Federal Court  Cour fédérale

Date: 20260130

Docket: IMM-16720-24

Citation: 2026 FC 142

Vancouver, British Columbia, January 30, 2026

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

ALIREZA FAZLALIZADEH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of an August 14, 2024, decision made by an Immigration, Refugees and Citizenship Canada [IRCC] officer that refused the Applicant's application for a visitor visa [the Decision]. The Decision was the IRCC's third determination of the Applicant's visitor visa application.

[2] The Applicant's visa application was first determined and refused on January 10, 2023. The Applicant sought judicial review of that decision but discontinued his proceeding after

entering into a settlement agreement with the Respondent in June 2023. The agreement stipulated that: 1) the January 10, 2023, decision would be set aside; 2) the Applicant's visa application would be redetermined by different IRCC officer; 3) the Applicant would be provided with an opportunity to submit updated and/or additional documentation in support of his visa application; and, 4) without costs. The June 2023 terms of settlement appear to have been implemented by the parties.

[3] The Applicant's visa application was then redetermined and refused again on January 26, 2024. The Applicant again sought judicial review of the unfavourable decision and entered into another settlement agreement with the Respondent on the same terms as his June 2023 agreement. The Applicant discontinued his proceeding, the January 26, 2024, decision was set aside, the Applicant's visa application was to be redetermined by a different IRCC officer, the Applicant was to be provided with an opportunity to submit updated and/or additional documentation in support of his visa application, and no costs would be awarded. The terms of settlement terms again appear to have been implemented by the parties.

[4] The Applicant's visa application was then redetermined and refused for a third time by a different IRCC officer through the Decision.

[5] The Respondent wrote to the Court and to the Applicant shortly before the hearing in this proceeding to inform the Court and the Applicant that the Minister took the position that the Decision was unreasonable and should be set aside. The Respondent also invited the Applicant to discuss a resolution of the proceeding outside of Court prior to the hearing.

[6] The Applicant informed the Respondent and the Court that he was not prepared to resolve the matter by way of discontinuance on standard terms. Rather, the Applicant took the position that he would be seeking an award of costs and a judgment whereby the Decision would be set aside and sent to be redetermined by another officer with expedited processing.

[7] The Applicant accepted the Respondent's concession at the hearing that the Decision is unreasonable and ought to be set aside and redetermined. The Applicant argued that he should be entitled to costs in the amount of $ 5,000 because this proceeding was his third proceeding in connection with what was argued as being a straightforward visa application that is being unfairly refused, likely, he argued, because he is an Iranian national.

[8] The Applicant also argued from counsel table for new and previously unalleged relief. The Applicant asked that the Court order the Respondent to have the visa application redetermined by another IRCC officer located at a processing center or embassy other than those located in Iran or Türkiye because decision makers there may be biased against him.

[9] The record reflects that the Applicant has led no evidence that his visa application has been refused on the basis that he is an Iranian national. The record also reflects that the Applicant has not led evidence of confirmation bias against him despite arguing that the IRCC officers' decisions that have refused his application tended to focus on negative factors without setting out any consideration of positive factors. While it may be that a decision that focusses solely on negative factors may be found on an appropriate record to be unreasonable, there is nothing in

the record in this proceeding that suggests that confirmation bias has led to the making of decisions that the Respondent has conceded were unreasonable.

[10] The Applicant's arguments as to discrimination and confirmation bias are therefore rejected as without foundation in the record.

[11] Similarly, leaving aside the procedural flaws and prejudice to the Respondent arising from the Applicant's counsel table plea for new and previously undisclosed relief, there is no factual basis for the Court to interfere with the IRCC's discretion in determining which officer in which region will redetermine the Applicant's visa application.

[12] Given the Respondent's concession that the Decision is unreasonable and should be set aside, the Applicants' application for judicial will be granted. Considering that the Applicant will be having his application redetermined for the fourth time, it is reasonable to require the Respondent to redetermine the Applicant's visa application expeditiously.

[13] The final remaining matter is the matter of costs. Rule 22 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 [the *FCCIRPR*], provides that no costs shall be awarded to or payable by any party in respect of an application for leave, an application for judicial review or an appeal unless the Court, for special reasons, so orders. What may constitute "special reasons" is not set out in the *FCCIRPR* but has been considered on a number of occasions by this Court and by the Federal Court of Appeal.

[14] Madam Justice Turley considered a request for costs in *Godday v. Canada (Citizenship and Immigration)*, 2023 FC 1360 [*Godday*] in circumstances where the applicant had commenced four different proceedings before this Court in connection with the same underlying application. As is the case here, the applicant in *Godday* had discontinued his previous applications without costs and without a hearing before the Court. Justice Turley followed the reasoning set out in *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1643 at para 45 and held that no costs were warranted in circumstances where the applicant's previous proceedings had been discontinued.

[15] I find Justice Turley's reasoning applicable here. The Applicant resolved his previous proceedings by discontinuing them without a hearing before this Court. While the Court is sympathetic to the Applicant's frustration in proceeding again to a redetermination of his visa application, there is no evidence of any conduct by either the Respondent or the IRCC officers that have previously redetermined the Applicant's application that constitutes "special reasons" to justify a costs award pursuant to Rule 22 of the *FCCIRPR* (*Ndungu v. Canada (Citizenship and Immigration)*, 2011 FCA 208, at para 7).

JUDGMENT in IMM-16720-24

THIS COURT'S JUDGMENT is that:

1. The Applicant's application for judicial review is granted.
2. The IRCC officer's decision dated August 14, 2024, is set aside and the matter is remitted for redetermination by another IRCC officer on an expedited basis.
3. The Applicant shall be provided with an opportunity to update his visa application prior to a redetermination of his visitor visa application.
4. No costs are awarded.
5. There is no question to be certified pursuant to section 79 of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

"Benoit M. Duchesne"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-16720-24
STYLE OF CAUSE:	ALIREZA FAZLALIZADEH v. MCI
PLACE OF HEARING:	VANCOUVER, BC
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