

Federal Court



Cour fédérale

Date: 20250624

**Dockets: IMM-8308-23
IMM-13717-23**

Citation: 2025 FC 1141

Ottawa, Ontario, June 24, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

**ABEL ROTIMI ADEGBOYE
DEBORAH OLUWASEUN ADEGBOYE
OBALOLUWA JOSIAH ADEGBOYE**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Mr. Abel Rotimi Adegboye (the “Principal Applicant”), his wife Deborah Oluwaseun Adegboye and their minor son Obaloluwa Josiah Adegboye (collectively “the Applicants”) seek judicial review of two decisions made by a Senior Immigration Officer (the “Officer”).

[2] In cause number IMM-8308-23, the Applicants seek judicial review of refusal of their application for permanent residence in Canada on Humanitarian and Compassionate (“H and C”) grounds, made pursuant to subsection 25(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[3] In cause number IMM-13717-23, the Applicants seek judicial review of the decision of an officer (the “Officer”) refusing their Pre-Removal Risk Assessment (“PRRA”) application.

[4] Although the two causes were not consolidated, an Amended Leave Granted Order dated December 4, 2024 in cause number IMM-13717-23 provided that these two “related” applications for judicial reviews would be heard at the same time. The facts are largely common to both applications for judicial review, and the decisions were apparently made by the same Officer, that is C4786.

[5] The Applicants are citizens of Nigeria. They unsuccessfully applied for refugee status in Canada. Their application for judicial review from a negative decision of the Immigration and Refugee Board, Refugee Appeal Division was dismissed on June 9, 2021.

[6] On June 12, 2023, the Applicants’ H and C application was dismissed. On July 4, 2023, their PRRA application was dismissed.

[7] The H and C application was dismissed on the grounds that the Applicants’ level of establishment in Canada did not warrant the positive exercise of discretion. The PRRA

application was dismissed because the Officer was not satisfied that the Applicants were at risk in Nigeria.

[8] The Applicants now argue that the Officer failed to consider the evidence about their establishment, in particular their work in essential home-care during the Covid-19 pandemic, and gave insufficient reasons for the decision.

[9] The Applicants submit that the Officer breached their right to procedural fairness in analysing the evidence and unreasonably assessed the country condition evidence in deciding upon their PRRA application.

[10] The Minister of Citizenship and Immigration (the “Respondent”) argues that the Officer made no reviewable error and that the decisions meet the applicable standards of review.

[11] Any issue of procedural fairness is reviewable on the standard of correctness; see the decision in *Canada (Citizenship and Immigration) v Khosa*, [2009] 1 S.C.R. 339.

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

[13] 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.

[14] I will first address the Applicants' arguments about a breach of procedural fairness.

[15] I agree with the Respondent, that the record does not support the Applicants' submissions about a breach of procedural fairness. The Applicants had the opportunity to present evidence and make submissions upon both their H and C and PRRA applications. They had the opportunity "to be heard" and I see no breach of procedural fairness in the manner by the Officer who made the two decisions.

[16] As for the substance of the two decisions, the Officer was tasked with assessing the evidence submitted by the Applicants. This mandate lies with the Officer, not with the Court.

[17] Upon considering the contents of the Certified Tribunal Record and the submissions of the parties in these applications for judicial review, I see no reviewable error on the part of the Officer. The decisions meet the applicable standard of reasonableness.

[18] The two decisions respond to the evidence presented by the parties.

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

JUDGMENT in IMM-8308-23 and IMM-13717-23

THIS COURT'S JUDGMENT is that:

1. The applications for judicial review are dismissed. There is no question for certification.
2. A copy of these Reasons and Judgment will be filed in cause number IMM-8308-23 and placed upon the file in cause number IMM-13717-23.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKETS: IMM-8308-23
IMM-13717-23

STYLE OF CAUSE: ABEL ROTIMI ADEGBOYE, DEBORAH
OLUWASEUN ADEGBOYE, OBALOLUWA JOSIAH
ADEGBOYE v. THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: FEBRUARY 21, 2025

REASONS AND JUDGMENT: HENEGHAN J.

DATED: JUNE 24, 2025

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