

Federal Court



Cour fédérale

Date: 20100310

Docket: IMM-962-09

Citation: 2010 FC 272

Toronto, Ontario, March 10, 2010

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

DONAMAY S. FRANCIS

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The Applicant seeks judicial review of a decision of a Humanitarian and Compassionate (H&C) Officer refusing her application to be allowed to apply for permanent residence within Canada.

[2] The Applicant's Counsel raised two grounds that were considered by the Officer and rejected, namely that she gave care and attention to an ailing grandparent and that she suffered from

a skin condition that would be induced by sand flies were she to return to her native Grenada. The latter claim was unsupported by any medical evidence. I am satisfied that the Officer gave appropriate consideration to these matters.

[3] The Applicant's Counsel raised a further argument that the Officer failed to give any consideration to the best interests of a child directly affected. The Applicant has no children. At best she is said to volunteer at a church sponsored youth group of which she is a deputy director. There are a few letters stating that she is good at this job. This is not the sort of situation that is contemplated when an H&C Officer is to consider the best interests of a child in the absence of much more compelling evidence than is in the record in this application. The Officer made no error in having no regard to this matter.

[4] No party requested certification.

JUDGMENT

For the Reasons given;

THIS COURT ORDERS AND ADJUDGES that:

1. The application is dismissed;
2. There is no question for certification;
3. No Order as to costs.

“Roger T. Hughes”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-962-09

STYLE OF CAUSE: DONAMAY S. FRANCIS v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 9, 2010

**REASONS FOR JUDGMENT
AND JUDGMENT:** HUGHES J.

DATED: MARCH 10, 2010

APPEARANCES:

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KHATIDJA MOLOO FOR THE RESPONDENT

SOLICITORS OF RECORD:

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