ENGLOBE LLP

Federal Court Trends – March 2026
Mandamus Decisions

April 28, 2026

READING TIME **6 MINUTE READ**

Overview

The Federal Court issued 190 reported decisions in March 2026. Of these, 177 concerned immigration matters. Of these, four decisions arose from mandamus applications.

The four reported mandamus decisions from March 2026 point in a consistent direction. The Court was prepared to intervene where IRCC appears to have failed at the front-end intake stage of a process, but remained reluctant to grant relief where applications had already moved into security screening, biometrics, and other later-stage requirements. The March cases also reinforce several familiar principles: mandamus requires a crystallized duty, a complete request or application, and relief that is ripe rather than contingent.

The two A.A. decisions are related and arise from the same broader Gaza public-policy context, but involve different applicants and factual records. Read together with A.F.M.B., they show a clear distinction between cases that are stuck before entry into the process and cases that are already in the system but not yet ready for final determination.

Key Trends

Four themes stand out across the March mandamus cases.

1. **First, intake-stage failures remain the strongest candidates for relief.** Where the alleged duty is simple and administrative — for example, conducting a completeness review or issuing a unique reference code — the Court is more willing to find that the duty has crystallized and that delay is actionable.

2. **Second, once security screening, biometrics, or other statutory prerequisites are engaged, the Court becomes far less willing to intervene.** That was especially clear in the two A.A. decisions, where the Court emphasized that humanitarian urgency does not displace the legislative importance of security screening.

3. **Third, the Court continues to reject cascading or conditional mandamus.** It will not order a sequence of future steps based on contingencies that have not yet occurred. The duty must exist at the time of hearing, and the specific relief must be properly pleaded.

4. **Fourth, policy expiry is not necessarily fatal.** A.F.M.B. confirms that where IRCC's own failure prevented applicants from entering a temporary public policy stream in time, the Court may grant restorative relief that places them back in the position they should have occupied, even if the policy has since expired.

Case Highlights

Sun v Canada (Citizenship and Immigration), 2026 FC 336

Sun was the factual outlier in the set. It was a citizenship case rather than a Gaza public-policy matter. The applicant sought mandamus to compel a decision on an alleged 2021 citizenship application and, in the alternative, sought to challenge a later Citizenship Judge decision refusing a 2022 application.

Justice Aylen dismissed the application. The core problem was that the applicant could not establish that a complete 2021 application had ever been accepted into processing. The Court accepted IRCC's evidence that the 2021 submission was treated as incomplete, that a request for further information had been sent, and that the applicant did not respond. Without a complete application, there was no public legal duty to process and therefore no basis for mandamus.

The Court also rejected the effort to fold a mandamus claim and judicial review of a different later decision into the same proceeding. On the merits of the alternative challenge, the Court found the Citizenship Judge's decision reasonable. Sun is therefore best read as a first-principles reminder that mandamus begins with proof of a complete and legally cognizable application.

A.F.M.B. et al v Canada (Citizenship and Immigration),
2026 FC 357

A.F.M.B. was the key applicants' success in March. The applicants were Palestinian nationals in Gaza who had submitted webforms under the temporary public policy but never received the unique reference codes needed to submit TRV applications. Their complaint was not about final visa adjudication, but about a failure at the gate.

Justice Southcott allowed the application and granted tailored relief. IRCC was ordered to assess the webform submissions within a fixed period and, where a submission was complete, to issue the corresponding code. The Court further held that if codes were issued and TRV applications were submitted, those applications were to be processed under the policy as it existed before expiry.

What drove the result was the nature of the duty and the evidentiary record. The Court treated the completeness assessment as a straightforward administrative task. The Certified Tribunal Record suggested an internal processing breakdown: in some files, officers marked submissions complete but no code was issued; in others, there was no indication that the file was ever properly assessed. The Court viewed that as more than routine delay.

Equally important, the Court rejected the argument that the expiry of the policy made the matter moot or futile. The relief still had practical value because it restored the applicants to the position they ought to have occupied had IRCC performed the intake task when required. At the same time, the Court declined to impose a deadline for final TRV determination, which shows the continued limits of the remedy.

A.A. v Canada (Citizenship and Immigration), 2026 FC 365 and 2026 FC 366

These related Gaza-policy decisions involved applicants who had already moved beyond the code stage and had submitted TRV applications. That procedural posture mattered. Unlike A.F.M.B., the cases no longer concerned a simple intake failure. They involved files already inside the system, where security screening, biometrics, and exit-related realities remained unresolved.

In both matters, Justice Aylen dismissed the applications. The Court emphasized that humanitarian urgency does not override the statutory imperative of security screening. The applicants sought, in substance, to compel progress through several future stages of the process, but the Court held that mandamus cannot be used to impose a sequence of obligations whose legal prerequisites have not yet been satisfied.

The two decisions also show the importance of attribution of delay. In 366 in particular, the Court noted that background information requested by IRCC was not provided until much later, which weakened the argument that the delay was exclusively government-caused. In both cases, outstanding biometrics were another major obstacle. The Court held that IRCC could not be faulted for not rendering final decisions while biometrics remained unavailable.

The Court also refused requests framed as requiring Canada to work with foreign authorities to secure exit from Gaza, treating that form of relief as an attempt to compel diplomatic advocacy rather than an ordinary administrative duty.

Taken together, the A.A. decisions confirm that once a file has entered substantive processing, mandamus becomes materially harder to obtain.

Practical Takeaways

- The strongest mandamus cases continue to be those where IRCC failed to perform a simple intake, completeness, or routing task.
- Where delay is tied to security screening, biometrics, or other unresolved statutory requirements, the Court is far less likely to intervene.
- Proof of completeness remains essential. Missing records, incomplete submissions, or failure to respond to deficiency notices can be fatal.
- Counsel should respond promptly and fully to discretionary information requests, even where the request appears debatable. Applicant-side delay can significantly weaken a mandamus claim.
- Relief may still be available after the expiry of a temporary public policy if IRCC's own failure prevented timely access to the process.
- Precise pleadings remain important. The Court will not readily entertain materially different relief at the hearing stage.

Conclusion

March 2026's mandamus decisions do not suggest a broad expansion of the remedy. Rather, they reflect a disciplined distinction between two types of cases. The Court is prepared to correct administrative failure at the point of entry into a process, but remains reluctant to compel final or near-final outcomes where statutory screening requirements, biometrics, and operational constraints remain unresolved. For practitioners, that distinction is likely to remain the central organizing principle in future immigration mandamus litigation.