Federal Court Cour fédérale

Date: 20250821

Docket: IMM-6400-24

Citation: 2025 FC 1403

Ottawa, Ontario, August 21, 2025

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

VALENTINA RYAZANTSEVA

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Valentina Ryazantseva, applied for permanent residence based on humanitarian and compassionate grounds ("H&C Application") based on her establishment in Canada and the best interests of her two Canadian born children. An officer at Immigration, Refugees and Citizenship Canada ("the Officer") refused the application.

[2] I do not find that the Applicant has raised a sufficiently serious shortcoming with the decision to warrant sending it back to be redetermined. I am dismissing the application for judicial review.

[3] The parties agree, as do I, that I ought to review the Officer's decision on a reasonableness standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at para 23).

[4] 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 *Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 [*Kanthasamy*], 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'" (*Kanthasamy* at para 21, citing *Chirwa* at p. 350).

[5] 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 (*Kanthasamy* 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" (*Kanthasamy* at para 25, citing

Baker v Canada (Minister of Citizenship and Immigration), 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at paras 74-75).

[6] The Applicant argued that the Officer failed to conduct a "global assessment" when assessing her application and instead used a "silo-ed" approach, contrary to the spirit of section 25 of IRPA and guidance from *Kanthasamy* at paragraph 28. I disagree. I have carefully reviewed the Officer's reasons. The Officer reviewed the factors raised by the Applicant, assessed each and then considered the factors cumulatively. I see no basis to interfere with the decision on this basis.

[7] The Applicant also argued that the Officer failed to take into account how the "situation in Russia" could impact her and her children. The only submission made on the country conditions in Russia was limited to counsel's request that the officer grant the application given the "current reality in Russia". There were no other submissions or evidence about hardship in Russia. In these circumstances, I cannot find that the Officer was unreasonable in their assessment of this factor.

[8] The Applicant also argued that the Officer minimized her establishment and failed to consider the full submissions on the best interests of the children. I have carefully reviewed the materials submitted and the Officer's decision. The Applicant is not arguing that the Officer ignored or misconstrued her evidence. While the Applicant may have wanted the Officer to give more weight to her establishment, I can see no error in the Officer's assessment based on the materials before them.

[9] With respect to the best interests of the children, the Officer considered the circumstances of the Applicant's two children (2 years old and 3 months old at the time of the application). I cannot see any basis to find the Officer ignored the submissions before them. The submissions and evidence were limited and based on what was there, the Officer considered the children's circumstances and explained their reasoning. There is no basis to interfere with this assessment.

[10] Lastly, the Applicant argues that the Officer erred by turning the positive nature of her establishment in Canada into a negative factor, using her degree of establishment in Canada as a basis to mitigate her hardship upon return to Russia. The Officer noted that "the applicant's education, skills and work experience she obtained in Canada would more than likely help to alleviate any of the potential hardship the applicant may experience upon return to Russia". I agree that this Court has found on numerous occasions that it is unreasonable for officers to "turn positive establishment factors into negative ones" (see for example *Amarasingam v Canada (Citizenship and Immigration)*, 2023 FC 655 at paras 38-39).

[11] However, this case is unique in that the Applicant had not asked for relief based on hardship of return; the primary focus of her submissions were the best interests of her children and her establishment in Canada. The statement at issue cannot be understood, in the context of the submissions before the Officer, as an example of conflating establishment with hardship (*Mashal v Canada (Citizenship and Immigration)*, 2020 FC 900 at para 36). In these particular circumstances, I do not find this minor comment in a lengthy decision, where the Applicant's establishment is fully considered and weighed, is a sufficiently central shortcoming to render the decision unreasonable (*Vavilov* at para 100).

[12] I am not satisfied that the Applicant has identified any sufficiently serious shortcoming in the Officer's evaluation of her H&C Application and accordingly dismiss this application for judicial review. I find that the Officer's decision is transparent, intelligible and justified in light of the record. Neither party raised a question for certification and I agree none arises.

JUDGMENT in IMM-6400-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and

2. No serious question of general importance is certified.

"Lobat Sadrehashemi"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-6400-24
STYLE OF CAUSE:	VALENTINA RYAZANTSEVA v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
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