

Federal Court



Cour fédérale

Date: 20260119

Docket: T-2340-24

Citation: 2026 FC 80

Ottawa, Ontario, January 19, 2026

PRESENT: The Honourable Madam Justice Saint-Fleur

BETWEEN:

JASMEEN KAUR MANES

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] This is an application for an order of *mandamus* directing Immigration, Refugees and Citizenship Canada [IRCC] to decide the Applicant's citizenship application dated April 4, 2018, pursuant to subsection 22.1(2) of the *Citizenship Act*, RSC 1985 c C-29 [*Citizenship Act*].

[2] For the reasons which follow, this application is dismissed.

II. Background Facts

[3] The Applicant, Jasmeen Kaur Manes, is a citizen of India. The Applicant applied for citizenship on the basis of adoption on April 4, 2018. The Applicant received an acknowledgement of receipt of her application the following day.

[4] On August 6, 2021, during the COVID-19 pandemic, an entry was made in the Global Case Management System [GCMS] notes indicating IRCC received an inquiry from an MP's office in British Columbia in respect of this application.

[5] On March 25, 2024, the Applicant served a demand letter on IRCC requesting they process her application. She served a subsequent demand letter through the webform on May 27, 2024.

[6] On June 6, 2024, an entry was made in the GCMS notes indicating the Applicant had not provided the required documents:

Type of adoption: Family- HAMA PA's destination is BC. Part 2 received in November 2019. The applicant was previously interviewed and refused (Application #5394993) after an interview on the legality of adoption and bona fides. Adoption deed has not been submitted with the application. Interview is recommended in the current application.

[7] The Applicant sent demand letters to IRCC on July 21, 2024 and January 5, 2025, seeking a decision on her application.

[8] The last entry in the GCMS notes is dated April 28, 2025, and indicates an email was sent to the Applicant requiring she provides the following documents (or proof she is in the process of

collecting these documents) within 45 days for IRCC to proceed with her application: a copy of the adoption deed with an English translation, the adopted child's educational documents to date, the child's Aadhar card, the child's passport biodata pages, and proof of communication between the child and adoptive parents.

[9] No decision has been rendered on the Applicant's application.

III. Issues

[10] The only issue is whether the Applicant has met the test for an order of *mandamus*.

IV. Relevant Legislation

[11] Paragraph 18.1(3)(a) of the *Federal Courts Act*, RSC 1985, c F-7 confirms the power of the Federal Court to grant an order of *mandamus*:

Powers of Federal Court	Pouvoirs de la Cour fédérale
(3) On an application for judicial review, the Federal Court may	(3) Sur présentation d'une demande de contrôle judiciaire, la Cour fédérale peut :
a) order a federal board, commission or other tribunal to do any act or thing it has unlawfully failed or refused to do or has unreasonably delayed in doing; or	a) ordonner à l'office fédéral en cause d'accomplir tout acte qu'il a illégalement omis ou refusé d'accomplir ou dont il a retardé l'exécution de manière déraisonnable;

[12] Subsection 5.1(1) of the *Citizenship Act* addresses the granting of citizenship to minors adopted by a Canadian citizen on certain conditions:

Adoptees — minors

5.1 (1) Subject to subsections (3) and (4), the Minister shall, on application, grant citizenship to a person who, while a minor child, was adopted by a citizen on or after January 1, 1947, was adopted before that day by a person who became a citizen on that day, or was adopted before April 1, 1949, by a person who became a citizen on that later day further to the union of Newfoundland and Labrador with Canada, if the adoption

(a) was in the best interests of the child;

(b) created a genuine relationship of parent and child;

(c) was in accordance with the laws of the place where the adoption took place and the laws of the country of residence of the adopting citizen;

(c.1) did not occur in a manner that circumvented the legal requirements for international adoptions; and

