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Vokshi v. Canada (Citizenship and Immigration), 2026 FC 1346

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Federal Court Cour fédérale

Date: 20261103

Docket: IMM-10807-25

Citation: 2026 FC 1346

2026 FC 1346 (CanLII)

Montréal, Québec, November 3, 2026

PRESENT: The Honourable Madam Justice Ferron

BETWEEN:

HAJRIJE VOKSHI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS AND JUDGMENT

I. Overview

[1] The Applicant, Mrs. Hajrije Vokshi, is a citizen of Albania. She applied for a temporary super resident visa, under subsection 12(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*], to visit her daughter, her son-in-law and her grandchildren in Canada. She seeks the judicial review of a decision rendered on March 25, 2025 [Decision], by an officer of Immigration, Refugee and Citizenship Canada [Officer] dismissing her visa application on the

basis that she "had failed to demonstrate that [her] child/grandchild meets the minimum necessary income".

[2] The Global Case Management System [GCMS] notes, which form part of the reasons for the Decision (*El Hajj v Canada (Citizenship and Immigration)*, 2025 FC 2031 [*El Hajj*] at para 7, citing *Mohammed v Canada (Citizenship and Immigration)*, 2025 FC 1933 [*Mohammed*] at para 9; *Al Aridi v Canada (Citizenship and Immigration)*, 2019 FC 381 at para 13) provide additional details. In addition to the reason cited above, the Officer also wrote that they also considered the following elements:

> PG1 application refused: You have failed to demonstrate that your child/grandchild meets the minimum necessary income. 2024 NOA's not on file. Insufficient documentation of incoming funds. No employment letters on file. I'm not satisfied that hosts have sufficient funds for this visit.

[3] In support of her Application for judicial review, the Applicant claims that the Officer failed to assess relevant and compelling financial documentation, such as her hosts' 2023 Income tax assessments and banking income statements. She also submits that the Officer misunderstood that her hosts are self-employed, explaining why there is no employment letters on file, and that the deadline for the 2024 Income tax assessments had not passed, explaining why it was not on file. In sum, the Applicant submits that the central issue in this matter is the failure of the Officer to justify their rational for finding that the evidence submitted was insufficient to sustain a family of six (6), making the Decision unreasonable.

[4] Additionally, the Applicant submits that the Officer did not reach their Decision fairly, as she was entitled to a meaningful opportunity to respond to the Officer's concerns on the absence of the 2024 Income tax assessment before a final Decision was made on her visa application.

2026 FC 1346 (CanLII)

[5] There are many issues with this matter. First, because the Applicant had not provided a valid address for service in Canada, nor a valid telephone number or email address, contrary to section 5(1)(k) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22, it was impossible for the Court to reach the Applicant ahead of the hearing scheduled for October 5, 2026, at 9:30 a.m. Therefore, the registry added to the electronic Court file a phone number and email address for the Applicant to reach the Court, as the case may be. On October 1, 2026, the Court was informed that the Applicant had appointed legal counsel to represent her.

[6] Second, Mrs. Vokshi's affidavit in support of her Application attaches a copy of the Decision (Exhibit A), of her Sponsor and Co-Sponsor's financial documents (Exhibit B), of her proofs of relationship documents (Exhibit C), of an Invitation Letter (Exhibit D) and of the minimum income requirements of Immigration Canada's Super Visa Program for Parents and Grandparents (Exhibit E). She claims that Exhibits B, C & D were submitted to the Officer. However, except for the Decision (Exhibit A), none of those documents are contained into the Certified Tribunal Record [CTR], which is quite limited. At the hearing, the Applicant's newly appointed counsel did not address this issue.

