

Ahmed v. Canada (Citizenship and Immigration), 2026 FC 1202

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Federal Court



Cour fédérale

Date: 20260928

Docket: IMM-3886-26

Citation: 2026 FC 1202

Ottawa, Ontario, September 28, 2026

PRESENT: The Honourable Mr. Justice Lafrenière

BETWEEN:

SHUMON AHMED
SHAMIMA SORKAR
ABDULLAH SADAT BIN AHME

Applicants

and

THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

Respondent

REASONS AND JUDGMENT

[1] By motion in writing dated June 16, 2026, the Applicants seek an order pursuant to Rule 8 of the *Federal Courts Rules*, SOR/98-106 [*Rules*] and paragraph 4b) of the *Amended Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings*, dated June 25, 2025 [*Practice Guidelines*] extending the time to serve and file the

Applicants' Record challenging a decision of the Refugee Protection Division [RPD] dated February 12, 2026, finding their refugee claim to be manifestly unfounded [Decision].

[2] The Applicants' motion record and the Respondent's written representations opposing the motion were referred to the Court for disposition on September 23, 2026.

[3] For the reasons set out below, the motion is dismissed.

I. Background

[4] The Applicants filed their Application for Leave and for Judicial Review [ALJR] on February 19, 2026, within the time prescribed by paragraph 72(2) b) of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[5] Pursuant to paragraph 4b) of the *Practice Guidelines* (as they read at the time), the Applicants' Record was due to be served and filed within 75 days of the filing of the ALJR. That date was May 5, 2026. However, the Applicants' Record was not perfected by that date due to an alleged administrative error at the Applicants' solicitors' office.

[6] According to the Applicants, the legal assistant responsible for deadline tracking miscalculated the 75-day period by starting from the date of filing of the Respondent's Notice of Appearance rather than the date the ALJR was filed. As a result, the Applicants' Record was served on the Respondent and submitted to the Court using the Electronic Filing System on May 20, 2026.

[7] In support of their motion, the Applicants rely on the affidavit of the legal assistant and the affidavit of the Applicant, Shumon Ahmed. They also attach at Tab 6 of their motion record the Applicants' Record that was tendered for filing, which contains the "Appellant's [sic] Memorandum" dated May 20, 2026 [Applicants' Memorandum of Argument].

II. Positions of the Parties

[8] The Applicants submit that the delay was modest, fully explained, and caused entirely by an administrative error for which the Applicants bear no responsibility. They claim to have maintained a continuing intention to pursue the underlying application. According to the Applicants, the underlying application raises serious and arguable grounds, including breach of procedural fairness in the RPD's failure to disclose that a manifestly unfounded finding was under consideration, reliance on undisclosed extrinsic evidence and speculative visual fraud findings unsupported by any forensic basis, failure to engage with the post-hearing submissions and the expert country-conditions evidence, and unreasonable credibility and genuineness findings. The Applicants further submit that the Respondent will suffer no prejudice from the granting of an extension of time. Finally, they argue that the interests of justice favour granting the relief requested.

[9] The Respondent's sole ground of opposition to the Applicants' request for an extension of time lies in the third branch of the four-part test articulated by the Federal Court of Appeal in *Canada (Attorney General) v Hennelly*, 1999 CanLII 8190 (FCA) at para 3, and *Canada (Attorney General) v Larkman*, 2012 FCA 204 at para 61, namely, whether the underlying application has merit. While the Respondent acknowledges the low threshold for this branch of

the test, the Respondent submits that the Applicants' Record does not meet this threshold as it cites jurisprudence that does not exist and puts forward jurisprudence for propositions not contained therein. The Respondent submits that an extension of time to admit the Applicants' Memorandum of Argument, ergo the Applicants' Record, should not be granted given that it is an abusive document.

III. Analysis

[10] The question to be answered on this motion is whether the Court should exercise its discretion to extend the time for service and filing of the Applicants' Record. My answer to this question is no. Let me explain.

