Federal Court  Cour fédérale

Date: 20250716

Docket: IMM-7977-24

Citation: 2025 FC 1270

Montreal, Quebec, July 16, 2025

PRESENT: Mr. Justice Gascon

BETWEEN:

RONICA SHELLESIA AYANAH BLUGH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The applicant, Ronica Shellesia Ayanah Blugh, is a citizen of Saint Vincent and the Grenadines [SVG]. In April 2023, she applied for permanent resident status pursuant to section 25(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. This provision gives the respondent, the Minister of Citizenship and Immigration [Minister], discretion to

exempt foreign nationals from the ordinary requirements of the IRPA if the Minister is of the opinion that such relief is justified by humanitarian and compassionate [H&C] considerations, including the best interests of any child directly affected [BIOC]. On April 24, 2024, a Senior Immigration Officer for Immigration, Refugees and Citizenship Canada [Officer] denied Ms. Blugh's request, finding that she had failed to demonstrate that her personal circumstances justified granting a discretionary exemption based on H&C grounds [Decision].

[2] Ms. Blugh submits that the Decision is unreasonable. She claims that the Officer failed to properly consider the evidence and did not show compassion or empathy towards her. She especially argues that the Officer's assessment of the rape she suffered at the hands of her father is incomplete, ignores the evidence submitted, and lacks intelligibility.

[3] For the reasons that follow, Ms. Blugh's application for judicial review will be granted. Having considered the Officer's findings, the evidence presented, and the applicable law, I am not persuaded that the Decision has the qualities that make the reasoning logical and coherent in light of the relevant legal and factual constraints. In their assessment of the evidence, the Officer overlooked the primary reason for Ms. Blugh's H&C application, namely, the aftermath of her father's sexual assault that brought her to Canada. Moreover, the analysis conducted by the Officer did not reflect the adoption of a compassionate mindset as required by the Supreme Court of Canada [SCC] when evaluating applications based on H&C considerations. In addition, the Officer failed to meet their justificatory burden in dismissing Ms. Blugh's H&C application based on a single negative factor. This is sufficient to justify this Court's intervention.

II. Background

A. *The factual context*

[4] Ms. Blugh is a citizen of SVG. In 2006, when she was still a teenager, her life was turned upside down due to the rape she suffered at the hands of her father. Her father threatened to kill her and her mother if she told her mother about the incest. Ms. Blugh lived in constant fear of losing her mother. This unconscionable situation continued for over a year, whenever Ms. Blugh's mother was at work or away from home.

[5] A year later, Ms. Blugh's mother learned about her husband's actions. She then filed a complaint with the police against her husband, but the SVG police allegedly refused to take the complaint seriously and did not provide any support to her daughter. In light of the police's inaction, Ms. Blugh's mother decided to send her daughter to her aunt in Toronto for Christmas in order to get her away from the environment where she had experienced her trauma.

[6] On December 21, 2008, Ms. Blugh arrived in Canada for the holiday season. However, her entourage advised her to remain in Canada and see it as a new beginning. Ms. Blugh stayed in Toronto until August 2013, when she moved in with her cousin in Montreal.

[7] At a certain point, Ms. Blugh's father completely stopped being involved in her life and that of the other members of her family.

[8] During her time in Canada, Ms. Blugh has been working as a cleaner, despite having no work permit to do so.

[9] In May 2022, Ms. Blugh submitted a first H&C application, which was refused in October 2022. She then submitted a second H&C application in April 2023.

B. *The H&C Decision*

[10] On April 24, 2024, the Officer rendered their Decision on Ms. Blugh's second H&C application and concluded that, in the overall circumstances of this case, an exemption to process Ms. Blugh's application for permanent residence from within Canada on H&C grounds was not warranted.

[11] With respect to Ms. Blugh's immigration status, the Officer noted that she had lived 13 years in Canada before she attempted to regularize her immigration status, and little evidence was submitted to explain why she waited all those years. The Officer therefore attributed "significant negative weight" to Ms. Blugh's non-compliance with Canadian immigration laws. However, the Officer acknowledged that Ms. Blugh needed a way to support herself in Canada and assigned a little positive weight to her work as a cleaner.