(d) was not entered into primarily for the purpose of

Cas de personnes adoptées — mineurs

5.1 (1) Sous réserve des paragraphes (3) et (4), le ministre attribue, sur demande, la citoyenneté soit à la personne adoptée avant le 1^{er} janvier 1947 par une personne qui a obtenu qualité de citoyen à cette date — ou avant le 1^{er} avril 1949 par une personne qui a obtenu qualité de citoyen à cette date par suite de l'adhésion de Terre-Neuve-et-Labrador à la Fédération canadienne — soit à la personne adoptée par un citoyen le 1^{er} janvier 1947 ou subséquemment, lorsqu'elle était un enfant mineur. L'adoption doit par ailleurs satisfaire aux conditions suivantes :

a) elle a été faite dans l'intérêt supérieur de l'enfant;

b) elle a créé un véritable lien affectif parent-enfant entre l'adoptant et l'adopté;

c) elle a été faite conformément au droit du lieu de l'adoption et du pays de résidence de l'adoptant;

c.1) elle a été faite d'une façon qui n'a pas eu pour effet de contourner les exigences du droit applicable aux adoptions internationales;

d) elle ne visait pas principalement l'acquisition

acquiring a status or privilege in relation to immigration or citizenship.

d'un statut ou d'un privilège relatifs à l'immigration ou à la citoyenneté.

[13] Subsection 5.1(2) of the *Citizenship Act* addresses the granting of citizenship to an adult (defined as a person of at least 18 years of age) who was adopted by a Canadian citizen on certain conditions being satisfied:

Adoptees — adults

(2) Subject to subsections (3) and (4), the Minister shall, on application, grant citizenship to a person who, while at least 18 years of age, was adopted by a citizen on or after January 1, 1947, was adopted before that day by a person who became a citizen on that day, or was adopted before April 1, 1949 by a person who became a citizen on that later day further to the union of Newfoundland and Labrador with Canada, if

(a) there was a genuine relationship of parent and child between the person and the adoptive parent before the person attained the age of 18 years and at the time of the adoption; and

Cas de personnes adoptées — adultes

(2) Sous réserve des paragraphes (3) et (4), le ministre attribue, sur demande, la citoyenneté soit à la personne adoptée avant le 1^{er} janvier 1947 par une personne qui a obtenu qualité de citoyen à cette date — ou avant le 1^{er} avril 1949 par une personne qui a obtenu qualité de citoyen à cette date par suite de l'adhésion de Terre-Neuve-et-Labrador à la Fédération canadienne — soit à la personne adoptée par un citoyen le 1^{er} janvier 1947 ou subséquemment, lorsqu'elle était âgée de dix-huit ans ou plus, si les conditions suivantes sont remplies :

a) il existait un véritable lien affectif parent-enfant entre l'adoptant et l'adopté avant que celui-ci n'atteigne l'âge de dix-huit ans et au moment de l'adoption;

(b) the adoption meets the requirements set out in paragraphs (1)(c) to (d).

b) l'adoption satisfait aux conditions prévues aux alinéas (1)c) à d).

V. Analysis

A. *This Application is not Moot*

[14] The Applicant submits her application for *mandamus* is not moot. The Applicant cites the GCMS entry dated April 28, 2025, on an email from IRCC requesting documents from the Applicant. The Applicant submits this GCMS entry does not indicate active processing has resumed on her application, nor does it render the application moot. Considering the Respondent has not argued mootness and the decision sought by the Applicant has not yet been issued, this application is not moot.

B. *The Test for an Order of Mandamus*

[15] The parties concur, and I agree, the test for *mandamus* is set out by the Federal Court of Appeal in *Apotex v Canada (Attorney General)*, [1994] 1 FC 742 (FCA) at 766-769 [*Apotex*]:

1. There must be a public legal duty to act.
2. The duty must be owed to the applicant.
3. There is a clear right to the performance of that duty, in particular:
 - a. the applicant has satisfied all conditions precedent giving rise to the duty;
 - b. there was:
 - i. a prior demand for performance of the duty;

- ii. a reasonable time to comply with the demand unless refused outright; and
 - iii. a subsequent refusal which can be either expressed or implied, e.g. unreasonable delay.
4. Where the duty sought to be enforced is discretionary, certain additional principles apply.
 5. No other adequate remedy is available to the applicant.
 6. The order sought will be of some practical value or effect.
 7. The Court in the exercise of discretion finds no equitable bar to the relief sought.
 8. On a balance of convenience, an order in the nature of mandamus should issue.

