

Federal Court



Cour fédérale

**Date: 20241010**

**Docket: IMM-4477-22**

**Citation: 2024 FC 1607**

**Toronto, Ontario, October 10, 2024**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**WEIDONG ZHOU  
YIJIAN LIU  
JUNXI LIU**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Ms. Weidong Zhou (the “Principal Applicant”), her husband Mr. Yijian Liu and their son Junxi Liu (collectively “the Applicants”) seek judicial review of the decision of an Officer (the “Officer”), refusing their application for permanent residence from within Canada on

Humanitarian and Compassionate (“H and C”) grounds, pursuant to subsection 25(1) of the *Immigration and Refugee Protection Act*, S. C. 2021, c. 27 (the “Act”).

[2] The Applicants are citizens of China. They entered Canada in February 2016, together with their child Junxi Liu who was born in 2004. Their claim for refugee status was refused in December 2016.

[3] The Principal Applicant gave birth to a daughter in July 2018. This child is a Canadian citizen.

[4] The Applicants based their H and C application upon their establishment in Canada, the Principal Applicant’s fear of forced sterilization if forced to return to China, their fear of interference with the free practice of the Christian religion, and the impact of removal upon the Canadian citizenship of their Canadian–born child since China does not recognize dual citizenship. The Applicants submit that without Chinese citizenship, the daughter will not have access to certain public services in China, would have to indefinitely seek extensions of a visa for their daughter, or she may be required to renounce her Canadian citizenship.

[5] The Applicants challenge the Officer’s decision on the ground that he failed to consider the evidence submitted in support of their H and C application.

[6] The Minister of Citizenship and Immigration (the “Respondent”) submits that the decision is reasonable and discloses no reviewable error.

[7] Following the decision of the Supreme Court of Canada in *Canada (Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.), the decision of the Officer is reviewable on the standard of reasonableness.

[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 the decision”; see *Vavilov, supra*, at paragraph 99.

[9] It is not necessary to repeat the facts and the submissions in detail; both are well-known to the parties.

[10] While the Applicants place great emphasis on the Officer’s treatment of the best interests of their children, I fail to see a reviewable error in the ultimate conclusion, that the Applicants can continue to look after their children in China. There is no evidence that the minor child “must” renounce her Canadian citizenship. While I agree that she is too young to make such a decision now, I am not persuaded that the Officer failed to address this element in the decision.

[11] I am not persuaded that the Officer’s decision fails to meet the applicable legal test. The Officer addressed each issue raised by the Applicants and the conclusions reached by the Officer are “justified, intelligible, and transparent.”

[12] In the result, the application for judicial review will be dismissed. There is no question for certification.

**JUDGMENT IN IMM-4477-22**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed.

There is no question for certification.

"E. Heneghan"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-4477-22

**STYLE OF CAUSE:** WEIDONG ZHOU, YIJIAN LIU, JUNXI LIU v. THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JULY 18, 2024

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** OCTOBER 10, 2024

**APPEARANCES:**

Vakkas Bilsin FOR THE APPLICANT

Stephen Jarvis FOR THE RESPONDENT

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