

Federal Court



Cour fédérale

**Date: 20260416**

**Docket: IMM-277-25**

**Citation: 2026 FC 515**

**Ottawa, Ontario, April 16, 2026**

**PRESENT: The Honourable Madam Justice Turley**

**BETWEEN:**

**YU-HSUAN LIN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Delivered orally from the Bench on April 16, 2026)**

[1] The Applicant seeks judicial review of an immigration officer [Officer]'s decision refusing her application for permanent residence on humanitarian and compassionate [H&C] grounds. I am allowing the application because the Officer failed to consider a central H&C factor, namely that the Applicant fled an abusive relationship and, consequently, lost her spousal sponsorship and immigration pathway. There is no need to consider the other alleged errors.

[2] Immigration, Refugees and Citizenship Canada [IRCC] H&C Guidelines instruct officers to be “sensitive to situations in which the spouse (or other family member) of a Canadian citizen or permanent resident leaves an abusive situation and, as a result, does not have an approved family class sponsorship”: Canada, IRCC, “The humanitarian and compassionate assessment: Dealing with family relationships”.

[3] Further, this Court has determined that an immigration officer’s failure to consider domestic abuse, and its consequences (such as the withdrawal of spousal sponsorship), renders an officer’s decision unreasonable: *Kang v Canada (Citizenship and Immigration)*, 2025 FC 473 at para 42; *Prado v Canada (Citizenship and Immigration)*, 2024 FC 136 at paras 16–19; *Febrillet Lorenzo v Canada (Citizenship and Immigration)*, 2019 FC 925 at paras 17–18, 24 [*Febrillet Lorenzo*].

[4] In her H&C application, the Applicant explained that her spouse had withdrawn his sponsorship application after she left her marriage due to abuse. Specifically, in an addendum to her application, the Applicant detailed the abusive and controlling behaviour to which she was subjected. She clearly stated that “due to all of this, our relationship broke down”: Supplementary Information – Addendum at paras 8–10, Certified Tribunal Record [CTR] at 34. She further stated that, after they separated, her spouse withdrew his sponsorship: Schedule A Background Declaration – Addendum, CTR at 26.

[5] While the Officer addresses the abuse suffered by the Applicant under “Other factors for consideration”, the Officer does not consider, let alone mention in their analysis, that the spousal

sponsorship application was withdrawn because the Applicant left the abusive relationship: Humanitarian & Compassionate Grounds – Reasons for Decision dated November 12, 2024 [H&C Decision] at 5–6, CTR at 7–8.

[6] The Officer’s failure to engage with the immigration consequences of the Applicant fleeing abuse is, on its own, sufficient to set the decision aside. However, I also highlight two additional instances illustrating the Officer’s lack of compassion and sensitivity, which resulted in affording only “minimal weight” to the domestic violence incidents: H&C Decision at 6, CTR at 8.

[7] First, the Officer accepted that the Applicant was a victim of domestic abuse but noted that she had not been in a relationship with her ex-spouse since March 2022, when they separated, and that there was no evidence “that she continues to face threats of violence from [him]”: H&C Decision at 6, CTR at 8. By emphasizing the absence of evidence of ongoing threats, the Officer effectively treated domestic violence as relevant only insofar as it establishes a future risk. In doing so, the Officer failed to recognize that domestic abuse, in and of itself, constitutes a compassionate factor to be weighed in the H&C analysis: *Febrillet Lorenzo* at para 18.

[8] Second, the Officer noted that the Applicant had failed to adduce “objective documentary evidence such as a police report, court records, medical records, or an order for protection”: H&C Decision at 6, CTR at 8. However, as Justice Fuhrer aptly reasoned, requiring a victim of domestic abuse to put forward such evidence lacks “sensitivity to domestic violence situations that [...] may not be reported, especially where there is an assertion of threatened removal of sponsorship or deportation that directly impacts an applicant’s status in Canada”: *Gomes de Oliveira v Canada*

*(Citizenship and Immigration)*, 2024 FC 495 at para 14. Here, the Applicant explicitly explained that she did not contact “the police because [her spouse] threatened to withdraw his sponsorship [application] if [she] did”: Supplementary Information – Addendum at para 10, CTR at 34.

[9] For these reasons, the application for judicial review is granted. The Officer’s decision is set aside, and the matter is remitted to another officer for redetermination. The parties did not propose a question for certification, and I agree that none arise.

**JUDGMENT in IMM-277-25**

**THIS COURT’S JUDGMENT is that:**

1. The application for judicial review is granted.
2. The immigration officer’s decision dated November 12, 2024, is set aside and the matter is remitted to another officer for redetermination.
3. There is no question for certification.

“Anne M. Turley”

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Judge

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

**DOCKET:** IMM-277-25

**STYLE OF CAUSE:** YU-HSUAN LIN v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** BY VIDEOCONFERENCE

**DATE OF HEARING:** APRIL 16, 2026

**JUDGMENT AND REASONS:** TURLEY J.

**DATED:** APRIL 16, 2026

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