[16] The assessment of unreasonable delay is informed by *Conille v Canada (Minister of Citizenship and Immigration)* (1998), [1999] 2 FC 33 at paragraph 23 [*Conille*]. The delay will be unreasonable if: (1) the delay has been longer than the nature of the process required, *prima facie*; (2) the Applicant and counsel are not responsible for the delay; and (3) the authority responsible for the delay has not provided a satisfactory justification. Unreasonable delay in performing the public duty may be deemed an implied refusal to perform (*Dragan v Canada (Minister of Citizenship and Immigration)* (T.D.), [2003] 4 FC 189 at para 45).

[17] As the test for *mandamus* is conjunctive, the Court must be satisfied on all eight elements to issue an order of *mandamus* (*Cheloei v Canada (Citizenship and Immigration)*, 2025 FC 820 at para 13; *Yuehong v Canada (Citizenship and Immigration)*, 2025 FC 1837 at para 39).

[18] The parties dispute whether the Applicant has met the elements for an order of *mandamus*. As is often the case for *mandamus* applications in the immigration and citizenship context, the

legal inquiry in this application is focused on whether the Applicant has a clear right to a performance of the duty, including whether the alleged delay is reasonable (*Abdolkhaleghi v Canada (MCI)*, 2005 FC 729 at para 13).

C. *The Applicant has failed to satisfy the test for mandamus*

(1) Clear Right to Performance of the Duty

(a) *Conditions Precedent*

[19] The Applicant submits she has fulfilled all conditions precedent giving rise to the duty to process her citizenship application as she has submitted the necessary documents in a timely manner. She claims IRCC did not request further documents, nor did they communicate any concerns regarding her application.

(b) *Unreasonable Delay*

(i) Delay Longer than the Nature of the Process Requires

[20] As the parties submit, *Conille* sets out three requirements for the alleged delay to be unreasonable. On the first of these factors, the Applicant submits the delay to determine the outcome of her citizenship application has been longer than the nature of the process required. As of November 12, 2025, the posted processing time for Part 1 of a citizenship application was four months and varies depending on complexity for Part 2.

[21] The Respondent argues there is no undue delay as the processing time has not been longer than required. While the standard processing time for citizenship applications is 15 months for Part 1 and varies for Part 2, a report on IRCC service standards from the 2022-2023 fiscal years indicates only 36% of citizenship applications have been processed within those timelines. Moreover, a notice published in October 2023 by IRCC indicates processing delays due to a “significant reduction” in employees from 27 to 5. The Respondent submits this demonstrates the delay in question has not been longer than the process requires.

[22] The Respondent further states there is no undue delay as an interview with the Applicant is outstanding. The Respondent submits it is rational for IRCC to conduct an interview before reaching a decision on the Applicant’s application and for screenings be given the necessary time to be completed.

[23] The Respondent submits the Applicant has not established the processing of her citizenship application is longer than the process requires or the delay is so excessive it is an implied refusal to act. To the contrary, considering the constraints and the evidence, the Applicant’s application is proceeding within normal time limits. The GCMS notes were regularly updated with the status of the Applicant’s application which indicates her application is being processed.

(ii) Authority Responsible for the Delay

[24] The Applicant claims neither she nor her counsel are responsible for the delay as she has submitted all required documents in a timely manner. During the hearing, however, the Respondent stressed the Applicant and her counsel are responsible for the delay. While claiming

the delay commenced in 2018, the Applicant failed to submit requested documents until August 31, 2021. In a letter to IRCC dated August 31, 2021, the Applicant's counsel openly acknowledged IRCC's request for documents in October 2018:

We write as legal counsel to Ms. Manes.