[12] Regarding Ms. Blugh's personal experience in SVG, the Officer recognized that it is very unfortunate that she was raped by her father as a child, a situation that no children should ever experience. The Officer also acknowledged with sympathy that the rape has affected Ms. Blugh physically and emotionally. That said, they observed that Ms. Blugh is now 33 years old and that

there is limited evidence on how her past traumatic experience prevents her to go back to SVG, especially given that her father is no longer involved in her and her family's life. Considering these circumstances and the insufficient evidence submitted, the Officer placed only some positive weight to Ms. Blugh's past sexual abuse in SVG.

[13] In the same vein, the Officer acknowledged the various documentary evidence submitted by Ms. Blugh on incest and its consequences. However, the Officer explained that little evidence was submitted to explain how the statistics in the reports were relevant in Ms. Blugh's H&C application, how she is dealing with her trauma, how she cannot be treated in SVG, and how returning to her home country would have long-term negative effects on her. Based on this, the Officer placed little positive weight on the effects of incest.

[14] Turning to establishment, the Officer gave positive weight to Ms. Blugh's membership to the House of Deliverance Internationale Ministry, her volunteer work for the church's activities, and her personal relationships with different individuals in her community in Canada.

[15] Finally, as for the BIOC and Ms. Blugh's family in SVG, the Officer attributed a neutral weight to the BIOC factor, i.e., Ms. Blugh's minor sisters. If Ms. Blugh had to return to SVG, the Officer noted that she might not be able to continue to help her mother and her sisters in sending money for the family. However, there was limited evidence to demonstrate that Ms. Blugh's mother would not be able to support herself and Ms. Blugh's minor sisters during the latter's readjustment in SVG. The Officer also found that Ms. Blugh's family ties are stronger in SVG than in Canada, and that there is little evidence that her family would not be able to support her emotionally.

[16] The Officer then summarily concluded that, after weighing all the factors submitted cumulatively, including BIOC considerations, they were not satisfied that the evidence on file and the particular circumstances warranted granting the H&C exemption sought by Ms. Blugh.

C. *Standard of review*

[17] It is well accepted that the standard of review applicable to the assessments made by H&C officers is reasonableness (*Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 at paras 44–45 [*Kanthasamy*]; *Arvan v Canada (Citizenship and Immigration)*, 2024 FC 223 at para 11; *Nyabuzana v Canada (Citizenship and Immigration)*, 2021 FC 1484 at para 18; *Bhatia v Canada (Citizenship and Immigration)*, 2017 FC 1000 at para 21; *Kaur v Canada (Citizenship and Immigration)*, 2017 FC 757 at paras 24–25). This is confirmed by the Supreme Court of Canada's landmark decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], where the Court established a presumption that the standard of reasonableness is the applicable standard in judicial reviews of the merits of administrative decisions (*Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 7 [*Mason*]).

[18] Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on "an internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Vavilov* at para 85; *Mason* at para 64). The reviewing court must therefore ask whether the "decision bears the hallmarks of reasonableness—justification, transparency and intelligibility" (*Vavilov* at para 99). Both the

outcome of the decision and its reasoning process must be considered in assessing whether these hallmarks are met (*Vavilov* at paras 15, 95, 136).

[19] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a "reasons first" approach and begin its inquiry by examining the reasons provided with "respectful attention," seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (*Mason* at paras 58, 60; *Vavilov* at para 84). The reviewing court must adopt an attitude of restraint and intervene "only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process" (*Vavilov* at para 13), without "reweighing and reassessing the evidence" before it (*Vavilov* at para 125).

[20] The onus is on the party challenging the decision to prove that it is unreasonable. Flaws must be more than superficial for the reviewing court to overturn an administrative decision. The court must be satisfied that there are "sufficiently serious shortcomings" (*Vavilov* at para 100).

