


Federal Court Trends - February 2026

 March 27, 2026

 READING TIME **8 MINUTE READ**

In February 2026, the Federal Court issued 178 decisions, of which approximately 130 involved immigration matters. Among those immigration decisions, 10 cases involved judicial review of humanitarian and compassionate (“H&C”) considerations under section 25(1) of the Immigration and Refugee Protection Act (IRPA).

This review focuses primarily on decisions that contain substantive reasoning on H&C analysis, while briefly noting other decisions that involved procedural fairness or stay motions related to H&C applications.

H&C-Related Federal Court Decisions

The following decisions involved H&C considerations:

- *Amin v Canada (Citizenship and Immigration), 2026 FC 252*
- *Begum v Canada (Citizenship and Immigration), 2026 FC 197*
- *Begum v Canada (Citizenship and Immigration), 2026 FC 261*

- *Bouczan Lucena v Canada (Citizenship and Immigration)*, 2026 FC 244
- *Baryar v Canada (Citizenship and Immigration)*, 2026 FC 222
- *Cerda v Canada (Citizenship and Immigration)*, 2026 FC 161
- *Ibrahimi v Canada (Citizenship and Immigration)*, 2026 FC 265
- *Jabeen v Canada (Citizenship and Immigration)*, 2026 FC 250
- *Oladipupo v Canada (Citizenship and Immigration)*, 2026 CanLII 11856
- *Sandhu v Canada (Citizenship and Immigration)*, 2026 CanLII 12992

The discussion below highlights the decisions that provide the most useful guidance on how H&C applications are assessed by the Federal Court.

Key Trends from February 2026 H&C Decisions

1 Officers must meaningfully engage with the evidence in the record

The Court repeatedly intervened where officers focused on missing documents while failing to analyze the evidence actually submitted. Where applicants provide credible evidence supporting establishment, hardship, or family ties, officers must explain why that evidence is insufficient.

2 *The best interests of children must be assessed concretely*

Several decisions emphasized that BIOC analysis cannot be generic. Decision-makers must assess the specific child involved, the evidence relating to that child, and the consequences of each possible outcome.

3 *Family reunification in Canada remains an important statutory objective*

Where H&C applications arise in the family sponsorship context, the Court expects officers to address the statutory objective of family reunification in Canada under IRPA s. 3(1)(d). Simply suggesting that families can reunite outside Canada may not be sufficient.

4 *H&C analysis must remain individualized*

The Court rejected reasoning that compares the applicant's circumstances to those of broader populations. Section 25(1) requires an individualized humanitarian assessment, not a comparison with others facing similar hardships.

5 *Establishment in Canada may affect hardship analysis*

Several decisions show that establishment and hardship are interconnected. Where an applicant has built significant ties in Canada, that establishment may directly affect the hardship analysis on return.

Selected Case Highlights

Amin v Canada (Citizenship and Immigration), 2026 FC 252- Application allowed

This decision addresses two common issues in H&C applications: establishment in Canada and the best interests of children (BIOC).

The applicant, a Pakistani national living in Canada since 2016, relied on establishment in Canada and the need to financially support his children in Pakistan. The officer gave little weight to the applicant's establishment, focusing on the absence of tax records. However, the applicant had submitted an employer affidavit confirming long-term employment, supervisory responsibilities, income, and value to the business.

The Court found the refusal unreasonable. By emphasizing missing tax documentation, the officer failed to meaningfully address the evidence that had been provided. The Court also found that the BIOC analysis was inadequate. The officer relied on general statements that Pakistan's constitution provides for free education but did not address the applicant's evidence that his children's schooling depended on his financial support. The Court held that the officer failed to be sufficiently "alert, alive and sensitive" to the children's interests.

Practical takeaway

Establishment evidence does not have to be limited to tax filings. Employer affidavits, employment letters, and other direct evidence must still be properly considered.

Cerda v Canada (Citizenship and Immigration), 2026 FC 161- Application allowed

Cerda focuses on the best interests of a child with special needs. The applicants were a mother and her 12-year-old son. The child had multiple diagnoses, including autism.

The Court held that the officer's BIOC analysis was incomplete and unintelligible. Although BIOC was mentioned, the officer did not explain what weight was given to the child's interests in the overall H&C assessment. The officer also failed to address the key question: whether it was in the child's best interests to remain in Canada or accompany his mother to Chile. The Court further criticized the officer's claim that there was "little evidence" regarding the child's relationship with his father, despite evidence in the record addressing supervised access arrangements and the family's history.

Practical takeaway

When BIOC is central to an H&C application, officers must clearly explain how the child's interests were evaluated and weighed.

Ibrahimi v Canada (Citizenship and Immigration), 2026 FC 265-
Application allowed

This case concerns an H&C request to overcome the One-Year Window of Opportunity (OYW) bar. The applicant was the spouse of an Afghan national who obtained permanent residence through a special Afghan public policy.

Because the marriage occurred after the principal applicant's PR application was submitted, the spouse was excluded from the OYW process unless H&C relief was granted.

The officer refused the application, reasoning that the applicant's circumstances were not materially different from those faced by other individuals in Afghanistan.

The Court found this reasoning unreasonable. Justice Conroy held that section 25(1) does not require applicants to demonstrate exceptional circumstances compared to others. The Court also held that the officer failed to adequately address the serious consequences of permanent family separation.

Practical takeaway

H&C relief does not require circumstances that are "exceptional." Officers must assess the specific humanitarian considerations affecting the individual applicant.

Jabeen v Canada (Citizenship and Immigration), 2026 FC 250- **Application allowed in part**

This decision concerns H&C relief in a family sponsorship context. The applicants were the spouse and adult son of a Canadian citizen sponsor. They were excluded from sponsorship because they had not been declared during the sponsor's own immigration process.

The officer refused H&C relief partly on the basis that the family could reunite in India or Saudi Arabia. The Court held that this reasoning failed to properly address the statutory objective of family reunification in Canada under IRPA s. 3(1)(d). While the refusal was set aside for the spouse, the Court upheld the decision regarding the adult son, who was living independently in Australia and could pursue immigration through other pathways.

Practical takeaway

In sponsorship-based H&C applications, officers must consider reunification in Canada, not merely the possibility of reunification elsewhere.

Other H&C-Related Decisions

Several additional decisions involved H&C considerations but contained limited discussion of H&C factors.

Bouczan Lucena v Canada, 2026 FC 244

Several additional decisions involved H&C considerations but contained limited discussion of H&C factors.

Baryar v Canada, 2026 FC 222

Both parties agreed that the H&C refusal was unreasonable. The Court ordered expedited redetermination before removal.

Begum v Canada, 2026 FC 197

A brief decision confirming that hardship analysis must be responsive to the applicant's specific circumstances.

Begum v Canada, 2026 FC 261

A procedural fairness decision where important medical evidence was missing from the Certified Tribunal Record.

Oladipupo v Canada, 2026 CanLII 11856

The Court granted a stay of removal, finding that the applicant's suicidal ideation established irreparable harm.

Sandhu v Canada, 2026 CanLII 12992

A stay of removal was granted where new medical evidence demonstrated a clear suicide risk if removal occurred.

Final Observation

The February 2026 decisions show the Federal Court continuing to scrutinize H&C refusals where officers fail to engage with the evidentiary record or provide individualized analysis.

For practitioners, these decisions reinforce the importance of clear evidence, detailed submissions, and careful explanation of the humanitarian consequences of refusal.

Where H&C applications are refused, judicial review may provide an important mechanism to correct unreasonable decisions.