[7] Third, her memorandum of fact and law relies on multiple cases. Further to the hearing, the Court attempted to review the jurisprudence cited and discovered numerous incorrect sources. Apart from *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC) [*Baker*] and *Hassani v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1283 [*Hassani*], all neutral citations refer to jurisprudence that does not support the legal principles alleged by the Applicant, and their styles of cause do not match the cited authority. This suggests that they were generated

2026 FC 1346 (CanLII)

by artificial intelligence (*Ahmed v Canada (Citizenship and Immigration)*, 2026 FC 1202 at paras 11–12 [*Ahmed*]). The citations are so obviously fabricated that it would be pointless to consider whether they resulted from *bona fide* clerical errors. As Associate Judge Moore rightly put, "[t]he Court cannot be expected to spend time hunting for cases which do not exist or considering erroneous propositions of law" (*Hussein v Canada (Immigration, Refugees and Citizenship)*, 2025 FC 1060 at para 39).

[8] The Court issued a practice direction entitled *The Use of Artificial Intelligence in Court Proceedings*, dated May 7, 2024, which requires litigants to declare the use of artificial intelligence. While the Court recognizes that Mrs. Vokshi was self-represented at the time she prepared and filed her Applicant's Record, this does not, however, excuse her non-compliance with the Court's guidelines, nor does it exonerate her from the consequences arising therefrom (*Arora v Canadian National Railway*, 2026 FC 82 at para 31 [*Arora*]; *Okogun v Canada (Citizenship and Immigration)*, 2026 FC 722 at para 23 [*Okogun*]). As the Applicant relies on jurisprudence that does not support the legal principles for which it is cited, her memorandum of law is of little – if any – legal merit. This could be reason enough to dismiss the Application (*Okogun* at para 28).

[9] At the hearing, counsel for the Applicant did not address the fact that the Applicant's memorandum cited non-existent jurisprudence. Counsel's failure to declare the presence of erroneous content that can mislead the Court is everything but "a harmless endeavor" (*Arora* at para 30; *National Indigenous Fisheries Institute v Canada (Fisheries and Oceans)*, 2026 FC 382 at para 54; *Ahmed* at para 14).

2026 FC 1346 (CanLII)

[10] Fourth, the Respondent filed a notice of appearance in this matter but never filed a responding record, and this, notwithstanding follow-ups by the registry office, which remained unanswered. While the Court recognizes that errors can be made, the failure of the Respondent to respond to the Registry Office will not be condoned. When the Registry reaches out to a party, they act on behalf of the Court and should always be answered. At the hearing, notwithstanding the fact that the Respondent failed to file a Respondent's record and memorandum of fact and law, counsel for the Respondent asked to be allowed to make oral submissions limited to the Applicant's oral submissions. The Applicant objected to this request.

[11] As the Court stated in *Gemstone Travel Management Systems Inc. v Andrews*, 2017 FC 463, at paragraphs 3–7, it is well known that a party "must limit its submissions to those advanced in its memorandum of fact and law", and while the Court "has a discretion to permit a party to make submissions notwithstanding the absence of a memorandum of fact and law", the Respondent provided no reasonable explanation for its omission except to say that this file "fell into the cracks". The Court agrees with the Applicant's counsel that allowing the Respondent to make representations at this time would be unfair as it would take him by surprise (*White v Canada Post Corporation*, 2024 FC 198 at paras 19–22). This request was therefore denied.

[12] Fifth, while both parties were present at the scheduled hearing and submitted books of authorities, highlighting provisions and paragraphs supporting their clients' respective positions, the jurisprudence included in the book of authorities provided by counsel for the Applicant is not mentioned in the Applicant's written submissions, except for *Vavilov*, *Baker* and *Hassani*. Counsel for the Applicant did not address that issue at the hearing. In the absence of proper memoranda of

2026 FC 1346 (CanLII)

fact and law from either side, the parties appear to be substituting their books of authorities for their memoranda. This is not the purpose of books of authorities.

[13] For the most part, all of the above-mentioned practices are unacceptable and repudiable. Although expressed in a different context, the Federal Court of Appeal has reminded litigants – numerous times – that the Federals Courts "have finite resources that cannot be squandered" (*Canada v Olumide*, 2017 CAF 42 at para 19). "It falls upon courts and judges themselves to ensure the most efficient use of their limited capacity to deal with all sorts of litigants who come before them" (*Coady v Canada (Attorney general)*, 2020 CAF 154 at para 22). Resources devoted to pursuing one party's record, searching for another party's non-existent jurisprudence, or playing "I Spy" through the parties' books of authorities in an effort to decipher their legal arguments are resources unavailable for deserving litigants.

[14] That being said, further to the review of the file, including the motion record filed by the Applicant, the actual content of the CTR and the Applicant's oral representations at the hearing held on October 5, 2026, the Court finds that the Applicant has failed to demonstrate that the Decision would be unreasonable. The Application for judicial review of the Decision will be dismissed, without costs.

II. New Evidence

[15] As previously mentioned, Exhibits B, C, D and E are absent from the CTR. Except for Mrs. Vokshi's affidavit, in which she asserts that Exhibits B, C and D were before the Officer, the Applicant provided no evidence or argument supporting her claim. In the absence of evidence to the contrary, the Court will presume that the documents contained in the CTR were the materials

2026 FC 1346 (CanLII)

before the Officer (*Togtokh v Canada (Citizenship and Immigration)*, 2018 FC 581 at para 16; citing *Adewale v Canada (Citizenship and Immigration)*, 2007 FC 1190 au para 11).

[16] Therefore, Exhibits B, C, D and E are considered to be new evidence. On judicial review, the Court does not normally consider any element that was not before the administrative decision maker (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 [*Access Copyright*] at paras 19–20). This is because, as Justice Stratas of the Federal Court of Appeal recalls in *Access Copyright*, "[t]he essential purpose of judicial review is the review of decisions, not the determination, by trial de novo, of questions that were not adequately canvassed in evidence at the tribunal or trial court" (at para 19, citing *Gitxan Treaty Society v Hospital Employees' Union*, 1999 CanLII 7628 (FCA) at pp 144–45; see also *Bernard v Canada (Revenue Agency)*, 2015 FCA 263 at para 17).

[17] Given the absence of submissions on this issue, the Court will not consider Exhibits B, C, D and E in this judicial review, as they were not before the Officer and none of the recognized exceptions apply to the present matter (*Access Copyright* at para 20; *Bernard* at para 23–25).

III. Standard of Review

[18] The appropriate standard of review that applies to the merits of administrative decisions, such as those regarding open work permits, study permits and temporary resident visas, is reasonableness (*Vavilov*, 2019 SCC 65; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 7 [*Mason*]; *Mohammed* at paras 14–17; *Zamor v Canada (Citizenship and Immigration)*, 2021 FC 479 [*Zamor*] at para 19). The recognized exceptions to this presumption

2026 FC 1346 (CanLII)

do not apply in the present matter (*Canadian Society of Authors, Composers and Music Publishers v Entertainment Software Association*, 2022 SCC 30 at paras 27–28).

[19] As stated by Justice Gascon in *Mohammed* (previously cited):

> [14] Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on "an internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Pepa* at para 46; *Mason* at para 64; *Vavilov* at para 85). The reviewing court must therefore ask whether the "decision bears the hallmarks of reasonableness—justification, transparency and intelligibility" (*Vavilov* at para 99, citing notably *Dunsmuir v New Brunswick*, 2008 SCC 9 at paras 47, 74).
>
> [15] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a "reasons first" approach and begin its inquiry by examining the reasons provided with "respectful attention," seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (Pepa at paras 46–47; Mason at paras 58, 60; Vavilov at para 84). The reviewing court must adopt an attitude of restraint and intervene "only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process" (*Vavilov* at para 13).
>
> [16] The standard of reasonableness is rooted in the principle of judicial restraint and deference, and it requires reviewing courts to show respect for the distinct role that the legislature has chosen to give to administrative decision makers, more particularly on findings of fact and the weighing of evidence (*Mason* at para 57; *Vavilov* at paras 13, 24, 46, 75).

2026 FC 1346 (CanLII)

> Absent exceptional circumstances, a reviewing court will not interfere with the factual findings of an administrative decision maker (*Vavilov* at paras 125–126, citing *Canada (Canadian Human Rights Commission) v Canada (Attorney General)*, 2018 SCC 31 at para 55; *Doyle v Canada (Attorney General)*, 2021 FCA 237 at para 3).
>
> [17] The onus is on the party challenging the decision to prove that it is unreasonable. Flaws must be more than superficial for the reviewing court to overturn an administrative decision. The court must be satisfied that there are "sufficiently serious shortcomings" (*Vavilov* at para 100).

2026 FC 1346 (CanLII)

[20] Given that visa officers have recognized expertise in analyzing and assessing temporary resident visa applications, courts must give considerable deference to these decision makers when reviewing their discretionary decisions, especially since such decisions usually turn on questions of fact (*Zamor* at para 19, citing *Solopova v Canada (Citizenship and Immigration*), 2016 FC 690 [*Solopova*] at para 12).

[21] As Justice Pamel stated in *Touré v Canada (Minister of Citizenship and Immigration)*, 2020 FC 932 at para 11:

> Moreover, the officer has wide discretion in assessing the evidence and coming to a decision (*Zhang v Canada (Citizenship and Immigration)*, 2003 FC 1493 at para 7; (*Solopova v Canada (Citizenship and Immigration)*, 2016 FC 690 *at para* 22 *[Solopova]* at para 11). The officer's duty to provide reasons for the decision is minimal (*Solopova* at para 32). The decision maker is assumed to have weighed and considered all the evidence presented to him unless the contrary is shown (*Florea v Canada (Minister of Employment and Immigration)* (FCA), [1993] FCJ No. 598 at para 1).

[22] Although the duty to provide reasons when evaluating temporary resident visa applications is minimal, officers must still provide adequate reasons so their decisions are transparent, justified and intelligible (*El Hajj* at para 16, *Ghodsi v Canada (Citizenship and Immigration)*, 2024 FC 620 at para 7; *Mittal v Canada (Citizenship and Immigration)*, 2024 FC 811 [*Mittal*] at para 12; *Chera v Canada (Citizenship and Immigration)*, 2023 FC 733 [*Chera*] at para 36, citing *Sopolova* at para 32 and *He v Canada (Citizenship and Immigration)*, 2021 FC 1027 at paras 18–20; *Wang v Canada (Citizenship and Immigration)*, 2024 FC 985 [*Wang*] at para 32).

[23] As for the appropriate standard of review for procedural fairness issues, the "legal question that must be assessed […] requires the reviewing court to determine whether or not the procedure followed by the administrative decision maker respected the standards of fairness and natural justice" (*Nourani v Canada (Citizenship and Immigration)*, 2023 FC 732 at para 18 [*Nourani*]). The Court must determine whether the "process satisfied the level of fairness required in all the circumstances, in effect applying a standard of correctness" (*Pacific Coast Terminals Co. v Habus*, 2025 FCA 152 at para 21, citing *Jagadeesh v Canadian Imperial Bank of Commerce*, 2024 FCA 172 at para 53; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 44 –56).

IV. The Decision is reasonable

[24] As Justice Lagacé stated in *Obeng v Canada (Citizenship and Immigration)*, 2008 FC 754 [*Obeng*] at paragraph 20, "[t]here is a legal presumption that a foreign national seeking to enter Canada is presumed to be an immigrant, and it is up to him to rebut this presumption." Therefore, applicants are required to establish, on a balance of probabilities, that they would leave Canada by

2026 FC 1346 (CanLII)

the end of the period authorized (*IRPA*, s 20(1)b); see also *Immigration and Refugee Protection Regulations*, SOR/2002-227, s 179(b) for temporary resident visas, s 200(1)b) for work permits, and s 216(1)b) for study permits; *Gonzalez Zuluaga v Canada (Citizenship and Immigration)*, 2017 FC 1105 [*Zuluaga*] at para 10; *Solopova* at para 22).

[25] In the present matter, the determinative issue for the Officer was that the Applicant failed to demonstrate that Mrs. Vokshi's hosts had the required funds to support her visit, due to insufficient documentation. Hence, the Officer dismissed her visa application.

[26] In Super Visa applications, "great emphasis is given to the host's financial situation" as it is "designed to accommodate frequent visits by parents" and "reunite families" (*Prabha v Canada (Citizenship and Immigration)*, 2026 FC 579 at para 12). Issued in accordance with ministerial authority found in subsection 15(4) of the *IRPA*, the *Ministerial Instructions regarding the Parent and Grandparent Super Visa (2023)*, which was in force at the time of the Applicant's application, it sets out the requirements for host:

> **Requirements for host**
>
> **4.** An officer should consider issuing a Super Visa if, on the day on which the application was filed and from that day until the day a decision is made with respect to the application, there is evidence that the host, and the spouse or common-law partner who co-signed the letter of invitation, as applicable,
>
> a. intends to fulfill the obligations in the letter of invitation; and
>
> b. has a total income that is at least equal to the minimum necessary income.

2026 FC 1346 (CanLII)

[27] This Court's jurisprudence is clear that decision-makers are presumed to have considered all of the evidence before them (*El Hajj* at para 33, citing *Chatrath v Canada (Citizenship and Immigration)*, 2024 FC 958 at para 35; *Solopova* at para 28; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) [*Cepeda-Gutierrez*] at para 17).

[28] While it is true that "a blanket statement that the decision-maker has considered all evidence will not suffice when the evidence submitted from any discussion in the reasons appears squarely to contradict the agency's finding of fact" [citation omitted] (*Cepeda-Gutierrez* at para 17; *Aghaalikhani v Canada (Citizenship and Immigration)*, 2019 FC 1080 at para 24; *Adu v Canada (Citizenship and Immigration)*, 2023 FC 1363 at para 22), the Officer's reasons are to be read "light of the record and with due sensitivity to the administrative regime in which they were given" (*Vavilov* at para 103). As such, it was open to the Officer to conclude that financial evidence was lacking. Nothing in the record directly contradicts the Officer's findings. The Officer reasonable assessed and evaluated the limited evidence before them. As the Court sees no reviewable error in the Decision, the Court will not intervene (*Vavilov* at para 125).

V. The Decision is procedurally fair

[29] In her written submission, the Applicant argues that "the Officer failure to provide any opportunity to clarify or supplement the file deprived the Applicants [sic] of a fair process," rendering the Decision procedurally unfair (citing *Hassani* at paras 21–24). According to her, the Officer should have provided her with an opportunity "to explain the unavailability of a 2024 [Income tax assessment], which had not yet been issued due to the timing of [Canada Revenue Agency]'s tax cycle."

2026 FC 1346 (CanLII)

[30] The Court disagrees: “[t]he duty of procedural fairness on visa applications is on the lower end of the spectrum” (*Prabha v Canada (Citizenship and Immigration)*, 2026 FC 579 at para 20, citing *Nourani* at para 50). As Justice Gascon said: “[v]isa officers have no duty to provide an applicant with an opportunity to respond to their concerns unless credibility, accuracy, or genuine nature of information submitted is at issue” (*Nourani* at para 50, citing *Hassani* at para 24).

[31] The onus was on the Applicant to establish, on a balance of probabilities, that her host had the required funds. In the present matter, the GCMS notes clearly suggests that the Officer’s concerns were based on the sufficiency of the evidence, “which [does] not trigger a duty to inform an applicant” (*Nourani* at para 51). The Officer did not breach the Applicant’s right to procedural fairness.

VI. Conclusion

[32] For the above reasons, the application for judicial review is denied. While the reasons provided by the Officer are short, they are sufficient. The Decision is not unreasonable (*Vavilov* at para 103).

2026 FC 1346 (CanLII)

JUDGMENT in IMM-10807-25

THIS COURT'S JUDGMENT is that

1. The application for judicial review is denied.

2. No question of general important is certified.

"Danielle Ferron"
Judge

2026 FC 1346 (CanLII)

FEDERAL COURT

SOLICITORS OF RECORD

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2026 FC 1346 (CanLII)