

Federal Court



Cour fédérale

Date: 20250814

Docket: T-439-24

Citation: 2025 FC1377

Vancouver, British Columbia, August 14, 2025

PRESENT: Mr. Justice Diner

BETWEEN:

HASSAN ALMASI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks a writ of *mandamus* directing the Respondent to make a decision with respect to his May 2021 citizenship application, contending that the delays by the Respondent are unreasonable and that he has satisfied all the conditions required for a writ of *mandamus*. I agree, for the reasons outlined below.

I. Background

[2] The Applicant is an Iranian national and permanent resident of Canada. He applied for a grant of Canadian citizenship in May 2021 [Application]. During his five year eligibility period, the Applicant worked in Canada and taught as a remote university teacher for Azad Islamic University in Tehran, Iran. The Applicant declared that he had been in Iran for employment purposes for a period of 183 days or more in a row during the eligibility period, and provided a translation of entry and exit stamps from his Iranian passport.

[3] The Applicant made numerous status inquiries with Immigration, Refugees and Citizenship Canada [IRCC] and through his Member of Parliament's office in 2022, namely in January, June, August, October, November, and continued to do so in January, May, July, and September of 2023 (some months on more than one occasion), regarding the status of the Application for Canadian Citizenship.

[4] IRCC continually advised the Applicant that security screening would take time, that his Application would move forward once the security screening was completed.

[5] In February 2024, the Applicant again contacted IRCC, and was advised he could check the Application status online.

[6] On March 18, 2024, a citizenship officer reviewed the file and noted that a partner security clearance was still outstanding and that the file would be reviewed again in six months.

[7] IRCC next reviewed the file once again in October and November 2024, again noting the security screening was still outstanding. At that time, IRCC also requested further information from the Applicant.

[8] In February, 2025, the Applicant attended a program integrity interview (PII) with IRCC in person, during which the Applicant was interviewed and the officer confirmed information and documents provided by the Applicant at that interview (for instance, his actual passport, rather than the copy that had previously been received). The officer's notes after that interview note that "no unfulfilled PR conditions at this time" and that the "Applicant confirmed that there were no changes to the statements made and information provided in connection with the application submitted for citizenship, such as immigration or criminal proceedings".

[9] The officer's post-interview notes also indicate: "No adverse information/adverse information mitigated". They conclude that "concerns have been addressed and I am satisfied that based on a balance of probabilities, the applicant still meets the physical presence requirement. Applicant confirmed they have not travelled to a country more than 183 days after signing Citizenship application".

II. Analysis

[10] The Applicant argues that that he has satisfied the test for *mandamus* set out in *Vaziri v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1159, at para 38, which comprises the following factors:

- (i) There must be a public legal duty to act;
- (ii) The duty must be owed to the Applicants;

- (iii) There must be a clear right to the performance of that duty, meaning that:
 - a. The Applicants have satisfied all conditions precedent; and
 - b. There must have been:
 - I. A prior demand for performance;
 - II. A reasonable time to comply with the demand, unless there was outright refusal; and
 - III. An express refusal, or an implied refusal through unreasonable delay;
- (iv) No other adequate remedy is available to the Applicants;
- (v) The Order sought must be of some practical value or effect;
- (vi) There is no equitable bar to the relief sought;
- (vii) On a balance of convenience, *mandamus* should lie.

[My emphasis]

[11] Three requirements must be met for a delay to be unreasonable. First, it must have been longer than the nature of the process required. Second, the applicant and their counsel are not responsible for the delay. Third, the government actor responsible for the delay has not provided satisfactory justification (*Conille v Canada (Minister of Citizenship and Immigration)*, [1999] 2 FC 33 (TD) [*Conille*]).

[12] Each *mandamus* application turns on its own facts (*Platonov v. Canada (Minister of Citizenship and Immigration)*, [2000] FCJ No. 1438 at para 10; *Mohamed v. Canada* (2000), 195 FTR 137 at para 1).

[13] I acknowledge and agree with the Respondent that section 13.1 of the *Citizenship Act*, RSC, 1985, c C-29 references investigations for the purpose of determining whether the applicant should be the subject of an admissibility hearing or removal order under the *Immigration and Refugee Protection Act*, SC 2001, c 27 as a central component of the legislation. I also acknowledge their emphasis that security objectives, including ensuring the safety and security of Canadians, underlie both immigration and citizenship legislation in Canada. In addition, I agree with the Respondent that the stated processing times are not binding on the Minister, and do not automatically entitle an applicant to a *mandamus* order if exceeded (*Jaballah v Canada (Minister of Citizenship and Immigration)*, 2019 FC 1051 at paras 87-94 and 104; and *Jia v Canada (Citizenship and Immigration)*, 2014 FC 596 at para 92).

[14] In this case, per the officer's findings after the interview, there appear to be no concerns other than the security review, for which there is no end in sight. I note that this case is factually very similar to *Jebelli v Canada (Citizenship and Immigration)*, 2025 FC 500 [*Jebelli*]. There, Mr. Jebelli, also an Iranian national, had applied for citizenship in November, 2020, about seven months prior to Mr. Almasi's citizenship application (in May 2021). Furthermore, similar to Mr. Almasi, no issues were raised regarding residency or criminality.