[11] First, as correctly pointed out by the Respondent, the Applicants' list of authorities in the Applicants' Memorandum of Argument cites the following cases: "*Kazi v Canada (Citizenship and Immigration)*, 2015 FC 1140"; "*Lopez Velasco v Canada (Citizenship and Immigration)*, 2011 FC 1290"; "*Olarewaju v Canada (Citizenship and Immigration)*, 2003 FC 1294"; "*Saint-Vil v Canada (Citizenship and Immigration)*, 2018 FC 644"; and "*Yuan v Canada (Citizenship and Immigration)*, 2018 FC 155". These "cases" cannot be found at the citations provided and were used in the Applicants' arguments. The numerous references to incorrect sources suggest that artificial intelligence [AI] tools were used to draft the list of authorities.

[12] Second, the Applicants' Memorandum of Argument is replete with inaccurate and, dare one say, misleading arguments. By way of example, one of the Applicants' main arguments in the underlying application is that it is procedurally unfair to make a manifestly unfounded

finding without first putting a claimant on notice. At paragraph 27 of the Applicants' Memorandum of Argument, the Applicants cite *He v Canada (Citizenship and Immigration)*, 2019 FC 2 [*He*] at paras 23–26 and *Garza v Canada (Citizenship and Immigration)*, 2018 FC 155 [*Garza*] at paras 28–33 for this proposition. However, nothing of the sort is stated in either of the two cases. At paras 23–26, *He* simply provides general principles for the finding of a lack of credibility, but at no point does the decision turn on procedural fairness. There are as well no paragraphs 28 through 33 in *Garza*. *Garza* is a terse ten paragraph judgment dealing with the mischaracterization of evidence and the imposition of stereotypical views on marriage by the Immigration Appeal Division. In fact, contrary to the Applicants' contention, this Court and the Federal Court of Appeal have made it abundantly clear that credibility is always at issue in RPD matters and that claimants do not need to be given notice that credibility is at issue (*Talukder v Canada (Citizenship and Immigration)*, 2007 FC 668 at para 19; *Mathiyabaranam v Canada (Minister of Citizenship and Immigration)*, 1997 CanLII 5829 (FCTAD), [1997] FCJ No 1676 (QL) at paras 9–10).

[13] A second example is the Applicants' reliance on *Sitnikova v Canada (Citizenship and Immigration)*, 2017 FC 1082 [*Sitnikova*] at paras 11–20 for the broad proposition that “[w]here a decision-maker has concerns about document authenticity that could be resolved by examination of originals or by alternative-format reproductions, those originals must be sought before fraud findings are made.” *Sitnikova* does not say this. It instead reinforces the principle that administrative decision-makers cannot make an adverse credibility finding by simply labeling otherwise critical documents as having little probative value.

[14] Citing fake cases in court filings is an abuse of process and is tantamount to making a false statement to the Court (*Zhang v Chen*, 2024 BCSC 285 at para 29; *Djatsa v Canada (Citizenship and Immigration)*, 2026 FC 729 at para 23). In addition, making misleading arguments to the Court violates professional ethics and counsel's fundamental legal duty of candor.

[15] The Applicants had the opportunity to file written representations in reply pursuant to Rule 369(3) of the *Rules* to explain how the fictitious citations came to be and why arguments have been advanced using wholly inaccurate references to legal precedents. They failed to do so. In the absence of any response from the Applicants to the serious allegations levelled against them, I can only conclude that AI was used in the drafting of the Applicants' Memorandum of Argument without careful human judgment being applied to the output.

[16] In *Lloyd's Register Canada Ltd v Choi*, 2025 FC 1233, Justice Simon Fothergill stated that the undeclared use of AI in the preparation of documents filed with the Court, particularly when they include the citation of non-existent or hallucinated authorities "is a serious matter." Consequently, he granted a motion brought by the applicant under Rule 74 of the *Rules* to have the respondent's motion record removed from the Court file based on the undeclared use of AI, finding the removal to be a "very modest sanction" (see also *Djatsa v Canada (Citizenship and Immigration)*, 2026 FC 729; *Sinkova v Canada (Citizenship and Immigration)*, 2026 FC 650).

