

The Federal Court Trends – July 2026

Mandamus Decisions



August 26, 2026



READING TIME **10 MINUTE READ**

Overview

In July 2026, the Federal Court released **218 decisions**. Approximately **105** concerned immigration law. Five addressed applications for **mandamus** in immigration matters: *Sahloul v Canada (Citizenship and Immigration)*, 2026 FC 921, *Zhou v Canada (Citizenship and Immigration)*, 2026 FC 927, *Dai v Canada (Citizenship and Immigration)*, 2026 FC 931, *Liu v Canada (Citizenship and Immigration)*, 2026 FC 956, and *Roghangar v Canada (Citizenship and Immigration)*, 2026 FC 987.

Two applicants obtained mandamus; three did not.

The decisions apply the Federal Court of Appeal's recent clarification of mandamus in *Benison v Canada (Royal Canadian Mounted Police External Review Committee)*, 2026 FCA 53. Taken together, they confirm that elapsed time alone does not determine the result. The questions are:

- What time is inherently required by this particular immigration process?
- Has the applicant contributed to the delay?
- If the delay is prima facie excessive, has IRCC given a transparent, coherent, and file-specific explanation for it?

July’s practical takeaway: the strongest cases involved either an open-ended processing-policy gap or generic assertions about security screening. The unsuccessful cases involved a supported program-level explanation or an underlying decision made before the mandamus hearing.

Results at a glance

Decision	Application	Delay	Result and central point
<u>Sahloul, 2026 FC 921</u>	Quebec refugee permanent residence	42 months	Dismissed. The delay remained within the supported, program-specific timeline. The Court treated the Canada–Quebec process and Quebec admission limits as part of the nature of the process.
<u>Zhou, 2026 FC 927</u>	Quebec Investor Class permanent residence	More than 7 years	Dismissed. The delay was excessive on its face, but the sharp reduction in admission ranges adequately justified it on the evidence.
<u>Dai, 2026 FC 931</u>	Home Child Care Provider permanent residence	More than 42 months; 39 more projected	Granted. Current Ministerial Instructions supplied no intelligible policy for processing pending applications. IRCC was ordered to decide within 60 days.
<u>Liu, 2026 FC 956</u>	Work permit	Decision issued before hearing	Dismissed. The proceeding was not automatically moot, but IRCC had made the decision and there was no continuing refusal to act.

<u>Roghangar, 2026 FC 987</u>	Study permit	1,262 days	Granted. Generic references to security screening did not justify the delay. IRCC was ordered to decide within 45 days and to pay \$1,000 in costs.
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The framework after Benison

The traditional eight-part test for mandamus remains that set out in *Apotex*. In immigration-delay cases, however, the central issue is usually whether the applicant has a **clear right to performance** of the duty to decide.

The three-part Conille analysis answers that question:

- ❶ The delay is, on its face, longer than the process inherently requires.
- ❷ Neither the applicant nor counsel caused the delay.
- ❸ The responsible authority has not provided a satisfactory justification.

Benison clarifies the allocation of burdens. The applicant must establish the first two Conille considerations. If successful, the Minister must justify the delay with evidence. The first four *Apotex* requirements address entitlement to mandamus; the final four address whether the Court should nevertheless withhold the remedy. A balance-of-convenience refusal should arise only in clear circumstances supported by evidence of genuine administrative harm.

Key developments

- ① Program constraints belong in the justification analysis — but Sahloul shows an important qualification

Zhou and Dai draw a useful distinction between the normal time inherent in a process and an external government policy that may explain why IRCC exceeded that time. A changing admission range, processing priority, or Ministerial Instruction is generally assessed at the justification stage, where the Minister bears the evidentiary burden. This avoids allowing IRCC's explanation to define the baseline against which its own delay is measured.

In Zhou, the Court found that a Quebec Investor Class application pending for more than seven years was *prima facie* delayed beyond what the process required. The Minister nevertheless justified the delay: Quebec Business Class admission spaces fell from approximately 5,200 in 2022 to 400–500 in 2025, and average processing times increased from roughly 44 to 72 months. The Court accepted that evidence despite the absence of detailed evidence about Mr. Zhou's particular place in the inventory.

Dai reached the opposite result because the relevant policy no longer described a coherent system for moving existing files. Earlier Ministerial Instructions provided an annual processing structure. The subsequent Instructions repealed that structure, set new intake at zero, and gave no method, order, or timeline for processing pending applications. An estimate that another 39 months remained was not a policy and gave no meaningful assurance that the file would progress. The Court found an open-ended policy vacuum and ordered a decision within 60 days.

Sahloul took a different route. The Court treated the Canada–Quebec process, Quebec’s annual admission limits, and evidence of the expected processing time for similarly situated applicants as part of the process itself. Since the applicants’ 42-month wait fell within the evidence-based expected timeline, they did not establish a *prima facie* excessive delay.

What to watch: Sahloul and Zhou were released on the same day, concern different Quebec streams, and do not address one another. The prudent reading is that they reveal a tension in how Quebec program constraints may be placed within the Conille analysis—not a settled conflict in the jurisprudence.

