

Federal Court



Cour fédérale

**Date: 20260415**

**Docket: IMM-21590-24**

**Citation: 2026 FC 499**

**Ottawa, Ontario, April 15, 2026**

**PRESENT: The Honourable Mr. Justice Fothergill**

**BETWEEN:**

**FABIOLA GRISEL JUAREZ BOYSO**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Fabiola Grissel Juarez Boyso is a citizen of Mexico. She seeks judicial review of a decision by a senior immigration officer [Officer] to refuse her request to apply for permanent residence from within Canada on humanitarian and compassionate [H&C] grounds pursuant to s 25(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[2] Ms. Juarez Boyso is 42 years old and a single mother to Valentina Vera Juarez, who is 15 years old. They arrived in Canada as visitors in August 2017 to be reunited with Ms. Juarez Boyso's mother, who is a Canadian citizen, and her sister and nephew, both of whom are permanent residents. Ms. Juarez Boyso's visitor status expired in 2020, and she and Valentina have been living in Canada without status since then.

[3] The Officer's decision is subject to review by this Court against the standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 10). The Court will intervene only where “there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency” (*Vavilov* at para 100).

[4] The criteria of “justification, intelligibility and transparency” are met if the reasons allow the Court to understand why the decision was made, and determine whether the decision falls within the range of acceptable outcomes defensible in respect of the facts and law (*Vavilov* at paras 85-86, citing *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47).

[5] The Officer observed that Ms. Juarez Boyso had “not provided an explanation for why she failed to regularize her status in Canada after 2020 and why she [had] remained without legal immigration status since that time”. However, before submitting the H&C application on February 17, 2023, Ms. Juarez Boyso made two previous attempts to regularize her status. Her mother applied to sponsor her in June 2018, but the application was refused because Ms. Juarez

Boyso was no longer a child. She submitted her first H&C application in December 2020, but this was refused.

[6] An officer's failure to acknowledge an applicant's efforts to regularize immigration status, and then rely on this misapprehension to discount an applicant's establishment, has repeatedly been found by this Court to be unreasonable (see, e.g., *Kamarrusta v Canada (Citizenship and Immigration)*, 2024 FC 885 at paras 5-8; *Toussaint v Canada (Citizenship and Immigration)*, 2022 FC 1146 at para 23; *Trinidad v Canada (Citizenship and Immigration)*, 2023 FC 65 at para 37).

[7] The Officer also faulted Ms. Juarez Boyso for failing to demonstrate key aspects of establishment, including financial stability and full-time employment. However, given her lack of status in Canada, it would have been illegal for her to work. Instead, she contributed to the running of the household, including caring for both her daughter and her nephew.

[8] The Officer's assessment of the best interests of the children included the following:

I have considered the best interests of the principal applicant's nephew, Leonardo Demian Hernandez Juarez. I have considered that he and Valentina are close in age, have been living together in Canada since 2017 and previously lived together in Mexico, and have a sibling like bond. I have considered that they have spent many of their formative years together and that Leonardo would be deeply impacted if he was separated from Valentina. I have also considered that Leonardo has a close relationship with the principal applicant, who cares for him when his mother is at work and supports him in any way she can. I recognize that separation from his aunt and cousin would be painful for Leonardo, and I ascribe some weight to this. [...]

[9] The Officer's assessment did not reasonably account for the unusual and difficult circumstances that caused both Ms. Juarez Boyso and her sister to flee Mexico and join their mother in Canada. As she explained in her submissions to the Officer, Ms. Juarez Boyso found herself in an abusive relationship in Mexico. Her sister had suffered a similar misfortune. Together, they formed a household with the two children, Valentina and Leonardo. While the Officer acknowledged that the two "lived together in Mexico, and have a sibling like bond", this seriously understated the depth of the familial connection, and the events that brought it about.

[10] The Officer did not grasp the implications of requiring Ms. Juarez Boyso and her daughter to return to Mexico. This would entail more than the separation of a mother and her daughter from her sister and nephew. It would have the effect of wrecking a family unit that was established in Mexico, temporarily disrupted, and then successfully recreated in Canada.

[11] It was incumbent upon the Officer to meaningfully account for the central issues raised by Ms. Juarez Boyso and the applicable evidence (*Vavilov* at paras 126-127). The Officer failed to do so, and the resulting decision was unreasonable.

[12] The application for judicial review is allowed. Neither party proposed that a question be certified for appeal.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application for judicial is allowed, and the matter is remitted to a different immigration officer for redetermination.

"Simon Fothergill"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-21590-24

**STYLE OF CAUSE:** FABIOLA GRISSEL JUAREZ BOYSO v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** CALGARY, ALBERTA

**DATE OF HEARING:** APRIL 7, 2026

**JUDGMENT AND REASONS:** FOTHERGILL J.

**DATED:** APRIL 15, 2026

**APPEARANCES:**

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