Further to your correspondence and request of October 2018,
please find enclosed the requested documentation including:

1. Copy of IRCC correspondence dated October 18, 2018;
2. Canadian Certificate Preparation Form;
3. Adoptee's Application;
4. Use of Representative;
5. Citizenship photos; and
6. Two Affidavits of individuals present at the time of adoption

[Emphasis added]

[25] The Respondent submits an entry in the GCMS notes dated June 6, 2024, indicates the adoption deed was outstanding. Considering counsel for the Applicant refers to these notes in their demand letter dated January 5, 2025, the Applicant was aware of the outstanding adoption deed and that an interview was recommended:

It has come to our attention, based on the GCMS notes provided by the Respondents in the aforementioned case that an interview for the Applicant is pending. We have been unable to link the Citizenship Application to our Authorized Representative Portal. We kindly request that all future correspondence related to this application be sent to our office at the following email address: [counsel's email address].

[Emphasis added]

(iii) Justification for the Delay

[26] As for the third *Conille* factor, the justification for the delay, it is the Applicant's argument that she has not received an explanation from IRCC, let alone a satisfactory explanation. According to her, the GCMS notes indicate an extensive period of inactivity suggesting IRCC made no progress in processing her application. According to the Applicant, the stated processing times, together with the April 28, 2025, GCMS entry, cannot justify the lack of an explanation for the delay.

[27] Moreover, the Applicant submits any delay due to the pandemic is not a satisfactory justification (*Fida v Canada (Citizenship and Immigration)*, 2024 FC 720 at para 34; *Ghaddar v Canada (Citizenship and Immigration)*, 2023 FC 946 at paras 30-31; *Almuhtadi v Canada (Citizenship and Immigration)*, 2021 FC 712 at para 34; *Asiedu v Canada (Citizenship and Immigration)*, 2023 FC 1523 at para 15).

[28] Upon review, I find the Applicant's case for *mandamus* fails on the third prong of the *Apotex* test which requires the Applicant to demonstrate there is a clear right to the performance of a public legal duty to act. The Applicant has not demonstrated any delay in performing the duty to determine the outcome of her citizenship application is unreasonable.

[29] Furthermore, I find the Applicant and her counsel are responsible for the delay for the following reasons. An entry in the GCMS notes dated June 6, 2024, indicates the adoption deed was not submitted with the application and was still outstanding. The demand letter dated January 5, 2025, from the Applicant to IRCC demonstrates she was well aware of the outstanding adoption deed and that an interview was recommended. Moreover, the last entry in the GCMS notes is dated April 28, 2025, and indicates, for IRCC to proceed further with the Applicant's citizenship

application, they required her to provide several documents, including the adoption deed, within 45 days.

[30] I also note the Applicant failed to submit documents that were requested by IRCC on October 2018 until August 31, 2021, which included the Canadian certificate preparation form, the adoptee's application, and two affidavits of individuals present at the time of adoption.

[31] Accordingly, the Applicant has failed to establish a clear right to the performance of the duty under the *Apotex* test.

[32] Given the conjunctive nature of the test, I need not consider the remaining steps.

VI. Costs

[33] The Applicant seeks costs in respect of this application. I conclude she has not demonstrated there are special reasons justifying an award of costs in this case (*Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 at Rule 22; *A.B.C.D. v Canada (Citizenship and Immigration)*, 2025 FC 1296 at paras 86-90; *Barampahije v Canada (Citizenship and Immigration)*, 2025 FC 1163 at paras 16–18).

VII. Conclusion

[34] For the reasons set out above, this application for *mandamus* is dismissed.

[35] No question of general importance will be certified.

JUDGMENT in T-2340-24

THIS COURT'S JUDGMENT is that:

1. The application for *mandamus* is dismissed without costs.
2. No question of general importance is certified.

"L. Saint-Fleur"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-2340-24

STYLE OF CAUSE: JASMEEN KAUR MANES v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: VIDEOCONFERENCE

DATE OF HEARING: DECEMBER 18, 2025

JUDGMENT AND REASONS: SAINT-FLEUR J.

DATED: JANUARY 19, 2026

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