III. Analysis

[21] Ms. Blugh first submits that the Decision is unreasonable because the Officer erroneously assessed the evidence as to her rape and the reasons for her travel to Canada. Ms. Blugh takes issue with the fact that the Officer affirmed that she was a victim and then reached a conclusion contrary to this finding. She also argues that the Officer did not fully understand the facts of her case by stating that she came to Canada to "visit" whereas she rather came, at her mother's

initiative, in order to escape from her painful experience of being sexually assaulted by her own father.

[22] Second, Ms. Blugh claims that the Officer did not follow the principles set out in *Kanthasamy*. More specifically, her arguments are to the effect that the Officer ignored substantial evidence on the consequences of incest on individuals. Ms. Blugh relied on this evidence to explain why she remained silent on her rape, did not attempt to regularize her immigration status, and has been working without authorization for many years. Ms. Blugh also contends that in granting little weight to the sexual abuse she suffered, the Officer failed to show compassion and empathy towards her as required by *Kanthasamy*.

[23] In response, the Minister argues that the Officer's apprehension of the evidence is reasonable, as they were referring to the invitation from Ms. Blugh's aunt when they stated that Ms. Blugh came to Canada to visit. The Minister also submits that the Officer properly applied *Kanthasamy* but ultimately found that there was little evidence showing that Ms. Blugh would find herself in the same situation should she return to SVG, especially given that her father no longer has ties with her or members of her close family.

[24] With respect, I am not persuaded by the Minister's submissions.

A. *H&C applications*

[25] Subsection 25(1) of the IRPA authorizes the Minister to grant an exemption to a foreign national who applies for permanent resident status, but who is inadmissible or does not comply

with the law, if the Minister "is of the opinion that it is justified by humanitarian and compassionate considerations relating to the foreign national". In *Kanthasamy*, the SCC adopted an approach to respond more flexibly to the equitable goals of the provision (*Kanthasamy* at para 33). The discretion based on H&C considerations provided by subsection 25(1) is "seen as being a flexible and responsive exception" to mitigate the effects of the rigid application of the IRPA in appropriate cases (*Kanthasamy* at para 19).

[26] An applicant seeking exceptional H&C relief must demonstrate the existence or likely existence of misfortune or other H&C considerations that are greater than those typically faced by others who apply for permanent residence in Canada (*Kanthasamy* at para 23; *Meniuk v Canada (Citizenship and Immigration)*, 2021 FC 1374 at para 22). However, an H&C application is not meant to be an alternative immigration scheme (*Kanthasamy* at para 23).

[27] Exemptions for H&C reasons are discretionary, and an applicant is not entitled to a particular outcome (*Kisana v Canada (Minister of Citizenship and Immigration)*, 2009 FCA 189 at para 24 [*Kisana*]). Moreover, it is not the role of the reviewing court to substitute its own view of a preferable outcome or reweigh factors that were properly considered by an H&C officer (*Kisana* at para 24; *Hyder v Canada (Citizenship and Immigration)*, 2024 FC 1687 at para 6; *Braud v Canada (Citizenship and Immigration)*, 2020 FC 132 at para 52 [*Braud*]; *Gan v Canada (Citizenship and Immigration)*, 2019 FC 985 at para 9).

B. *The Decision is unreasonable*

[28] In the particular circumstances of this case, I am of the view that the Decision is unreasonable for three main reasons. First, in the course of their reasons, the Officer misapprehended the main factor at the heart of Ms. Blugh's H&C application, namely, the impact that her traumatic rape experience has had and continues to have on her. Second, a reading of the Decision does not persuade me that the Officer complied with the teachings of the SCC with respect to the approach that administrative decision makers must now take in assessing H&C applications. Finally, the Officer's weighing of the H&C factors at stake is incomprehensible as it lacks justification.

[29] I am mindful of the fact that it is not the task of a reviewing court to reweigh the evidence on the record, or to reassess the decision maker's findings of fact and substitute its own. As a result, absent exceptional circumstances, a reviewing court should not overturn findings of fact (*Vavilov* at para 125). However, the reasonableness of a decision may nonetheless be jeopardized where the decision maker has fundamentally misapprehended or failed to account for the evidence before it, and when it does not grapple with key issues raised by a party (*Vavilov* at paras 126, 128). This is the case here.