[15] Moreover, like in this case, from April 2022 onwards and on a regular basis, the Applicant's file contained notes by IRCC of follow up with Canadian Security Intelligence Service [CSIS], as detailed in the Background section of these Reasons. Since then, the Applicant's security screening remains "under review". This, despite the many and consistent enquiries set out above, both from the Applicant himself and his MP, even though the officer's

notes after the in person PII of February 24, 2025 seem to indicate that all other requirements of the Application are complete, but for the security clearance, and the Applicant meets the physical presence requirements of the legislation.

[16] In *Jebelli*, Justice Ngo held at paras 17-18:

I agree with the Respondent that processing times are not necessarily guarantees. However, this Court has found that IRCC's processing guidelines should be accorded weight when assessing delays. Under the analysis of the first factor in *Conille*, it is important to have some baseline understanding of the average processing time to assess whether a specific delay is *prima facie* longer than the nature of the nature of the process requires (*Saravanabavanathan* at para 30).

According to IRCC's website, the processing time for citizenship applications was 450 days. At the time the Applicant filed his application for leave and judicial review, more than 1170 days or about 39 months had passed since submitting his citizenship application in 2021. As of the date of the hearing, approximately 1592 days have passed since the Applicant filed his citizenship application. The time that has lapsed is now about three times the average processing time.

[17] Here, like in *Jebelli*, Mr Almasi has clearly met the first two prongs of the *Conille* test in that the delay has been longer than the nature of the process required which was posted at 10 months, but has so far taken 50, and with the applicant and their counsel clearly not being responsible for the delay.

[18] On the third prong of the *Conille* test, that of whether the government actor responsible for the delay has provided satisfactory justification, I find that they have not provided any explanation whatsoever with respect to the nature of length of security checks, despite constant and regular inquiries, not only from Mr. Almasi himself, but also from his MP. I can do no better

than to reproduce Justice Ngo's findings on this third prong, since the facts in *Jebelli* so closely resemble those of Mr. Almasi's Application, contained in paragraphs 20 and 21:

[20] ... Screening regarding security, criminality, and background checks are a necessary and important requirement that may justify lengthy processing delays in applications. Although I agree that this principle is reflected in the case law, the Respondent also rightfully concurred that the Court's jurisprudence is clear that blanket statements that a security check investigation is pending is not sufficient to justify a delay. To rely on difficulties associated with security assessments, the Respondent had to provide evidence. A simple statement without more explanations is insufficient.

[21] In the Applicant's case, the GCMS notes state that "security remains under review" without any other information. This is akin to a "blanket statement that security checks are pending". In addition, there is no information in the record that would explain whether there were security concerns. Indeed, neither the record nor the facts of this case provide any support for the Respondent's contention that the Applicant's file was non-routine or complex which would have justified longer processing times. It was also confirmed at the hearing that the application was never put on hold during the security screening process.

[Citations omitted.]

[19] Here, like in *Jebelli*, the Global Case Management System notes for Mr. Almasi state that "security remains under review" without any other information to provide any basis or explanation for the security concerns, or the expected investigation length. This is akin to a blanket statement that security checks are pending in the numerous cases cited in the extract above.

[20] Finally, the Applicant also relies on this Court's recent decision in *Arman Moghadam v Canada (Citizenship and Immigration)*, 2025 FC 1339). There, the delay concerned an

application for permanent residence that had been filed in January, 2021. It was sent for security screening in June 2022.

[21] Two years later, in June 2024, the applicants filed their *mandamus* application with the Court. As of May 2025, the security screening remained in process. Their application had been in processing for over 4 years, and there was no evidence of movement on the application from June 2022, when the security screening was requested, until at least May 2025. Justice Manson, at paragraph 23, stated “[t]he particular facts of this case, ... where all required documentation was provided in a timely manner, and a delay of 52 months from the outset of the application has not been reasonably explained or justified by the Respondent” warranted that “the application be allowed, the writ of *mandamus* be granted and IRCC is to process the permanent residence application within 90 days of the date of this decision”.

[22] While this case involves citizenship and not permanent residence, which is of course a distinct process and status, similar concerns arise.

III. Conclusion

[23] For the reasons articulated above, the application is granted.

JUDGMENT in T-439-24

THIS COURT’S JUDGMENT is that:

1. The application for a writ of mandamus is granted.
2. A decision on the Applicant’s citizenship application will be rendered as soon as possible, but no later than 90 days from the date of this Order.
3. No questions raised for certification and none arise.
4. No costs will issue.

“Alan S. Diner”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-439-24

STYLE OF CAUSE: HASSAN ALMASI v MCI

PLACE OF HEARING: HELD BY WAY OF VIDEOCONFERENCE

DATE OF HEARING: AUGUST 7, 2025

JUDGMENT AND REASONS: DINER J.

DATED: AUGUST 14, 2025

APPEARANCES:

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