# Leading Cases of Immigration Law

## Foundations

- PF
  - general
    - Baker v. Canada, [1999] 2 SCR 817
  - incompetence of counsel
    - Pathinathar v. Canada, 2013 FC 1225
    - Guadron v. Canada, 2014 FC 1092
- standard of review
  - Dunsmuir v. New Brunswick, 2008 SCC 9
    - Reasonableness requires justification, transparency and intelligibility within the decision-making process.
  - Canada v. Vavilov, 2019 SCC 65
- writ of mandamus
  - Apotex Inc. v. Canada, [1994] 1 FC 742
  - Conille v. Canada, [1999] 2 F.C. 33
- H&C
  - Kanthasamy v. Canada, 2015 SCC 61
  - Li v. Canada, 2016 FC 451
    - An analysis of the BIOC includes by extension the rights and interests of any unborn children.
  - Lu v. Canada, 2016 FC 175
    - In refusing an H&C, an Officer must articulate clear and specific reasons re: why there are insufficient grounds to warrant positive consideration.
  - Sutherland v. Canada, 2016 FC 1212
    - An Officer must expressly consider the effect of removal from Canada on the applicant's mental health.
  - Gao v. Canada, 2019 FC 939
- plain meaning vs. legislative intent
  - La Presse inc. v. Quebec, 2023 SCC 22
    - In any case, to the extent that the wording of the provision is plain, an interpretation based on plain meaning alone is not determinative and "cannot prevail if it is at odds with the purpose and context".

## Temporary Entry

- visitors
  - duty of candour
    - Sidhu v. Canada, 2019 FCA 169
  - refusal letter
    - Kashefi v. Canada, 2024 FC 856
    - Saad v. Canada, 2024 FC 1302
- students
  - refusal letter
  - ties to home country
  - travel history
  - short-term studies
  - prerequisites
  - misrep
  - bona fide studies
  - overcoming challenge of locally available alternatives
  - study plan
  - prior academic performance
  - proof of funds
  - family ties in CA
  - PGWP
- workers
  - WP
    - purpose of visit
    - language requirements
- restoration of status
  - which class to restore to
    - Udobong v. Canada, 2018 FC 234
    - Abubacker v. Canada, 2016 FC 1112
    - Subtopic 3
    - Subtopic 4

## Economic Immigration

- FSWC
  - proof of funds
  - relatives in CA
- CEC
  - Potla v. Canada, 2020 FC 646
  - Kumar v. Canada, 2019 FC 367
  - Qin v. Canada, 2013 FCA 263
  - Patil v. Canada, 2020 FC 495
- PNP
  - Sarfraz v. Canada, 2019 FC 1578
  - Bano v. Canada, 2020 FC 568
- EE
  - Agbai v. Canada, 2019 FC 886
  - Singh v. Canada, 2017 FC 266
  - Singh v. Canada, 2017 FC 132
  - Oladimeji v. Canada, 2022 FC 183
- SUBC
  - Nguyen v. Canada, 2019 FC 439
- SEPC
  - Zhang v. Canada, 2019 FC 764
  - 671122 Ontario Ltd. v. Sagaz Industries Canada Inc., 2001 SCC 59
- PFL
  - Bui v. Canada, 2019 FC 440
  - Kapoor v. Canada, 2017 FC 1002

## Family Sponsorship

- residence in Canada
  - Cook, Donald Charles v. M.C.I. (IAD MA5-01579), Hudon, August 10, 2006
  - Gritsan v. Canada, 2004 CanLII 56726 (CA IRB)
  - Zhang v. Canada, 2004 CanLII 56686 (CA IRB)
- Medical inadmissibility
  - Hilewitz v. Canada; De Jong v. Canada, 2005 SCC 57
- Financial inadmissibility
  - Tharmalingam v. Canada, 2014 CanLII 99597 (CA IRB)
  - Jugpall v Canada, 1999 CanLII 20685 (CA IRB)
- Genuineness of relationship
  - marriage
  - conjugal relationship
  - adoption
- Lonely Canadian Sponsorship
  - Sendwa v. Canada, 2019 FCA 314
  - Bousaleh v. Canada, 2018 FCA 143
- H&C
  - Sultana v. Canada, 2009 FC 533
- retrospective legislation
  - Gill v. Canada, 2012 FC 1522

## Refugee Protection

- evidence
  - Magonza v. Canada, 2019 FC 14
  - Cepeda-Gutierrez v. Canada, 1998 CanLII 8667
  - Rasheed v. Canada, 2004 FC 587
  - new evidence under A110(4)
- guidelines & PF
  - Thamotharem v. Canada, 2007 FCA 198
- decision
  - "no credible basis"
  - "manifestly unfounded"
- subjective fear
  - Zeah v. Canada, 2020 FC 711
  - Canada v. Patel, 2008 FC 747
- NEXUS
  - particular social group
- country of ref
  - Tretsetsang v. Canada, 2016 FCA 175
- state protection
  - Hinzman
  - Flores Carrillo v. Canada, 2008 FCA 94
- IFA
  - Thirunavukkarasu v. Canada, [1994] 1 FC 589
- exclusion
  - Article 1E
  - Article 1F(a)
  - Article 1F(b)
  - Article 1F(c)
- credibility
  - MalDonado v. Minister of Employment and Immigration, [1980] 2 FC 302
  - Luo v. Canada, 2019 FC 823
  - Rahal v. Canada, 2012 FC 319
- RAD
  - Canada v. Huruglica, 2016 FCA 93
  - Rozas del Solar v. Canada, 2018 FC 1145
  - Canada v. Singh, 2016 FCA 96
  - Bouchra v. Canada, 2020 FC 1063

## Inadmissibility

- crime against humanity
  - Mugesera v. Canada, 2005 SCC 40
- misrep
  - Koo v. Canada, 2008 FC 931
  - Medel v. Canada, [1990] 2 FC 345
  - Osisanwo v. Canada, 2011 FC 1126
  - Kaur v. Canada, 2023 FC 1454
  - Chen v. Canada, 2005 FC 678
- criminal equivalency
  - Hill v. Canada, [1987] F.C.J. No. 47
- foreign pardon
  - Canada v. Saini, 2001 FCA 311
- residency obligation
  - working for a business abroad
- s. 44 report
  - Sidhu v. Canada, 2023 FC 1681
- PF
  - Cha v. Canada, 2006 FCA 126
  - Sharma v. Canada, 2016 FCA 319
  - Canada v. Hennelly, 1999 CanLII 8190 (FCA)
- TRP
  - Farhat v. Canada, 2006 FC 1275
  - Ogbonna v. Canada, 2024 FC 1467
- detention
  - ATD
- removal
  - special relief
- PRRA
  - New Evidence
  - Hearing
- Deferral Request
  - Toth v. Canada, 1988 CanLII 1420 (FCA)

## Citizenship

- special grant
  - statelessness
    - Budlakoti v. Canada, 2015 FCA 139
- adoption
  - Canada v. Canada, 2016 FCA 183
  - Perera v. Canada, 2001 FCT 1047
- suspension
  - Gentile v. Canada, 2020 FC 452
- revocation
  - Canada v. Brooks, [1974] SCR 850
  - Canada v. Zakaria, 2014 FC 864
  - Canada v. Savic, 2014 FC 523
  - Xu v. Canada, 2021 FC 1102