

Federal Court



Cour fédérale

Date: 20150108

Docket: IMM-3472-13

Citation: 2015 FC 24

Ottawa, Ontario, January 8, 2015

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

ABENA MANSA MONLOUIS

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] In 2012, Ms Abena Mansa Monlouis, a citizen of St Lucia, arrived in Canada and applied for permanent residence on humanitarian and compassionate grounds (H&C) when she was 17 years old. She hoped to live with her father who is a permanent resident of Canada.

[2] An immigration officer reviewed Ms Monlouis' application and concluded that she had had little opportunity to become established in Canada, having lived here for less than a year. Further, she would soon reach the age of 18 and would no longer be considered a minor. Finally, Ms Monlouis had provided insufficient evidence relating to her relationship with her father. Accordingly, the officer found that Ms Monlouis had not shown she would experience unusual, undeserved or disproportionate hardship if she had to apply for permanent residence from outside Canada.

[3] Ms Monlouis argues that the officer's decision was unreasonable as it failed to take adequate account of her status as a minor. She was enrolled in school in Canada and wished to be raised and reunited with her father, a natural desire for someone in her circumstances. She maintains that the officer failed to weigh these factors. She asks me to overturn the decision and order another officer to reconsider her application.

[4] I cannot agree. The officer's decision was responsive to the evidence and submissions before him. In the circumstances, the outcome was defensible based on the facts and the law. Therefore, I must dismiss this application for judicial review.

[5] The sole issue is whether the officer's decision was unreasonable.

II. Was the Officer's decision unreasonable?

[6] Ms Monlouis contends that the officer failed to give appropriate consideration to the fact that she was a minor when she applied for permanent residence.

[7] I disagree. The officer was clearly aware that Ms Monlouis was 17 years old when she applied for her H&C. Moreover, there was simply no evidence before the officer that pointed to any particular hardship that Ms Monlouis would endure if she had to apply for permanent residence from St Lucia.

[8] There was no evidence relating to her life in St Lucia. She did not mention any family there, or describe where or with whom she had been living. She states that she would like to foster a relationship with her father, but there is no evidence emanating from him on the subject, other than a completed sponsorship form. She attends school in Canada and has apparently begun to make friends here but, again, there was no evidence before the officer relating to any significant attachments she has made.

[9] Based on the paucity of evidence before the officer, I cannot conclude that his decision was unreasonable.

III. Conclusion and Disposition

[10] The officer's rejection of Ms Monlouis' H&C application represented a defensible outcome based on the law and the evidence before him. Therefore, I must dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and
2. No question of general importance is stated.

"James W. O'Reilly"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3472-13

STYLE OF CAUSE: ABENA MANSA MONLOUIS v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 23, 2014

JUDGMENT AND REASONS: O'REILLY J.

DATED: JANUARY 8, 2015

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