(1) The Officer's assessment of the evidence is unreasonable

[30] It is clear from the file before the Officer that Ms. Blugh's H&C application was anchored, first and foremost, on the suffering flowing from the rape by her father and that this traumatic event coloured her immigration history in Canada. In particular, she filed a detailed

written testimony, which was corroborated by her mother's statement, explaining how her mother organized her travel to Canada to escape her father, and how her ordeal has continued to impact her life since she arrived in this country.

[31] In my view, the Officer's statement, at the beginning of their reasons, that Ms. Blugh "chose to come to Canada to visit and then chose to stay in Canada when she had no status" demonstrates a fundamental misapprehension of the facts underlying her H&C application. Based on the record, Ms. Blugh's aunt invited her to spend Christmas with her in Toronto for the purpose of alleviating her trauma. Ms. Blugh's mother sent her daughter to Toronto for her safety, not to visit relatives or tour Canada. Ms. Blugh's traumatic rape is at the very heart of her H&C application. The fact that the Officer omitted to fully recognize that Ms. Blugh's sexual assault at the hands of her own father was the reason that pushed her to leave SVG reflects an irrational chain of analysis that causes me to "lose confidence in the outcome reached" (*Vavilov* at paras 103, 106).

[32] In addition, I find that the Officer's assessment of the evidence as to Ms. Blugh's delay in attempting to regularize her status is also unreasonable. The Officer observed that Ms. Blugh lived in Canada for 13 years before she attempted to regularize her status. She also worked in Canada without authorization. I acknowledge that there is jurisprudence indicating that, in the context of an H&C application, applicants should not benefit from circumventing the usual immigration processes (*Ngiao v Canada (Citizenship and Immigration)*, 2025 FC 265 at para 29, citing *Castro Quiel v Canada (Citizenship and Immigration)*, 2023 FC 1218 at para 17). That said, the Officer could not assign a significant negative weight to Ms. Blugh's non-compliance

with Canadian immigration laws without addressing or considering the particular context at the source of her non-compliance, i.e., her trauma.

[33] Ms. Blugh provided evidence that certain victims of incest tend not to speak about their experience for years, which was evidently the case for Ms. Blugh. In fact, she expressly stated it in her written testimony, tellingly entitled "[a]n experience worth forgetting." The Officer ignored this critical evidence that squarely contradicted their findings of fact made on a key aspect of the decision (*Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC), [1998] FCJ No 1425 (QL) at para 17 [*Cepeda-Gutierrez*]).

[34] Following *Vavilov*, the principles of justification and transparency require that an administrative decision maker's reasons meaningfully account for the central issues and concerns raised by the parties. It is therefore well established that the failure of a decision maker to meaningfully examine key issues or central arguments raised by a party in its reasons may call into question whether the decision maker was actually alert and sensitive to the matter before it and undermine the reasonableness of its decision (*Vavilov* at para 128). In the same vein, a decision maker's silence on evidence "squarely contradicting" its findings of fact may indicate that the assessment of the case's key issues is unreasonable (*Alsaloussi v Canada (Attorney General)*, 2020 FC 364 at paras 63–64; *Cepeda-Gutierrez* at para 17).

[35] This notion of "key issues" establishes that the reasons for a decision must allow the parties to understand the administrative decision maker's position on the issues raised in the case, and this requires the decision maker to do more than simply summarize arguments and regurgitate boilerplate phrases (*Gomes v Canada (Citizenship and Immigration)*, 2020 FC 506 at

para 61, citing *Galusic v Canada (Public Safety and Emergency Preparedness)*, 2020 FC 223 at para 42). The key issues encompass what constitutes the essence of a party's submissions, which actually forms the basis upon which an applicant anchors his or her claim. In *Alexion Pharmaceuticals Inc v Canada (Attorney General)*, 2021 FCA 157 [*Alexion*], the Federal Court of Appeal defined the notion of "key issue" as follows: "[i]n making its decision, the Board must ensure that a reasoned explanation is discernable on the key issues—the issues on which the case will turn and the issues of prime importance raised in the parties' submissions" [emphasis added] (*Alexion* at para 70).