[17] Rule 74 empowers this Court to order that any document be removed from the court file if it is scandalous, frivolous, vexatious, clearly unfounded, or constitutes an abuse of the court's

process. Although the rule does not apply here because the Applicants' Record has not been filed, the Respondent would be well-positioned to request that the document be removed from the Court file for being an abusive document once it is filed.

[18] While I accept that the delay resulting from an error of counsel should not be visited on the Applicants, the critical concern here is not the mere inadvertence of the legal assistant in calculating the filing date of the Applicants' Record, it is the content of the document itself.

[19] AI tools promise efficiency; however, their indiscriminate use in drafting legal arguments constitutes a pernicious threat to the integrity of the judicial process. Fabricated case citations distort and corrupt the case law. Superficial fluency also creates an illusion of competence and genuine legal reasoning that masks underlying inaccuracies. In addition, inaccurate legal arguments shaped by AI also results in the waste of scarce resources, both judicial and those of the opposing party.

[20] Whether accidental or deliberate, reliance on false citations and advancing misleading arguments on matters of substance cannot be condoned by this Court. For these reasons, I decline to exercise my discretion in favour of the Applicants.

[21] Before concluding, I wish to comment on the Applicants' claim that the underlying application has merit.

[22] The determinative issue before the RPD was credibility. The panel also found that the Applicants' claim was clearly fraudulent given the repeated reliance by the principal claimant, Mr Ahmed, on fraudulent documents to mislead the RPD on central components of his claim.

[23] On a full and fair reading of the RPD's detailed Decision, the panel plainly and appropriately dealt with the issues and evidence presented by the Applicants. The result reached was transparent, intelligible and among the alternatives available to the panel on the evidence and arguments before it. The Applicants point to numerous holdings or comments that they do not believe are correct. However, none of their points, either individually, or taken as a whole, undermine the clarity and intelligibility of the Decision.

[24] Finally, the Applicants requested costs in their notice of motion despite the fact that in immigration proceedings before this Court, no costs are typically awarded to or payable by any party unless the Court finds "special reasons" to order otherwise: Rule 22 of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22. No such reasons have been pleaded or shown.

[25] In fact, awarding costs to the Applicants would be contrary to the plain meaning of Rule 410(2) of the *Rules* which specifically provides that the costs of a motion for an extension of time "shall be borne by the party bringing the motion." As was stated by the Federal Court of Appeal in *Abi-Mansour v Canada (Aboriginal Affairs)*, 2014 FCA 272 at para 18:

[...] The intention of the Rule is to see that respondents who are put to the trouble of responding to a motion for an extension of time because the applicant has missed a filing deadline are not subject to an order of costs if the applicant, whose own conduct

made the motion necessary, is successful. *Prima facie*, the person who seeks the extension bears the burden of costs. Rule 410(2) allows the judge to make a different order as to costs, but it does not require him to make no order as to costs if the applicant is successful.

[26] Not only were the Applicants not successful on their motion, they were exposed to potential sanctions, including substantial costs being awarded against them, for attempting to file an abusive document. However, since the Respondent did not seek costs, none are ordered.

JUDGMENT IN IMM-3886-26

THIS COURT’S JUDGMENT is that:

1. The Applicants’ motion for an extension of time to serve and file the Applicants’
Record is dismissed.
2. The application for leave and for judicial review is dismissed.
3. There shall be no order as to costs of the motion.

“Roger R. Lafrenière”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3886-26

STYLE OF CAUSE: SHUMON AHMED SHAMIMA SORKAR
ABDULLAH SADAT BIN AHME v THE
MINISTER OF CITIZENSHIP AND
IMMIGRATION

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

REASONS AND JUDGMENT: LAFRENIÈRE J.

DATED: SEPTEMBER 28, 2026

WRITTEN REPRESENTATIONS BY:

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Joseph Granton FOR THE RESPONDENT

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