs of this application.

[11] The only issue is whether the Applicants have met the test for the issuance of a writ of *mandamus* in connection with the processing of the Application.

### IV. Analysis

#### A. *Have the Applicants met the test for mandamus?*

[12] A court must be satisfied that the conditions for the issuance of a writ of *mandamus* established in *Apotex v Canada (Attorney General)* (CA), [1994] 1 FC 742 (FCA) [the *Apotex* test] have been shown.

[13] The parties agree that this case turns on the whether the delay in the processing of the Application is unreasonable. A delay in performing a public legal duty is assessed as part of the *Apotex* test and may be considered unreasonable where: (i) the delay in question is *prima facie* longer than the nature of the process required; (ii) the applicant is not responsible for the delay;

and (iii) the authority responsible for the delay has not provided satisfactory justification (*Conille v Canada (Minister of Citizenship and Immigration) (TD)*, [1999] 2 FC 33 at para 23 [*Conille*]).

(1) The position of the parties

[14] While the Applicants acknowledge that there is no uniform standard for what constitutes a reasonable processing time and that each case turns on its facts (*Bidgoly v Canada (Citizenship and Immigration)*, 2002 FC 283 at para 33), they submit that a processing time of over 365 days in circumstances where the Applicant's life is at imminent risk is *prima facie* unreasonable.

[15] The Respondent argues that the test for *mandamus* has not been met as the Applicants have not established that the time taken to process their Application has been longer than the process requires. The GCMS notes show that the Sponsorship Application (step one) was approved in four months, which is significantly faster than the 21-month standard processing times posted on IRCC's website, and the refugee portion of the Application (step two) has not yet exceeded the related 20-month standard processing times. The Respondent argues that there can be no *prima facie* delay before IRCC exceeds the posted processing timelines, which will not occur until July 8, 2025, making this application premature.

(2) Considering the nature of the process required

[16] In considering the first element of the test for delay articulated in *Conille*, the Court must determine whether the delay is longer than the nature of the process required.

[17] The Respondent relies on standard processing times as the relevant measure of the reasonableness of the processing time for the Application. The Applicants have instead provided evidence showing the timing of the processing of urgent applications under the Urgent Protection Program [UPP]. According to information obtained by the Applicant through an *Access to Information Act*, RSC 1985, c A-1 request, IRCC reported in February 2019 that of the roughly 200 individuals processed under the UPP each year, approximately 50 are processed within three to five days. The Applicants point to this evidence to ask this Court to find a *prima facie* case for delay in the processing of the Application given IRCC's capacity to process an application within days where an applicant faces extreme danger.

[18] The fact remains, however, that the Applicants' Application is not designated under the UPP. I am therefore unable to find *prima facie* delay or a failure to act, especially considering that the Applicant's Sponsorship Application was processed within four months rather than the standard processing time of 21 months, with active steps having recently been taken.

[19] However, as of May 24, 2025, the nature of the process in the Applicants' case changed; the relevant processing times as of that date are those of expedited private sponsorship applications. I agree that having learned that IRCC has flagged the Application for expedited priority processing, the Applicants have a legitimate expectation that, going forward, IRCC will give priority and expedite the processing of their Application as a matter of procedural fairness (*Masam v Canada (Citizenship and Immigration)*, 2018 FC 751 at para 15 and *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at para 26).

V.     Conclusion

[20]     As the Applicants have not demonstrated that they meet the test for the issuance of a writ of *mandamus*, this application is dismissed.



**JUDGMENT in IMM-11568-24**

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

1. The application for judicial review is dismissed; and
2. There is no question for certification.

"Allyson Whyte Nowak"

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Judge

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

**DOCKET:** IMM-11568-24

**STYLE OF CAUSE:** SARA SIAH POUR, ALI MONJEZI v THE MINISTER  
OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MAY 28, 2025

**JUDGMENT AND REASONS:** WHYTE NOWAK J.

**DATED:** JUNE 3, 2025

**APPEARANCES:**

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Amy King	FOR THE RESPONDENT

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