

Federal Court



Cour fédérale

**Date: 20250311**

**Docket: IMM-4048-24**

**Citation: 2025 FC 447**

**Ottawa (Ontario), March 11, 2025**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**LI HUA WU**

**Applicant**

**And**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Mr. Li Hua Wu (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Immigration Appeal Division (the “IAD”), dismissing his appeal against his loss of status. The appeal was based on Humanitarian and Compassionate (“H and C”) grounds.

[2] The Applicant is a citizen of China. He obtained permanent resident status in Canada in 2003. He lost that status in 2022, for failing to meet the residency requirements of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[3] The Applicant spent less than 6 months in Canada between 2003 and 2022, when he returned to Canada from China.

[4] A Departure Order was issued against the Applicant on January 23, 2023, and on January 30, 2023, he filed an appeal to the IAD pursuant to subsection 63(2) of the Act, seeking relief on H and C grounds.

[5] The IAD reviewed the factors set out in *Chirwa v. Canada (Minister of Citizenship and Immigration)*, [1970] I.A.B.D. No. 1 and addressed each one in turn. It concluded that, on balance, the Applicant had not shown that H and C relief should be granted.

[6] The IAD considered several H and C factors in its decision, including the credibility of the Applicant; the fact that in the period between July 21, 2017 and July 17, 2022, he had spent only 74 days in Canada; the fact that he spent most of two decades outside Canada and did not return to Canada at the earliest opportunity; the minimal establishment in Canada; the interests of his minor children who hold no status in Canada; and the absence of hardship resulting from the loss of status and removal from Canada.

[7] The Applicant now argues that the decision is unreasonable because the IAD failed to take into account the health condition of the Applicant's now 25-year-old son, a Canadian citizen, who suffered a psychotic break in 2020.

[8] The Minister of Citizenship and Immigration (the "Respondent") submits that the decision is reasonable.

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

[10] 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.

[11] I agree with the position put forward by the Respondent.

[12] At paragraph 75 of its decision, the IAD said the following:

The Appellant said his son was diagnosed with schizophrenia in 2020 but provided no corroborating evidence to support his testimony. Given the significant credibility concerns in this appeal, I cannot accept the Appellant's testimony alone about his son's health. Even if the Appellant's son has schizophrenia, it does not support special relief because I do not see how the Appellant is involved in his son's life or health in any meaningful way.

[13] I interpret this paragraph to mean that even if the IAD accepted the diagnosis of the Applicant's son, it was not persuaded that this fact justified H and C relief, considering the assessment of the other factors

[14] Upon considering the evidence and arguments made by the parties, I am not persuaded that the decision of the IAD is unreasonable.

[15] The Applicant was granted permanent resident status in 2003. He was responsible for maintaining that status, in accordance with the applicable laws of Canada. He did not abide by the residency requirements. In order to rehabilitate his status he seeks relief on H and C grounds.

[16] The IAD assessed relevant factors and its decision meets the requirements of justification, transparency and intelligibility. There is no basis for judicial intervention.

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

**JUDGMENT IN IMM-4048-24**

**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-4048-24

**STYLE OF CAUSE:** LI HUA WU v. MCI

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** FEBRUARY 27, 2025

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** MARCH 11, 2025

**APPEARANCES:**

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