[36] The critical issues in an administrative decision are determined, in part at least, by the key issues and arguments raised by the parties, and when an administrative decision maker overlooks or fails to adequately consider these elements, it can be sufficient to overturn the decision (*Vavilov* at paras 102–103, 127–128; *Alexion* at para 13).

[37] In *Vavilov*, the SCC reminded reviewing courts that a reasoned explanation by an administrative decision maker has two related components: adequacy, as well as logic, coherence, and rationality (*Vavilov* at paras 96, 103–104). In this case, Ms. Blugh expressly flagged the concern about the effect of the rape she suffered, and how it was underpinning her H&C application. This was, without a doubt, the most material element raised by Ms. Blugh in her H&C application. It was indubitably a "key issue" within the meaning of *Vavilov*. However, it was largely neglected in the Officer's reasons. Either the Officer ignored the evidence and arguments put forward by Ms. Blugh, or they were not alert and sensitive to this matter before them. Either way, the Officer's failure to engage with this element of Ms. Blugh's H&C application suffices to render the Decision unreasonable.

[38] After reading the Decision, I must conclude that the Officer did not give the H&C considerations raised by Ms. Blugh with respect to her traumatic experience in SVG the attention they required. As a result, the Officer did not sufficiently justify in their reasons why the "key issue" put forward by Ms. Blugh should be disregarded in the analysis of the H&C considerations at stake in this case. I am not suggesting that the Officer completely ignored Ms. Blugh's sexual assault in their analysis of her H&C application. In fact, the Officer mentioned it on a few occasions and even stated in passing that it was a situation that no child should ever have to suffer from. However, given the centrality of the issue in this H&C application, the Officer's reasons do not meet the requirements of *Vavilov* in terms of the justification and treatment of the key matters at the core of Ms. Blugh's H&C application.

(2) The Officer improperly applied the principles of *Kanthasamy*

[39] In a similar vein, the Officer did not respect the principles of *Kanthasamy*, by failing to meaningfully turn their mind to the "specific circumstances of the case" (*Kanthasamy* at para 32) and by disregarding evidence on the consequences of incest on individuals and on Ms. Blugh in particular.

[40] As rightly explained by counsel for the Minister, just because immigration officials must try to "relieve the misfortunes" of an applicant does not mean that they should automatically grant an application for exemption for H&C considerations. *Kanthasamy* — and by extension *Chirwa v Canada (Minister of Citizenship and Immigration)*, [1970] IAC No 1 [1970] [*Chirwa*] — certainly does not call for a given result (*Braud* at para 39).

[41] However, the approach articulated by the SCC in *Kanthasamy* necessitates a certain mindset and disposition on the part of immigration officers. It dictates a certain path to be followed in their analysis of the evidence in order to echo the objective of the provisions related to H&C considerations. Of course, immigration officers still retain their discretion to assess the evidence with the specialized expertise they have in the immigration field. In other words, the approach taken in *Kanthasamy* with respect to applications based on H&C considerations sets the course that must be taken in the analysis, but it does not prescribe the result at which decision makers may ultimately arrive (*Singh v Canada (Citizenship and Immigration)*, 2022 FC 147 at para 29; *Braud* at para 39). But both *Kanthasamy* and *Chirwa* establish an important guiding principle which must now govern the assessment of H&C considerations: "the successive series of broadly worded 'humanitarian and compassionate' provisions in various immigration statutes had a common purpose, namely, 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).

[42] In this case, I find that the Officer evidently failed to adopt the compassionate mindset required by *Kanthasamy* and *Chirwa*. In the Decision, the Officer mentioned that they sympathized with Ms. Blugh's situation, that her experience is one no child should ever experience, and that they did not wish to minimize the sympathetic circumstances of her case. Yet, they assigned minimal positive weight to Ms. Blugh's rape. I concede that Ms. Blugh's evidence on the current effects of her trauma may have been somewhat limited, but she and her mother nevertheless testified on the lasting consequences of the horrifying sexual abuse she suffered and offered documentary evidence discussing the consequences of incest on victims. In my view, the Officer did not reasonably turn their mind to this evidence, did not show

compassion and sensitivity for the misfortunes of Ms. Blugh, and used the absence of more evidence to effectively negate the gravity of her trauma.

