

Federal Court



Cour fédérale

Date: 20250722

Docket: IMM-7193-24

Citation: 2025 FC 1310

Ottawa, Ontario, July 22, 2025

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

LILY CAMERO

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Lily Camero, has lived in Canada for approximately sixteen years. She applied for permanent residence on humanitarian and compassionate grounds (“H & C Application”). She asked for humanitarian relief based on a number of factors, including: i) the circumstances that led to her non-renewal of her live-in caregiver work permit, ii) her various medical conditions and the inability to obtain the care she needs in the Philippines, iii) her

establishment in Canada, and iv) the best interests of a child who would be impacted by her removal.

[2] Ms. Camero's H & C Application was refused by an officer at Immigration, Refugees and Citizenship Canada (the "Officer"). Ms. Camero raises a number of arguments challenging the substance of the refusal on judicial review. The parties agree, as do I, that I ought to review the merits of the Officer's decision on the reasonableness standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 23).

[3] I agree with Ms. Camero that the Officer's decision is unreasonable because of their evaluation of her establishment in Canada and the hardship she would face in the Philippines. Overall, I find the Officer took a constricted approach that "avoided the requisite analysis of whether, in light of the humanitarian purpose of s. 25(1) of the Immigration and Refugee Protection Act, the evidence as a whole justified relief" (*Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61, [2015] 3 SCR 909 [Kanthasamy] at para 60). As I have found the Officer's establishment and hardship analysis to be a sufficient basis to send the matter back for redetermination, it is unnecessary for me to address Ms. Camero's remaining arguments on judicial review.

[4] I advised the parties at the conclusion of the judicial review hearing that I would be granting the application and providing my reasons for doing so in writing. My reasons for granting are as follows.

II. Procedural History

[5] Ms. Camero came to Canada in 2009 with a work permit to work as a live-in caregiver. She was a caregiver for various families for a number of years in Canada. In 2012, she learned news from her family in the Philippines that precipitated a mental breakdown; she did not renew her work permit because of her mental health challenges and her view at the time that she would return to the Philippines. She ended up not returning.

[6] Ms. Camero continued to work as a caregiver for families and send back money to the Philippines to help support her sons and her brothers there. She also volunteered with the advocacy group Caregivers Action Centre (“CAC”) in Canada. She has had close friendship family-like relationships, including with the 15-year-old daughter of her close friend, who considers her to be an aunt to her.

[7] Things changed significantly after the COVID-19 pandemic. Ms. Camero lost her work caregiving and had to live in a shelter. Then, after a few months into the pandemic, the same family she had been caregiving for hired her back part-time. In 2021, Ms. Camero was diagnosed with thyroid cancer and had to undergo two surgeries in 2022. She has also been diagnosed with hypertension, diabetes 2 and has become blind in her left eye. She regularly sees five medical professionals to address her various health issues. Ms. Camero has continued to work but has had to, at times, pause or limit her hours because of her medical conditions.

[8] Ms. Camero filed the H & C Application in March 2023. The application was dismissed in April 2024.

III. Analysis

[9] Foreign nationals applying for permanent residence in Canada can seek discretionary humanitarian and compassionate relief from requirements in section 25 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The Supreme Court of Canada in *Kanthisamy*, citing *Chirwa v Canada (Minister of Citizenship and Immigration)* (1970), 4 IAC 338 [*Chirwa*], confirmed that the purpose of this humanitarian and compassionate discretion is “to offer equitable relief in circumstances that ‘would excite in a reasonable [person] in a civilized community a desire to relieve the misfortunes of another’” (*Kanthisamy* at para 21 citing *Chirwa* at p. 350).

[10] Given that the purpose of humanitarian and compassionate discretion is to “mitigate the rigidity of the law in an appropriate case,” there is no limited set of factors that warrant relief (*Kanthisamy* at para 19). The factors warranting relief will vary depending on the circumstances, but “officers making humanitarian and compassionate determinations must substantively consider and weigh all the relevant facts and factors before them” (*Kanthisamy* at para 25, citing *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 [*Baker*] at paras 74-75).

[11] Ms. Camero provided a detailed affidavit setting out her history in the Philippines and the 15 years she lived in Canada, including: her work and volunteer experience, significant

relationships she developed, and her medical conditions. She also provided medical documentation and letters of support.

[12] The Officer concluded that Ms. Camero's circumstances were not "substantially different from others who would like to come to this country to earn a better income than what they can in their home countries."

