

Federal Court



Cour fédérale

Date: 20260501

Docket: IMM-6635-24

Citation: 2026 FC 583

Montréal, Québec, May 1st, 2026

PRESENT: The Honourable Madam Justice Ferron

BETWEEN:

MARIA DOREN ALJECERA

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Maria Doren Aljecera, is a citizen of the Philippines. She applied for a temporary resident visa [TRV] to visit her family, including her mother whom she hasn't seen since 1989, and a brother she has never met, who was born in Canada after her mother moved here. The Applicant seeks the judicial review of a decision rendered on February 16, 2024 [Decision], by an officer [Officer] of Immigration, Refugee and Citizenship Canada [IRCC] dismissing her TRV application on the basis that she had not established that she would leave Canada at the end

of her authorized stay as required by section 179(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

[2] The Decision indicates the following conclusions:

- You have significant family ties in Canada.
- You do not have significant family ties outside Canada.
- The purpose of your visit to Canada is not consistent with a temporary stay given the details you have provided in your application.
- Your current employment situation does not show that you are financially established in your country of residence.
- You have limited employment possibilities in your country of residence.

[3] The Global Case Management System (GCMS) notes, which form part of the reasons for the Decision (*El Hajj v Canada (Citizenship and Immigration)*, 2025 FC 2031 [*El Hajj*] at para 7, citing *Mohammed v Canada (Citizenship and Immigration)*, 2025 FC 1933 at para 9 [*Mohammed*]; *Al Aridi v Canada (Citizenship and Immigration)*, 2019 FC 381 at para 13) provide additional details. In addition to the reasons cited above, the Officer also wrote that they also considered the following elements:

The Applicant is single and has only one declared family member in Canada (son) residing at a different address.

Applicant to visit Canada for 123 days.

Applicant is not established in home country.

Applicant has one (1) previous refusal.

[Emphasis added]

[4] The hearing on the Application for judicial review was scheduled for April 29, 2026, at 1:30 PM. However, on the morning of April 29, 2026, the Respondent, the Attorney general of Canada [AGC], filed a Motion for judgment in writing, pursuant to Rule 369 of the *Federal Courts Rules*, SOR/98-106 [Motion]. The AGC seeks an order:

- A. Granting the Application and quashing the decision dated February 16, 2024, in which the visa officer refused the Applicant's TRV;
- B. Sending the matter back to Immigration, Refugees and Citizenship Canada to have the matter re-opened and redetermined by a different Officer;
- C. Confirming that the Applicant will be provided an opportunity to submit updated documentation in support of her Application; and
- D. Awarding no costs to either party.

[5] The Respondent submits that the Motion should be granted notably on the basis that the Officer based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

[6] More specifically, the Officer indicated that the Applicant "does not have significant family ties outside Canada" and "only has one declared family member in Canada (son) residing at a different address", while the evidence in the record clearly shows that the Applicant's son resides in the Philippines. Therefore, the Respondent submits that the Officer misapprehended a key fact regarding the Applicant's family ties outside of Canada.

[7] The Applicant's counsel has advised the Court that he does not have instructions to either consent or object to the Motion and leaves it to the discretion of the Court. He has advised that he remains available for today's hearing if required.

[8] Given the above, the Court issued a Direction on April 29, 2026, cancelling the hearing scheduled for April 29, 2026, in order to decide on the Motion in writing.

[9] Further to a review of the file, including the motion record filed by the Respondent in support of the Motion in writing and the Applicant's record on the underlying application for judicial review, the Court is satisfied that the Officer erred by basing its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

[10] It is clear from the record that the Officer erred when they wrote "[a]pplicant only has one declared family member in Canada (son) residing at a different address". The Applicant's evidence shows that her son resides in the Philippines. In her family information form, the Applicant only mentioned one family member living in the Philippines, her son, who appears to reside at an address other than hers.

[11] The Respondent recognizes the error and initially submitted that it was merely "typographical". However, by way of the Motion, the AGC now concedes that this is an error that renders the Decision unreasonable. The Court agrees.

[12] Given this finding, it is not necessary for the Court to analyze the other arguments submitted by the Applicant.

JUDGMENT in IMM-6635-24

THIS COURT'S JUDGMENT is that:

1. The Motion for judgement and the application for judicial review are granted.
2. The underlying decision dated February 16, 2024, is set aside, with the matter to be redetermined by a different member of Immigration, Refugee and Citizenship Canada.
3. The Applicant will be allowed to submit updated documentation in support of her application for a temporary residence visa, before the redetermination intervenes.
4. Without costs to either party.

"Danielle Ferron"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6635-24

STYLE OF CAUSE: MARIA DOREN ALJECERA v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

**MOTION IN WRITING CONSIDERED AT MONTREAL, QUEBEC PURSUANT
TO RULE 369 OF THE *FEDERAL COURTS RULES***

JUDGMENT AND REASONS: FERRON J.

DATED: MAY 01, 2026

WRITTEN REPRESENTATIONS BY:

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