2 Policy can justify delay only when it actually explains the delay

The lesson from *Zhou* and *Dai* is not that an admission target or Ministerial Instruction either always does or never does justify delay. The question is evidentiary and contextual: **does the current policy reasonably explain the additional delay experienced by this applicant?**

In *Zhou*, the answer was yes because the evidence connected a substantial reduction in admissions to a material increase in average processing times, and IRCC had informed the applicant of the reason for the longer wait. In *Dai*, the answer was no because the operative Instructions provided no intelligible mechanism for processing existing inventory.

Legal authority to manage immigration levels is therefore not enough on its own. The Minister must show that the policy relied on is current, applies to the applicant’s inventory, and offers a coherent explanation for the file’s continued delay.

3 Generic security-screening explanations remain vulnerable

Roghangar is July's clearest decision on evidentiary sufficiency. The study-permit application had been pending for 1,262 days—about 20 times IRCC's 60-day service standard. IRCC relied principally on GCMS entries from early 2023 and generic submissions about Iranian police service, country context, security-screening volume, and the alleged non-routine nature of the file.

That was insufficient. The Court would not infer that the application was complex merely because it had been delayed. Nor was it enough to say that security screening can take time in the abstract. The Minister needed evidence showing what was occurring in this file, what remained to be done, and why the elapsed time was justified. The Court ordered a decision within 45 days and awarded \$1,000 in costs.

The decision does **not** make security screening irrelevant. It confirms that security screening can justify delay where IRCC adduces detailed, recent, and file-specific evidence of continuing activity. What fails is a blanket assertion without that evidentiary foundation.

4 Service standards and online estimates are evidence, not answers

July's cases confirm that a posted service standard is neither a statutory deadline nor a guarantee. It remains relevant evidence, however, of the time normally required by the process.

- In Roghangar, the 60-day study-permit standard, reportedly met in 81% of cases, was a meaningful baseline against a 1,262-day wait.
- In Dai, IRCC's earlier 23-month estimate was relevant, though non-binding, evidence of a feasible timeframe. The projected total later exceeded six years.
- In Zhou, the Court found the delay excessive on its face before accepting the Minister's explanation.

- In *Sahloul*, a Canada-wide six-month reference was not useful because it did not address Quebec refugee permanent-residence applications; the Court accepted the more specific evidence about the applicable program.

The practical point is simple: preserve historical and current processing times, but do not treat them as dispositive. The better evidence identifies the correct program, applicant cohort, processing stage, and any file-specific explanation for a departure from the usual timeframe.

5 A decision before the hearing changes the remedy

Liu confirms that an intervening decision does not automatically make a mandamus proceeding moot. A live dispute about past delay may still support consideration of costs, declaratory relief, public accountability, or other relief.

But once IRCC has decided the underlying application, it has ordinarily discharged the duty that mandamus would compel. In *Liu*, there was no continuing refusal to act, no clear right to mandamus, and no request for alternative relief.

The case is also a file-management reminder. Mr. Liu's work-permit application was refused after requests for updated medical and employment information went unanswered. A pending mandamus application does not suspend the client's obligation to monitor correspondence and respond promptly to IRCC requests.

Practical checklist for a proposed mandamus application

- **Confirm decision-readiness.** Preserve proof that all forms, fees, biometrics, medicals, and requested updates were provided. Identify any item that remains outstanding.
- **Build a dated record.** Track filing, acknowledgements, IRCC requests and responses, webform and MP enquiries, demand letters, GCMS activity, and substantial periods of inactivity.
- **Establish the right baseline.** Preserve applicable service standards and processing estimates at filing and at the proposed litigation date. Focus on the relevant program and applicant cohort.
- **Identify inherent steps.** Distinguish ordinary assessments inherent in that immigration stream from an asserted, exceptional feature that IRCC must prove as a justification.
- **Eliminate applicant-caused delay.** Respond promptly to all requests and account for any period that could be attributed to the client or representative.
- **Seek a file-specific explanation.** Ask for the present processing stage, responsible partner agency, last and next steps, current queue position, and estimated completion window.
- **Examine the policy instrument.** If IRCC relies on a cap, priority, or Ministerial Instruction, verify that it is current, applies to existing inventory, has not been repealed, and explains how pending files will move.
- **Document real-world effects.** Gather evidence of lost admission, employment, study, family-reunification, status, or financial consequences. These effects inform the Court's contextual assessment even though exceptional prejudice is not an independent requirement.
- **Plan for an intervening decision.** If IRCC decides after filing, obtain advice immediately about judicial review of the decision and any expressly pleaded alternative relief.

- **Set expectations.** Mandamus compels a decision—not approval. The underlying application may still be refused.

Conclusion

The July decisions do not establish a fixed delay threshold. Their central contribution is evidentiary and analytical: determine the time inherent in the particular process, isolate any applicant-caused delay, and require IRCC to connect the additional time to a current policy and to the actual file.

For representatives, careful record-building is as important as the number of months that have passed. A “security screening” status, a changing online estimate, or the existence of Ministerial authority does not necessarily justify delay. The explanation must be coherent, supported, and responsive to the application before the Court.

Decisions discussed

- *Benison v Canada (Royal Canadian Mounted Police External Review Committee)*, 2026 FCA 53
- *Sahloul v Canada (Citizenship and Immigration)*, 2026 FC 921
- *Zhou v Canada (Citizenship and Immigration)*, 2026 FC 927
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