[13] Ms. Camero's detailed affidavit and letters of support describe an individual who has worked hard for families in Canada, volunteered her time to support those who also do caregiving work in Canada, and developed strong bonds with the families for whom she worked, her close friends, and a child who considers her an aunt. Ms. Camero did all of this in Canada while also experiencing devastating loss and numerous health challenges. Having read her detailed statement and the supporting letters, I cannot understand how the Officer could find Ms. Camero's situation to not be "substantially different" than someone who has not even lived in Canada. To find her situation in Canada equivalent to someone who has not even lived in Canada is to ignore the connections and relationships she developed over the last fifteen years.

[14] Not only is the Officer's conclusion not explained in light of the facts of the application (*Vavilov* at para 126), it also exemplifies the fundamental problem with the Officer's approach in considering Ms. Camero's request for relief – a lack of empathy or compassion in considering her circumstances (See: *Fernandez v. Canada (Citizenship and Immigration)*, 2025 FC 752 at paras 8- 9; *Francois v Canada (Citizenship and Immigration)*, 2025 FC 514 at para 9; *Wray-Hunt v Canada (Citizenship and Immigration)*, 2023 FC 1687 at para 6; *Helalifar v Canada*

(*Citizenship and Immigration*), 2022 FC 1040 at para 32; *Kaur v Canada (Citizenship and Immigration)*, 2022 FC 220 at para 43; *Bawazir v Canada (Citizenship and Immigration)*, 2021 FC 1343 at paras 34, 39; *Dowers v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 593 at para 3). On this basis alone I find the decision to be unreasonable.

[15] There are further instances where, despite having explained a challenge Ms. Camero has faced or would face, the Officer concludes, without explaining their reasoning, that her particular circumstances do not merit relief.

[16] For example, while the Officer acknowledges the evidence provided on age discrimination and mandatory retirement in the Philippines, they ultimately find that Ms. Camero could find work because she had previously worked as a teacher and principal in the Philippines. The Officer does not explain how their conclusion on her employability was impacted by the acknowledged evidence on age discrimination, nor how her previous employment, when she was 15 years younger and did not have her current medical issues, is relevant to the question of whether she could find employment today.

[17] Another example is the negative weight the Officer assigned to Ms. Camero being unable “to find a stable residence [in Canada] following the fifteen years she lived here and her reliance on shelters.” This finding comes after the Officer states that they “sympathize that the pandemic and the Applicant’s health conditions has had a negative effect on her earnings and living situation”. Ms. Camero, as the Officer acknowledged, explained in detail how her earnings were impacted in the last five years due to the pandemic, her cancer diagnosis, and other health issues.

She further explained that despite the challenges, she continued to work and was working as a live-in caregiver at the time of the application. It is hard to understand how an Officer applying a compassionate lens to Ms. Camero's circumstances could assign negative weight to her reliance on shelters. Given the facts before the Officer, there had to be more explanation to understand how they reached this conclusion (*Vavilov* at para 103).

[18] With respect to Ms. Camero's medical conditions, the Officer focused their assessment on the possibility of being able to obtain treatment and medication in the Philippines. The Officer failed to consider the thrust of Ms. Camero's submission on this issue. Ms. Camero stated that she relies on a team of five specialists who understand her extensive medical history to address her multiple health conditions in a comprehensive way. In my view, this aspect of Ms. Camero's request for relief was not considered by the Officer in assessing her hardship in return (*Vavilov* at para 126).

[19] I also find, on the issue of Ms. Camero's volunteer work, that the Officer misstated the evidence. The Officer found it was "somewhat unclear what the Applicant does for the organization other than being a member and attending their gatherings." Ms. Camero explains in her affidavit how she feels strongly about the conditions caregivers face and wants to help others; she states that since joining the group she has participated in almost every rally, meeting, and activity organized by the CAC. The letter provided from the organization explains that Ms. Camero spoke to the media about the conditions of live-in-caregivers and was voted by the membership to attend as a representative at the meeting with the Immigration Minister. The

Officer misstates the evidence by not acknowledging the level of detail provided about Ms. Camero's volunteer work (*Vavilov* at para 126).

[20] In conclusion, there are a number of significant shortcomings in the Officer's reasoning that have made me lose confidence in the outcome reached. The application for judicial review is allowed. Neither party raised a question for certification and I agree none arises.

JUDGMENT in IMM-7193-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed;
2. The decision dated April 8, 2024 is quashed and sent back to be redetermined by a different decision-maker;
3. The Applicant will be provided an opportunity to provide further evidence and submissions on redetermination; and
4. No serious question of general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7193-24

STYLE OF CAUSE: LILY CAMERO v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 7, 2025

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: JULY 22, 2025

APPEARANCES:

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Jake Boughs	FOR THE RESPONDENT

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