Federal Court  Cour fédérale

Date: 20260122

Docket: IMM-23381-24

Citation: 2026 FC 99

Ottawa, Ontario, January 22, 2026

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

HABIBULLAH SHARIFI
BIBI KHURD SHARIFI

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicants, Habibullah Sharifi and Bibi Khurd Sharifi, applied for a Parents and Grandparents Super Visa (“Super Visa”) to visit their Canadian son and his family, including their four grandchildren. Their application was first refused in June 2024. The Applicants challenged that refusal in this Court. The Minister agreed the decision was unreasonable, the Applicants discontinued their judicial review, and the matter was sent back to be redetermined. In December 2024, an officer at Immigration, Refugees and Citizenship Canada refused their

application again. It is this redetermination that the Applicants are challenging on judicial review.

[2] The Officer was satisfied that the sponsors, the Applicants' son and daughter-in-law, who had indicated that they would be covering the full cost of the Applicants' stay in Canada, had sufficient funds to support the parents' stay.

[3] The Officer refused the Super Visa because they were not satisfied that the Applicants would leave at the end of their authorized stay in Canada. The Officer listed the following factors: limited evidence of the Applicants' own funds for their air travel and insurance (the only portion they were covering themselves), significant family ties in Canada, and socio-economic and political environment in Afghanistan, the Applicants' country of citizenship. Two of three of these factors, significant family ties in Canada and the socio-economic and political environment in Afghanistan, are the same two factors relied upon to refuse the Applicants' first Super Visa application.

[4] A week prior to the hearing, Respondent's counsel wrote to the Court to advise that they conceded that the matter should be sent back to be redetermined but efforts at settlement had not been successful. Respondent's counsel also noted that, at this point, a week prior to the hearing, it was too late to bring a motion for judgment.

[5] At the hearing, Respondent's counsel indicated they agreed that the Officer was unreasonable in not considering the relevant evidence in the record in relation to the Applicants' own funds. I agree that this was unreasonable.

[6] I also find the Officer's reasoning with respect to the two remaining grounds of refusal, significant family ties and the socio-economic situation in the country of citizenship, lack the requisite degree of intelligibility, justification, and transparency to be reasonable.

[7] The Officer notes the socio-economic and political environment in Afghanistan but does not explain how this factor is considered in their assessment. This is unreasonable. Officers must do a personalized assessment based on the evidence before them. There needs to be a "rational chain of analysis" so that a person impacted by the decision can understand the basis for the determination (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at para 103; see also *Patel v Canada (Minister of Citizenship and Immigration)*, 2020 FC 77 at para 17; *Samra v Canada (Minister of Citizenship and Immigration)*, 2020 FC 157 at para 23; and *Rodriguez Martinez v Canada (Minister of Citizenship and Immigration)*, 2020 FC 293 at paras 13–14).

[8] The Officer's finding about the Applicants' significant family ties in Canada as a basis to refuse the application does not take into account the special nature of the program under which the Applicants are applying. As noted by the Applicants, the Super Visa program is a unique temporary resident program in that its sole purpose is to reunify parents and grandparents with their children and grandchildren in Canada. The Ministerial Instructions for the program explain

that the purpose of the program is to "facilitate multiple entry and longer term stays" for those who need temporary resident visas "to visit their child or grandchild who is a citizen or permanent resident of Canada." It does not make sense to draw a negative inference from the Applicants' significant ties to Canada, the Applicants' children, and grandchildren, when visiting those family members is the only purpose of the program.

[9] This Court has previously found that it is illogical to reject an application for a Super Visa because a parent's children live in the country. As observed by Justice Pamel in *Pinzon v Canada (Citizenship and Immigration)*, 2023 FC 945 at paragraph 12 (see also *Pirzada v Canada (Citizenship and Immigration)*, 2023 FC 835 at para 30):

> [12] I find it illogical to consider the fact that the applicants' children reside in Canada to be a valid ground for rejecting a parent and grandparent super visa application. The applicants must necessarily have children or grandchildren in Canada, otherwise they would not be able to get the super visa given that they would not be parents or grandparents.

[10] Applicants' counsel requested that the Court order the remedy of indirect substitution and order that the Applicants be issued a Super Visa for one year.

[11] The Court's power of indirect substitution is exceptional and only used where sending the case back for redetermination would be pointless, or where there is only one possible outcome (*Canada (Minister of Citizenship and Immigration) v Tennant*, 2019 FCA 206 at paras 79-82; *Vavilov* at para 142).

[12] The Supreme Court of Canada in *Vavilov* explained that "it will most often be appropriate to remit the matter to the decision maker to have it reconsider the decision, this time with the benefit of the court's reasons" (*Vavilov* at para 141). However, reviewing courts cannot be blind to the impacts on access to justice of endorsing "an endless merry-go-round of judicial reviews and subsequent reconsiderations" (*Vavilov* at para 142).

[13] I am cognizant of the time and expense required to engage in the judicial review and reconsideration process. Going through multiple rounds of successful judicial reviews only to receive the same result with very similar reasons raises serious access to justice concerns and the potential for litigants to lose confidence in the justice system.

[14] However, given the length of time that has lapsed since much of the evidence was provided, I am not in a position to direct, as the Applicants have asked me to do, that the Super Visas be issued. There may be relevant factual elements connected to the Applicants' eligibility for a permit that have shifted and of which I am not aware, leaving me unable to say that there is only one reasonable outcome and that to send the matter back would be pointless.

[15] In an attempt to avoid the "endless merry-go-round" of judicial review and reconsideration, I have set out the deficiencies in the Officer's reasoning with the expectation that the next decision-maker will carefully review these reasons and not make the same errors.

JUDGMENT IN IMM-23381-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed;

2. The decision dated December 5, 2024 is set aside and sent back to be redetermined by a different decision-maker; and

3. No serious question of general importance is certified.

"Lobat Sadrehashemi"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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APPEARANCES:

Kapilkumar P. Rathod	FOR THE APPLICANTS
Neeta Logsetty	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Kapilkumar P. Rathod Barrister and Solicitor Caledon East, Ontario	FOR THE APPLICANTS
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT