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Unreasonable Immigration Refusals on the Rise in Canada

PUBLISHED 30 October 2025

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EXECUTIVE SUMMARY

This paper addresses a growing issue in Canada regarding unreasonable refusals of study permits, work permits, and visitor visas. It examines how Canadian visa officers frequently provide inadequate reasons, boilerplate refusal language, and also decisions lacking a reasonable and rational connection to the evidence, contrary to the principles of reasonableness and procedural fairness articulated in the widely cited triple jurisprudence *Baker-Khosa-Vavilov* framework. Drawing on judicial review statistics, Federal Court jurisprudence, and empirical data, this paper highlights a surge in immigration refusals that disproportionately affect applicants from India, Bangladesh, Iran, Nigeria, and many other regions, alongside a dramatic rise in judicial review filings in the Federal Court of Canada.



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The analysis demonstrates that these refusals are often set aside because officers fail to engage with key evidence or to provide coherent, evidence-based reasoning. This paper also critiques systemic barriers, including the use of the Chinook Microsoft Excel-based tool, which the Canadian government is using to streamline immigration files for efficiency. Doing so undermines individualized assessment and fairness. There is a prohibitive cost to court challenges, which together restricts access to justice for many applicants. These dynamics together reinforce an imbalance of power between decision-makers and applicants, raising concerns about transparency, accountability, and the rule of law in Canada's immigration system.

Keywords: Canadian immigration law, unreasonable refusals, study permits, work permits, visitor visas, permanent residence, international students, judicial review, Federal Court, *Vavilov*, *Baker*, *Banks*, *Aghaalikhani*, *Rijhwan*, *Singh*, *Mahouri*, administrative law, procedural fairness, proportionality, transparency, accountability, access to justice, Chinook, systemic discrimination, refusal rates, immigration integrity, economic impacts, fairness in immigration, Canada immigration policy.

DISCUSSION

In Canada's immigration system, visa officers employ broad discretion in deciding applications for study permits, work permits, and visitor visas. However, that discretion is not boundless; it must be exercised fairly and reasonably, in line with fundamental legal standards. The Supreme Court of Canada, in numerous landmark cases, has set clear expectations for fairness, rationality, and transparency in administrative decision-making of which immigration decisions are one such area of law and government monopoly. Despite these standards, there is growing evidence that many recent visa refusals deviate from what the law requires. High refusal rates in certain categories and from certain source countries, a surge in successful court challenges, and numerous anecdotal examples, when taken together, suggest a trend of unreasonable refusals arising from decisions that lack fairness, fail to engage with the evidence, or provide only cursory justifications. This article examines this troubling trend in the context of study permits, work permits, and visitor visas, analyzing how these numerous refusals often fall short of current legal standards, using examples to illustrate where practice is misaligned with principle.

(A) Application of Current Legal Standards: Fairness and Reasoned Decisions

Canadian administrative law has long emphasized that immigration decisions must be made fairly and be supported by logical reasoning. In the 1999 case of *Baker v Canada (Minister of Citizenship and Immigration)* ("*Baker*"), the Supreme Court of Canada underscored the duty of procedural fairness owed to applicants. Fairness is "flexible and variable" depending on context, but in cases where the



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stakes are high, decision-makers should provide a meaningful explanation of their decision.¹ Within the context of *Baker*, an immigration officer's refusal of a humanitarian application was quashed in part because no adequate reasons were given to the applicant despite the life-altering impact of the decision.² The Supreme Court found "it was unfair she did not receive any written reasons for refusing the application where the decision was so incredibly significant"³. Madam Justice L'Heureux-Dubé's judgment reinforced that important decisions should generally be accompanied by written reasons, both to uphold fairness and to allow for meaningful review.⁴ *Baker* thus established that even in immigration matters, applicants are entitled to decisions free from bias and supported by intelligible reasoning.

A decade later in 2009, in *Canada (Citizenship and Immigration) v Khosa* ("*Khosa*"), the Supreme Court of Canada dealt with the standard for reviewing immigration decisions. The case involved the Immigration Appeal Division's refusal to grant relief on humanitarian grounds, which the Federal Court of Appeal had set aside as unreasonable. The Supreme Court of Canada restored the original decision, stressing that courts must show deference to administrative decision-makers on factual and discretionary matters.⁵ In other words, a court should not reweigh evidence or substitute its own view just because it might have decided differently.⁶

However, *Khosa* also affirmed that deference "ends where unreasonableness begins"⁷. If a decision lacks any acceptable justification or ignores critical evidence, it falls outside the range of defensible outcomes and should not be upheld. The effect of *Khosa* is a balanced approach in that immigration officers are given leeway to assess applications, but their decisions must still address the relevant facts and comply with rationality. A decision based on flawed logic or a clear failure to consider key factors will be unreasonable, and the courts are entitled to intervene in such cases.⁸

In 2019, *Canada (Minister of Citizenship and Immigration) v Vavilov* ("*Vavilov*") rearticulated the requirements of reasonableness in administrative decisions across all areas of law. Under *Vavilov*, a decision will only be considered "reasonable" if it exhibits justification, transparency and intelligibility, and if the outcome falls within a range of acceptable outcomes given the facts and law.⁹ In practical terms, decision-makers must meaningfully engage with the applicant's case and their evidence, and clearly and reasonably explain how they arrived at their conclusion.

The Supreme Court of Canada made clear that courts reviewing visa officer decisions for reasonableness should focus on what the decision-maker actually

¹ [1999] 2 SCR 817, 174 DLR (4th) 193 at para 22.

² *Ibid.*

³ *Ibid* at para 43.

⁴ *Supra* note 1.

⁵ 2009 SCC 12.

⁶ *Ibid.*

⁷ *Ibid* at para 139

⁸ *Supra* note 5.



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said (or did not say) in their reasons. A court “cannot defer to reasoning missing from the decision or fill in that reasoning” on judicial review.¹⁰ This means that if an officer’s refusal letter provides only a conclusion with no supporting analysis, it cannot stand. Even brief reasons may suffice so long as they address the key issues, but “brevity cannot excuse inadequacy”¹¹. An officer must at least show a rational bridge from the evidence to the conclusion.

Furthermore, *Vavilov* emphasized that where the record contains evidence contradicting the officer’s conclusions, the officer must grapple with that evidence in their reasoning.¹² Overlooking important evidence or concerns – for example, ignoring strong proof of an applicant’s ties to their home country while concluding the applicant has “no significant ties” – renders a decision unreasonable.¹³ In short, *Vavilov* sets a high bar such that immigration refusals must be justified, based on a clear chain of reasoning that connects the facts of the case to the outcome. This is now the governing standard that Canadian visa officers are expected to meet.

(B) Rising Refusals

Despite these clear legal standards, many current visa refusals appear to diverge sharply from the *Baker-Khosa-Vavilov* framework. Over the past several years, refusal rates have climbed in key temporary residence categories, and observers have noted that refusal letters often contain only vague or formulaic explanations. This section reviews recent empirical data with examples to illustrate the trend of potentially unreasonable refusals in study permit, work permit, and visitor visa applications.

(i) High and Disparate Refusal Rates

Statistics indicate that visa refusals have not only increased in volume but also affect certain regions disproportionately, raising fairness concerns. A 2022 Canadian parliamentary House of Commons Immigration Standing Committee report (the “Standing Committee Report”) highlighted that average study permit refusal rates rose significantly over the last decade, peaking at about 49% in 2020 (nearly half of all applications globally).¹⁴ This was up from roughly a 30-35% refusal rate in the mid-2010s, reflecting a substantial tightening of approvals. The study permit refusal rate rose substantially, thereby tightening approvals. The study permit refusal rate dipped back to around 40% in 2021, which is still high by historical standards.¹⁵

Importantly, these refusals have not been evenly distributed in that students from certain regions, notably Africa, have faced much higher rejection rates. In 2021, 72% of applicants from African countries with large Francophone

⁹ 2019 SCC 65 at para 86.

¹⁰ *Singh v Canada (Citizenship and Immigration)*, 2022 FC 692 at para 22.

¹¹ *Rijhwani v Canada (Citizenship and Immigration)*, 2022 FC 549 at para 10.

¹² *Supra* note 9.

¹³ *Ibid.*

¹⁴ House of Commons, *Promoting Fairness in Canadian Immigration Decisions: Report of the Standing Committee on Citizenship and Immigration* (November 2022) (Chair: Salma Zahid).

¹⁵ *Ibid.*



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populations were refused, as were 68% of those from Anglophone African countries.¹⁶ By contrast, the global average refusal rate was 40%, and for applicants outside Africa it was about 35%.¹⁷ In other words, African students have been rejected at roughly double the rate of others, despite meeting the basic requirement of having been admitted to Canadian institutions.¹⁸ Such a stark disparity has fueled debates about whether implicit bias or uneven application of criteria is influencing outcomes, contrary to the legal requirement in *Baker* that decisions be free from irrelevant considerations and discrimination.

Similar patterns appear in work permit and visitor visa statistics. Witnesses before the Canadian Parliament noted that work permit refusals are unusually high for certain populations. For example, the Canadian visa office in New Delhi, India, historically refused around 83% of work permit applications for provincial nominees (foreign workers whom Canadian provinces have already vetted and nominated to fill specific labour market needs), whereas the same program saw only a 34% refusal rate for applicants applying via Australia.¹⁹ Even looking broadly, workers applying from India and Bangladesh in 2021 had refusal rates (27% and 50%, respectively) far above the global average of 13% for work permits.²⁰

Meanwhile, temporary resident visa (“TRV”) application refusals have also trended upward. Global TRV application rejection rates increased in tandem with study permit refusal rates over the last decade, reaching approximately 26% by 2021 (and significantly higher for certain African and Asian countries, according to internal data).²¹

Iran provides another telling example. Despite being the sixth-largest source country for international students in Canada, Immigration, Refugees and Citizenship Canada (“IRCC”) data shows that between 2019 and 2021, only 6,177 Iranian study permit applications were approved compared to 7,969 refusals, a mere 44% approval rate.²² This means more than half of Iranian applicants were denied, even when many had acceptance letters from Canadian institutions. The government’s decision in March 2023 to create a new open work-permit pathway for Iranian nationals already in Canada implicitly acknowledges the systemic challenges faced by this group under existing visa processes.

In 2024, overall visa approval rates even saw a further decline as new program “integrity” measures were introduced, suggesting a tightening that, that disproportionately affected applicants from regions already facing low

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² Government of Canada, “CIMM – Student Approval Rates by Country of Residence – February 15 and 17, 2022” (10 May 2022), online: <www.canada.ca/en/immigration-refugee-citizenship/corporate/transparency/committees/cimm-feb-15-17-2022/student-approval-rates.html#wb-auto-4>.



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approval rates.²³ The data therefore paints a picture of more frequent refusals, especially for applicants from developing countries. High refusal rates are not inherently proof of unfairness and could instead reflect a higher proportion of incomplete or ineligible applications. However, the consistent regional discrepancies and the sheer volume of refusals have raised red flags.

Recent IRCC operational data further contextualize these trends. Between 2022 and 2024, the number of new applications and extensions for temporary residents—including visitor visas, study permits, and work permits—rose from roughly five million to a peak of 6.3 million in 2023, before easing slightly in 2024.²⁴ Yet the number of approvals lagged far behind, leaving millions of applications unapproved each year. The widening gulf between applications received and approved underscores the systemic tightening of Canada’s temporary-residence programs and helps explain the surge in judicial challenges that followed.

If large numbers of qualified applicants (such as students accepted to Canadian universities, or skilled workers nominated by provinces) are being refused with minimal or speculative explanation, it calls into question whether decisions are being made on a truly individualized, merit-based assessment, or whether other extraneous or unarticulated factors are at play.

New applications and extensions received vs. approved for temporary residents

These types of applications include temporary resident visas, visitor records, study permits, study permits extensions, work permits and work permit extensions.

■ New applications and extensions received ■ New applications and extensions approved

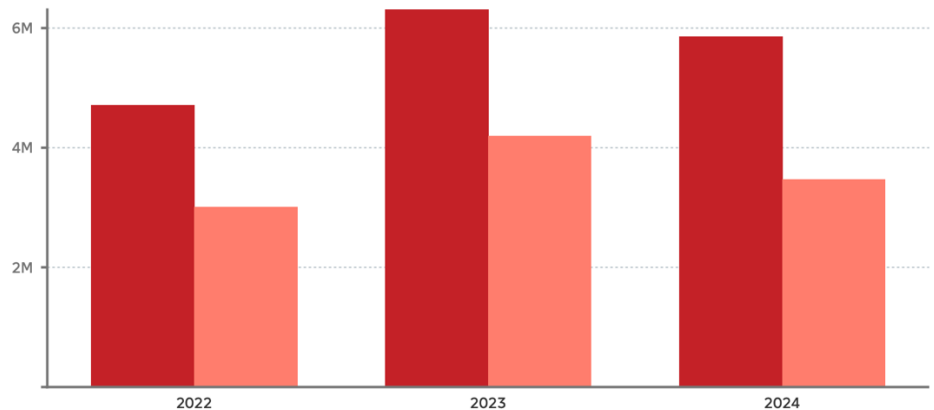


Figure 1. Shaina Luck, “‘Extraordinary’ surge in immigration cases in Federal Court challenges access to justice, top judge says”, online (website): <www.cbc.ca/news/canada/nova-scotia/federal-court-immigration-filings-1.7647984>.

²³ Government of Canada, “OLLO – Refusal of International Students from Africa – November 4, 2024” (31 October 2024), online: <www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/ollo-november-4-2024/refusal-international-students-africa.html>.

²⁴ Shaina Luck, “‘Extraordinary’ surge in immigration cases in Federal Court challenges access to justice, top judge says”, online (website): <www.cbc.ca/news/canada/nova-scotia/federal-court-immigration-filings-1.7647984>.



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(ii) Boilerplate Reasons and Lack of Explanation

A defining feature of many recent refusal letters is their sparse and repetitive language. Instead of detailed reasoning tailored to the applicant's circumstances, officers often rely on template paragraphs that list generic factors. A typical study permit or visitor visa refusal will state one or more stock reasons such as "based on your family ties in Canada and in your country of residence", "based on the purpose of your visit", "based on your personal assets and financial status", and/or "based on your travel history", etc...

In study permit cases, officers frequently add boilerplate lines questioning the applicant's proposed education plans. For instance, "the proposed studies are not reasonable in light of your qualifications and expenses" or that "similar programs are available closer to home at lower cost". These phrases appear repeatedly in refusal letters, often in combination, and the letter then concludes with a generic statement: "Weighing the factors in this application, I am not satisfied that the applicant will depart Canada at the end of the authorized stay. For the reasons above, I have refused this application."

Aghaalkhani v Canada (Citizenship and Immigration) ("Aghaalkhani"), for example, demonstrates such stock language in the refusal of an Iranian study permit application on the ground that the visa officer was "not convinced he would leave Canada after his studies," with reasons citing that his travel history, family ties, and purpose of study are unlawful.²⁵ Ultimately, the Federal Court quashed the refusal in *Aghaalkhani* because the record contained contradictory evidence and, as the Court put it, "there is no evidence on the record to support" the officer's key findings, particularly regarding his intention to depart.²⁶

The problem with this style of decision is that it lacks specific analysis. The officer cites, say, family ties or financial status as concerns, but does not explain how those factors led to the negative conclusion. For example, if an applicant provided evidence of substantial funds and strong family connections at home, a refusal might still directly state that "personal assets and financial status" or "family ties" are insufficient without addressing any of the favourable evidence or providing a logical link between the evidence and the outcome. Fundamentally, there is a substantial lack of analysis.

More troubling is the lack of connection between the refusal reason(s) and the applicant's evidence. Such cursory treatment falls short of the *Vavilov* requirement that decisions be grounded in rational reasoning. A mere recitation of factors, followed by an adverse finding, "is not supported by analysis" and thus will likely fail the "justification, transparency and intelligibility" test that the Supreme Court of Canada has clearly set out.

Indeed, the Federal Court has increasingly found these boilerplate refusals to

²⁵ 2019 FC 1080 at para 2.

²⁶ *Ibid* at para 5.



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legally deficient. Since *Vavilov*, judges have been less willing to “fill in the gaps” on behalf of the government. In one 2022 judicial review, Mr. Justice Diner remarked: “Visa officers are certainly entitled to deference, but only where their findings have at least a modicum of justification. That was entirely absent here. In the age of *Vavilov*, the Court cannot defer to reasoning missing from the decision, or fill in that reasoning for the administrative decision-maker”.²⁷ Lacking any justification, the Court set aside that refusal.

In another case, a judge stressed that “brevity cannot excuse inadequacy” when an officer fails to address critical evidence: even if reasons may be concise, the few points that are central to the applicant’s case must be grappled with.²⁸ These rulings echo the principle from *Baker* and *Vavilov* that a decision must reflect consideration of the key facts and issues. Where an applicant, for instance, presents evidence of a genuine study plan and ties to their home country, a form-letter assertion that the purpose of study is not *bona fide* or that ties are insufficient (with no further explanation) does not meet the standard of reasonableness.

(C) Empirical Signs of Unreasonableness

If many visa refusals are indeed lacking in fairness or logic, one would expect to see a rise in legal challenges, which is exactly what has occurred. Federal Court statistics and practitioner analyses show an unprecedented surge in immigration-related judicial review filings comprising roughly 78% of all Federal Court proceedings in 2024, up from 57% in 2015.²⁹ Most of these cases involve TRV applications rather than refugee claims, reflecting the increase in contested visa refusals. According to Federal Court data, non-refugee judicial review cases have increased by 500% since 2019³⁰ – an astonishing jump that coincides with the period of climbing refusal rates.

More specifically, credible sources further indicate that over 24,000 judicial review applications were filed in 2024, with projections suggesting this figure could climb to approximately 31,000 by the end of 2025. This projection was recently confirmed by Chief Justice Paul Crampton, who acknowledged an “extraordinary” surge in immigration filings, with court staff now estimating between 31,000 and 33,000 new cases in 2025.³¹ These figures highlight the systemic strain caused by high refusal rates and the resulting litigation burden.

²⁷ *Supra* note 10.

²⁸ *Supra* note 11.

²⁹ Canadian Affairs, “IRCC’s ‘half human’ approach to immigration claims not working: lawyers” (26 June 2025), online: <www.canadianaffairs.news/2025/06/26/immigration-cases-approach-not-working/#:~:text=The%20burgeoning%20number%20of%20immigration,%E2%80%94and%20affecting%20potential%20immigrants>.

³⁰ *Ibid.*

³¹ *Supra* note 24.



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Immigration filings at Federal Court, 2003-2024

Filings include applications for leave and judicial review at Federal Court, by year

■ New Immigration Proceedings, Refugee ■ New Immigration Proceedings, Non-refugee

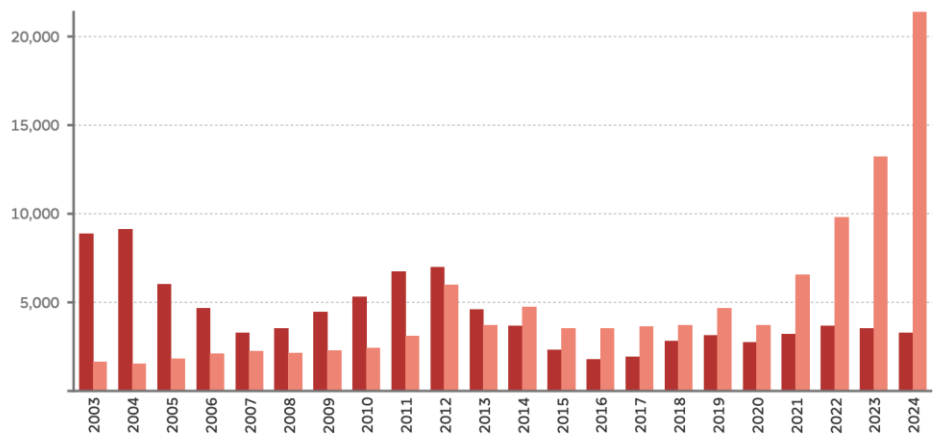


Figure 2. ²⁴Shaina Luck, “‘Extraordinary’ surge in immigration cases in Federal Court challenges access to justice, top judge says”, online (website): <www.cbc.ca/news/canada/nova-scotia/federal-court-immigration-filings-1.7647984>.

The Federal Court has acknowledged these pressures, finding deficiencies in many refusal letters (namely, failures to clearly and reasonably engage with the evidence), and a meaningful proportion of challenged refusals are being quashed or remitted on judicial review. This is a strong indicator that visa officers’ decisions, in many instances, are not holding up under legal scrutiny. The common thread in those cases was the failure of officers to engage with the evidence. The analysis revealed “a strong trend” of officers providing reasons that failed to account for or engage with all of the evidence in the application, leading to unreasonable outcomes.³² In other words, officers were ignoring or overlooking key pieces of information (just as *Vavilov* warned against) and thus, making decisions that courts found lacked a rational basis in the record.

Specific case examples further illustrate the disconnect between the evidence applicants provide and the cursory reasons given for refusals. In *Singh v Canada (Citizenship and Immigration)*, the applicant had put forward a detailed study plan with supporting documents, yet the visa officer’s refusal letter essentially copied departmental template language and offered no substantive explanation. The Federal Court intervened, finding the decision void of the “modicum of justification” required.³³

Further, in *Rijhwani v Canada (Citizenship and Immigration)*, the officer refused an application on humanitarian grounds with only a few lines of reasoning, failing to address the applicant’s key arguments about hardship

³² Federal Court of Canada, “Decisions of the Federal Court”, online (website): <decisions.fct-cf.gc.ca/fc-cf/en/nav.do>.

³³ *Supra* note 10.



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and establishment. The Federal Court judge noted that when an applicant raises only a couple of central factors, “it is particularly important that the officer addresses the rationale clearly for each”, and here that was not the case.³⁴ The Court concluded that the officer’s negligible one-page reasoning contained “significant errors” and did not adequately explain the conclusion.³⁵ While this case concerned permanent residence, its significance lies not in the type of application but in the Court’s articulation of the duty to provide coherent, evidence-based reasons.

Likewise, in the context of study permits, Federal Court decisions have repeatedly chastised Canadian visa officers for disregarding evidence. For example, in *Mahouri v Canada (Citizenship and Immigration)*, the Federal Court found “significant shortcomings on central issues in the officer’s evaluation of the evidence”, such as the officer’s conclusion that the applicant lacked family ties outside Canada when in fact evidence of family abroad was actually present and had been provided to the visa officer.³⁶ These cases underscore the pattern that boilerplate refusals containing stock language that Immigration Department bureaucrats have obviously created and endorsed often cannot demonstrate a rational connection between the facts and the outcome, and thus fail the reasonableness test on a court challenge.

While judicial review in the Federal Court has served as an essential safeguard, it is far from an accessible remedy. The process is complex, uncertain, and prohibitively expensive for many applicants, and has also become increasingly prolonged. Whereas immigration litigation cases once took six to eight months to resolve, by 2024 the average timeline had stretched to between 14 and 18 months, leaving applicants in extended limbo.³⁷ Most temporary resident applications consist of young workers or family members seeking to visit Canada and who are not in a position to finance Federal Court litigation. Filing fees, legal representation, and the length of proceedings all create barriers that effectively insulate many unreasonable refusals from judicial scrutiny. There is also a structural imbalance in Canada’s immigration system being that visa officers remain acutely aware that only a small fraction of applicants will ever challenge their decisions in court. Resultantly, this unequal power dynamic allows officers to render decisions with little explanation or engagement with the evidence, knowing that most individuals will lack the financial or logistical ability to contest them. In this sense, judicial review functions less as a routine safeguard than as an extraordinary privilege for those with the means to access it.

The result is troubling: whether an individual receives a reasoned and lawful immigration decision can depend less on the merits of their application

³⁴ *Supra* note 11.

³⁵ *Ibid.*

³⁶ 2013 FC 244.

³⁷ *Supra* note 24.



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than on their economic capacity to litigate. The rule of law demands more.

It should not require disposable income to obtain a clear explanation of why one's application has been refused. The standard of review under *Vavilov* was meant to ensure transparent and evidence-based decision-making from administrative decision-makers *ab initio*. Yet, in the immigration context, the standard is often honoured only if the applicant has the resources to bring the matter before a judge.

(D) Causes and Consequences

The problem of unreasonable decision-making is not limited to individual refusals. Even higher levels of adjudication have been found to be lacking. In *Pepa v Canada (Citizenship and Immigration)*, the Supreme Court of Canada concluded that the Immigration Appeal Division's interpretation of the right of appeal under section 63(2) of the *Immigration and Refugee Protection Act (2001)* was unreasonable because it ignored both statutory purpose and the serious consequences for applicants.³⁸ The Court's intervention highlights that systemic weaknesses in immigration decision-making extend beyond front-line officers, raising broader questions about fairness and accountability.

Multiple factors may be contributing to this troubling trend of unreasoned refusals. One factor is the sheer volume of applications in recent years. Canada has seen an explosion of immigration applications with over 10 million processed in 2024, up from 2.6 million in 2015.³⁹ This, resultantly, puts significant pressure on visa officers to handle files quickly. To manage workloads, IRCC introduced an AI-assisted Microsoft Excel-based tool called "Chinook" in 2019 to help officers sort and bulk-process temporary resident applications more efficiently.⁴⁰ While the Immigration Department asserts that a human officer still makes the final decision, officers using Chinook can reportedly process files in mere minutes.⁴¹

Lawyers have observed that this "half-Chinook, half-human" approach is producing "half-baked" decisions. With only a few minutes spent per file, it is doubtful an officer can fully read and weigh all the now increasingly voluminous evidence submitted, let alone write a detailed justification. As Vancouver immigration lawyer Deanna Okun-Nachoff noted, having a "human in the loop" is meant to ensure fairness, "but if the human only spends a few minutes on each application, there could not have been a substantive assessment of all the material"⁴². The predictable result is superficial reasoning or simply defaulting to the Departmental templated refusal script without truly considering the individual merits.

Internal data suggests that applications processed through Chinook do get

³⁸ 2025 SCC 21 ; See also *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21.

³⁹ *Supra* note 28.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*



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permit decisions and 20% of visitor visa decisions were handled using Chinook, and those had a higher refusal rate than non-Chinook cases: for study permits, a 51% refusal rate vs 40% average, and for TRVs, a 42% refusal rate vs a 26% average.⁴³ It has been observed that refusals generated via Chinook “often contain little to no meaningful justification”, typically nothing more than the standard one or two-liner stock templated reasons.⁴⁴ This opacity not only contravenes the *Baker* principle that important decisions should be explained, but it also undermines the applicants’ ability to respond or to improve future applications, since they cannot tell what the true concerns of visa officers were. Although IRCC’s 2025–26 Departmental Plan introduces new initiatives and pathways, there is a legitimate concern that these changes may ultimately increase both the frequency of refusals and the opacity of decision-making, only further compounding the imbalance of power between applicants and visa officers.

Another factor is the inconsistent application of rules and risk triaging. Officers have discretion, but one expects that similar cases would yield similar outcomes. Yet, practitioners report that separate applications can be astonishingly variable in that there can be two of the same exact cases, with the same exact set of facts, the same substantive evidence, yet each getting very different results from different decision-makers.⁴⁶ Such inconsistency may be exacerbated by different visa office cultures or unofficial quotas. For instance, some visa offices (or the Chinook tool guiding them) might apply more skepticism to applicants from certain demographics, leading to disproportionately high refusals (as seen in the Africa and South Asia data above).

The Standing Committee Report noted that officers in certain missions refused vastly more applications than others even for the same program, suggesting uneven standards.⁴⁷ In practice, this inconsistency means that an applicant’s chances can hinge less on the merits of their case and more on who (or what system) processes it; a clear departure from the rule-of-law ideal of consistent, evidence-based decision-making. Evidently, similar cases must be treated alike, otherwise the public loses confidence, and program integrity is compromised.

The consequences of this trend are significant. For the applicants, an unfair refusal can derail life plans; students lose time and/or scholarships, Canadian businesses miss out on talent, and families are kept apart, all without clear justification or reasoning. For the Canadian institutions and economy, high refusal rates have tangible costs. Universities, for example, report struggling to enroll qualified international students due to visa denials.

⁴³ *Supra* note 14.

⁴⁴ *Supra* note 29.

⁴⁵ Government of Canada, “Immigration, Refugees and Citizenship Canada’s 2025-26 Departmental Plan” (2025), online: <www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/departmental-plans/2025-26-departmental-plan/departmental-plan-2025-2026-full.html>.

⁴⁶ *Supra* note 29.

⁴⁷ *Supra* note 14.



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One Quebec university saw a 55% refusal rate for francophone African student applicants, causing a major impact on its programs.⁴⁸

On a systemic level, the explosion of court challenges has created backlogs in the Federal Court. Chief Justice Paul Crampton issued a practice directive in 2023 acknowledging an “unprecedented increase” in immigration cases that the Court was struggling to handle.⁴⁹ The Court has had to extend timelines and divert resources, which affects not only immigration matters but other areas of federal litigation as well.⁵⁰ In essence, the Federal Court has become a safety valve for correcting cursory visa decisions, but it is unfortunately a cumbersome, slow, and costly process. Many applicants, lacking time or resources, do not even pursue judicial review, meaning potentially worthy applications are simply lost to an unfair refusal. This is the “systemic crisis”⁵¹ of the immigration system. Chief Justice Crampton has since reaffirmed this concern, warning in a recent interview that “justice delayed is justice denied”.⁵²

(E) Towards Fairness and Accountability

The growing trend of unreasonable refusals in Canada’s temporary visa programs represents a disconnect between legal standards and administrative reality. The principles from *Baker*, *Khosa*, and *Vavilov* demand that immigration decisions be made individually, impartially, and rationally, with outcomes that can be justified by the evidence. Yet, as we have seen, many study permit, work permit, and visitor visa refusals today provide neither the assurance of fairness nor a coherent reasoning. Too often, they consist of sparse conclusions that do not engage with applicants’ real circumstances and their cogent evidence. These practices undermine not only the courts’ expectations but also public confidence in the immigration system.

It is important to note that the Canadian government is not oblivious to these concerns. IRCC officials have publicly recognized issues such as the disproportionately low approval rates for African students and the perception of bias. In late 2024, IRCC noted it had increased approval rates for African study permit applicants from 30% in 2021 to 35% in 2023, and acknowledged the need to “increase equitable access” for underrepresented groups.⁵³ The Immigration Department insists that each application is “treated fairly and without discrimination” and has implemented new training on unconscious bias, anti-racism, and cultural awareness for visa officers.⁵⁴ Quality control measures and pilot programs (like a dedicated Francophone Africa student stream) have been

⁴⁸ *Ibid.*

⁴⁹ *Supra* note 29.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Supra* note 24.

⁵³ *Supra* note 23.

⁵⁴ *Ibid.*



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introduced to address some of the disparities.⁵⁵

Moreover, following the *Vavilov* ruling, IRCC faces pressure to update its internal guidance and tools (such as Chinook) to ensure officers provide adequate reasoning. There are indications that, gradually, decision letters are becoming more detailed in response to court feedback. Immigration lawyers have observed a few recent cases where refusal letters were “notably detailed, reminiscent of the level of analysis” expected post-*Vavilov*, suggesting that some progress is being made in how officers document and explain their decisions.

Ultimately, however, meaningful change will require continued vigilance and perhaps systemic reforms. Clearer guidelines on writing decision reasons, better training and oversight, and calibration of automated tools to flag (rather than ignore) important evidence could all help align frontline decision-making with the law. The Federal Court’s firm stance in setting aside unreasonable decisions is an important check, but it is remedial. The goal must be to prevent unjustified refusals upfront, so that applicants do not have to resort to courts to obtain a fair outcome. As Supreme Court Madam Justice Abella once observed, “fairness is the hallmark of Canadian justice.” In the immigration context, fairness means giving each applicant a real opportunity to have their case considered on its merits, and receiving a decision that is rationally explained. Anything less not only offends the individual’s dignity and expectations, but also erodes the integrity of Canada’s immigration system.

CONCLUSION

The rise of unreasonable immigration refusals in study, work, and visitor visa applications is a concerning trend that demands attention. The standards set in Canada’s leading jurisprudence cases of *Baker*, *Khosa*, and *Vavilov* provide both the yardstick and the compass for addressing this issue. They remind us that no matter how voluminous the caseload, the core values of procedural fairness and reasoned decision-making must guide the process. By recommitting to those principles, Canada can ensure that every visa refusal is reasoned and just, not arbitrary or opaque. Such a course correction is in the interest of applicants, the public, and the rule of law. It would realign practice with principle, restoring confidence that immigration decisions, even when negative, are made within the bounds of the law, informed by the evidence, and explained in a way that makes sense to the public (which certainly includes the applicant stakeholders). That is the standard our highest courts expect, and it is what those who seek to study, to work or to visit Canada deserve.

⁵⁵ *Ibid.*



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