

Federal Court



Cour fédérale

Date: 20250128

Docket: IMM-2464-24

Citation: 2025 FC 175

Ottawa, Ontario, January 28, 2025

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

ELBA COROMOTO ROJAS ANEZ

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] I indicated to counsel at the hearing that this application would be dismissed.

[2] The Applicant, Ms. Elba Coromoto Rojas Anez, brings this application for judicial review of a decision by an Immigration, Refugees and Citizenship Canada officer [Officer] refusing her application for permanent residence under the Temporary Public Policy to Facilitate Issuance of Permanent Resident Visas to Certain Colombian, Haitian, and Venezuelan nationals

with family in Canada [Public Policy]. The Officer determined that the Applicant did not meet the conditions of the Public Policy as she was not residing in Central or South America, Mexico, or the Caribbean at the time of application, and declined to grant humanitarian and compassionate [H&C] relief under section 25(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[3] Counsel for the Applicant submits that the sole issue is whether the Officer breached procedural fairness by failing to consider the Applicant's medical information prior to rendering the Decision.

[4] It is conceded that there is no such medical information in the Certified Tribunal Record, nor any evidence that such was included in her application, notwithstanding that it was stated in the application that medical documents enclosed showed that the Applicant was unable to return to Venezuela given her current health and therefore required an H&C exemption.

[5] There is no obligation on the Officer to ask for the medical information that was omitted from the application: *Huang v Canada (Citizenship and Immigration)*, 2020 FC 241 at para 28; *Ibrahim v Canada (Citizenship and Immigration)*, 2019 FC 855 at para 24.

[6] I am satisfied that the Officer did consider all the information submitted. There was no breach of procedural fairness.

[7] No question was proposed for certification and there is none.

JUDGMENT in IMM-2464-24

THIS COURT'S JUDGMENT is that this application is dismissed, and no question is certified.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2464-24

STYLE OF CAUSE: ELBA COROMOTO ROJAS ANEZ v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: JANUARY 28, 2025

JUDGMENT AND REASONS: ZINN J.

DATED: JANUARY 28, 2025

APPEARANCES:

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Asha Gafar	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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