

Federal Court



Cour fédérale

Date: 20220713

Docket: IMM-4212-21

Citation: 2022 FC 1027

Ottawa, Ontario, July 13, 2022

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

ANDRA SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION CANADA**

Respondent

REASONS AND JUDGMENT

[1] Ms. Andra Singh (the “Applicant”) seeks judicial review of a Senior Immigration Officer (the “Officer”) refusing her application for permanent residence in Canada on humanitarian and compassionate (“H and C”) grounds, pursuant to subsection 25(2) of the *Immigration and Refugee Protection Act*, S.C. 2011, c. 27 (the “Act”).

[2] The Applicant is a citizen of Trinidad and Tobago. She entered Canada in 1988. She is the mother of a 16 year old Canadian born child.

[3] In 2011, the Applicant filed an H and C application that was approved in principle. For various reasons, including some beyond her control, the matter was not finalized.

[4] In 2017, the Applicant submitted another H and C application. Upon its refusal, she filed an application for leave and judicial review. The matter was settled upon consent with the Minister of Citizenship and Immigration (the “Respondent”) and remitted for redetermination.

[5] The Applicant’s H and C application was again refused on June 2, 2021 and that decision is the subject of the within application for judicial review.

[6] The Applicant based her H and C application upon discrimination in her home country, adverse country conditions and the best interests of her Canadian born child.

[7] The decision of the Officer is reviewable upon the standard of reasonableness, applying the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653.

[8] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is

justified in relation to the relevant factual and legal constraints that bear on that decision”; see *Vavilov, supra* at paragraph 99.

[9] The Applicant argues, on several grounds, that the decision is unreasonable.

[10] The Respondent submits that the decision is reasonable and that there is no basis for judicial intervention.

[11] Upon my review of the materials filed and the written and oral submissions of the parties, I disagree.

[12] In my opinion, the Officer unreasonably assessed the best interests of the Applicant’s minor child. The Officer unreasonably concluded that the fact that the Applicant knew about the job pursued by her brother in Trinidad and Tobago meant that family support would be available to her if she were returned to that country.

[13] In the result, the application for judicial review will be allowed, the decision of the Officer will be set aside and the matter remitted to another officer for re-determination. There is no question for certification.

JUDGMENT in IMM-4212-21

THIS COURT'S JUDGMENT is that the application for judicial review is allowed, the decision of the Officer is set aside and the matter is remitted to a different officer for re-determination, there is no question for certification.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4212-21

STYLE OF CAUSE: ANDRA SINGH v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION CANADA

PLACE OF HEARING: HELD BY WAY OF TELECONFERENCE BETWEEN
TORONTO, ONTARIO AND ST. JOHN'S,
NEWFOUNDLAND AND LABRADOR

DATE OF HEARING: JUNE 8, 2022

REASONS AND JUDGMENT: HENEGHAN J.

DATED: JULY 13, 2022

APPEARANCES:

Marianne Lithwick FOR THE APPLICANT

Bradley Bechard FOR THE RESPONDENT

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