

Federal Court



Cour fédérale

Date: 20251120

Docket: IMM-19985-24

Citation: 2025 FC 1847

Ottawa, Ontario, November 20, 2025

PRESENT: The Honourable Mr. Justice Gleeson

BETWEEN:

KUSAM VINODRAI PARMAR

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] of the October 8, 2024, decision of a Senior Immigration Officer [Officer] of Immigration, Refugees and Citizenship Canada, refusing her application for permanent residence from within Canada on Humanitarian and Compassionate [H&C] grounds.

[2] The Applicant, who was 78 years old at the time of the H&C application, is a widowed citizen of Kenya with three children. Two of her children are citizens of and reside in Canada. Her third child resides in Kenya. The Applicant last entered Canada as a visitor in April 2022 and currently lives with her daughter and son-in-law, who support her.

[3] In seeking judicial review, the Applicant argues the Officer's decision is unreasonable because the Officer failed to take account of her personal circumstances including the best interests of her grandchildren in Canada, her age, financial circumstances, need for support and access to medical care, and the IRPA objective of family reunification. She further argues the Officer failed to consider her evidence of hardship and what is at stake for her should she have to leave Canada.

[4] The Respondent submits the Officer's decision is reasonable, the Officer addressed and weighed all the relevant facts including evidence of establishment, the best interests of the Applicant's grandchildren and the hardship she may face upon return to Kenya.

[5] Although I am sympathetic to the Applicant's circumstances, for the reasons that follow, the Application must be dismissed.

[6] I note the Applicant has named the Respondent as the Minister of Immigration, Refugees and Citizenship in her Application for Leave and for Judicial Review. However, the Respondent is identified in the statute as the Minister of Citizenship and Immigration (IRPA, s 4(1)). The style of cause is amended accordingly (*Federal Courts Rules*, SOR/98-106, s 76).

[7] As a preliminary matter, the Respondent submits the Applicant relies on evidence that was not before the Officer. Specifically, the Applicant's assertions that—she requires access to medical care, has no assets, and receives no financial support from the Government of Kenya; that older widows in Kenya without nearby family support often face social isolation which can exacerbate both mental and physical health issues, isolation can also make such persons vulnerable to neglect, inadequate nutrition and difficulty in managing day-to-day activities, and social services are limited in Kenya—are all matters that were not before the Officer.

[8] A review of the record confirms that none of these circumstances were disclosed in the H&C application. Instead, the Applicant identifies her youngest son's inability and unwillingness to continue supporting her in Kenya as the reason preventing her from leaving Canada. Although there is evidence that her daughter provides financial support in Canada, there is no evidence in the record disclosing the Applicant requires access to medical care, nor is there evidence of country conditions in Kenya as they relate to medical, social and financial support available to the elderly, or the lack thereof.

[9] The Applicant does not argue that the evidence the Respondent objects to falls within any of the recognized exceptions to the general rule that judicial review is to be undertaken on the basis of the evidence that was before the decision-maker (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at paras 19–20).

[10] The evidence outlined above that speaks to the specific, but not previously disclosed, vulnerabilities of the Applicant is not properly before the Court. I have therefore not considered

any of this evidence. More specifically, I have not taken this evidence into account in considering the arguments advanced by the Applicant at paragraphs 6, 18, 20 and 21 of the Applicant's written submissions.

[11] The Officer's H&C decision is to be reviewed on the standard of reasonableness (*Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 at paras 43–44).

[12] On reasonableness review, the Applicant has the burden of demonstrating that the decision cannot be said to exhibit the requisite degree of justification, intelligibility and transparency—that the decision is lacking “an internally coherent and rational chain of analysis” and it is not “justified in relation to the facts and law that constrain the decision maker.” (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 85,100). The Applicant has not satisfied this burden.

[13] In considering establishment, the Officer made specific reference to the IRPA objective of family reunification and acknowledged that the Applicant is a widow. The Officer also referenced the Applicant's assertion that her daughter provides financial support to her in Canada. However, the Officer noted there was little documentation regarding the depth of the Applicant's relationship with her four grandchildren, the “relatively short period of time” in Canada, and the paucity of evidence supporting the extent of the Applicant's integration into Canada. Having considered all of these factors, the Officer assigned “modest weight” to the Applicant's establishment.

[14] The Officer's establishment analysis is cogent and intelligible, and the conclusion reached is consistent with the evidence. Contrary to the Applicant's position, the Officer was not required to expressly address how this reasoning "takes the objective [of family reunification] into account."

[15] Similarly, the Applicant has not demonstrated the Officer unreasonably considered the issue of hardship. The Officer engaged with a letter from the Applicant's son in Kenya disclosing he "cannot look after her anymore," but found it to be "concise and vague" and therefore insufficient to establish the difficulties referenced in the letter or to demonstrate other arrangements were not available to the Applicant. On this basis, the Officer assigned "low weight to the hardship factor," a determination that the Applicant clearly disagrees with but has not demonstrated was unreasonable.

[16] The Applicant's reliance on *Chokr v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 1022 [*Chokr*] in submitting the Officer erred by failing to refer to any of her evidence on hardship is misplaced for two reasons. First, as I note above, the Officer did consider the hardship evidence that was provided. Second, *Chokr* addresses a failure to acknowledge country condition evidence relied on in an H&C application. In this case, the Applicant did not place any adverse country condition evidence before the Officer.

[17] As noted by Justice Cecily Strickland in *Febrillet Lorenzo v Canada (Citizenship and Immigration)*, 2019 FC 925 at para 15, an applicant must provide sufficient evidence to convince the officer to grant H&C relief (see also *Rainholz v Canada (Citizenship and Immigration)*, 2021 FC 121 at para 18, citing *Owusu v Canada (Minister of Citizenship and Immigration)*, 2004 FCA

38 at paras 5, 8). In my view, the Officer reasonably concluded the Applicant had failed to do so in this case.

[18] The Application is therefore dismissed. Neither party proposes a question for certification and none arises.

JUDGMENT IN IMM-19985-24

THIS COURT’S JUDGMENT is that:

1. The style of cause is amended, with immediate effect, to identify the Minister of Citizenship and Immigration as the Respondent.
2. The Application is dismissed.
3. No question of general importance is certified.

“Patrick Gleeson”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-19985-24

STYLE OF CAUSE: KUSAM VINODRAI PARMAR v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: BY VIDEOCONFERENCE

DATE OF HEARING: OCTOBER 20, 2025

JUDGMENT AND REASONS: GLEESON J.

DATED: NOVEMBER 20, 2025

APPEARANCES:

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Margherita Braccio	FOR THE RESPONDENT

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