[43] The Officer's discussion of Ms. Blugh's H&C considerations do not reflect the attitude of a person sensitive and responsive to the misfortunes of others or animated by a desire to relieve them. In other words, the Officer's statements that they sympathized with Ms. Blugh's plight were merely empty words. The Officer failed to "apparently, and actually, apply compassion" (*Trinidade de Jesus v Canada (Citizenship and Immigration)*, 2025 FC 1022 at para 19).

[44] In arriving at this conclusion, I am not minimizing the principle that subsection 25(1) of the IRPA and H&C relief remain an exception to the ordinary operation of the IRPA and, what is more, a discretionary one (*Kanthasamy* at paras 19, 23; *Canada (Minister of Citizenship and Immigration) v Legault*, 2002 FCA 125 at para 15). This relief sits outside the normal immigration classes or refugee protection streams by which foreign nationals can come to Canada permanently, and it acts as a sort of safety valve available in certain cases. Reviewing courts must still look at the administrative decision maker's findings through the reasonableness and deference lens, with respectful attention to an officer's reasons. Here, it is the rationale for the Decision and the treatment of the main issue put forward by Ms. Blugh that, in my view, are lacking. Ms. Blugh was not entitled to a certain result on her H&C application, but she was entitled to a certain process and to see her application treated through the lens established in *Kanthasamy*. She did not get that in the Officer's Decision.

(3) The Officer failed to justify the weighing of H&C factors

[45] Finally, at the hearing, I pointed out that, besides Ms. Blugh's non-compliance with Canadian immigration laws, the remaining factors examined by the Officer were not given negative weight. In fact, all but one of the remaining factors were given some positive weight, with the exception of the BIOC factor which was deemed neutral.

[46] At the end of their Decision, the Officer never explained how such a single negative factor could overcome the other positive factors in their analysis. Even though the positive factors were only given little weight, I fail to see how they could not be deemed to have significant weight when considered together. At the hearing, counsel for the AGC was unable to offer an explanation for this omission. In fact, counsel admitted that she had previously noted this very omission in her preparation for this matter.

[47] In my view, the Officer's failure to justify how the dismissal of Ms. Blugh's H&C application could be based on a single negative factor represents an unreasonable exercise of their duty of responsive justification (*Vavilov* at para 86). Reading the Decision holistically and contextually in light of the record, I am unable to "connect the dots" on the Officer's weighing of the H&C factors without speculating as to what the Officer was thinking, or supplying reasons that were not given (*Vavilov* at para 97). Along with the other reviewable errors, this justificatory failure by the Officer causes me to "lose confidence in the outcome reached" (*Vavilov* at para 106).

[48] When conducting reasonableness review, the reviewing court "must be satisfied that 'there is [a] line of analysis within the given reasons that could reasonably lead the tribunal from the evidence before it to the conclusion at which it arrived'" (*Vavilov* at para 102). Here, there is simply no logical line of analysis to trace or to follow on the weighing of the H&C factors identified by the Officer in the Decision.

IV. Conclusion

[49] For the reasons set forth above, Ms. Blugh's application for judicial review is granted. The Officer's assessment of the evidence before them is unreasonable, they improperly applied the teachings of *Kanthasamy* by failing to adopt a truly compassionate mindset, and they failed to provide a reasonable and logical justification for their dismissal of Ms. Blugh's H&C in the face of a single negative factor. In sum, I have lost confidence in the outcome of the Decision and must therefore intervene in order to remit the matter for redetermination by a different officer, in accordance with the observations made in these reasons.

[50] There are no questions of general importance to be certified.

JUDGMENT in IMM-7977-24

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is granted, without costs.

2. The April 24, 2024 decision of the Senior Immigration Officer denying Ms. Ronica Shellesia Ayanah Blugh's application for permanent residence on humanitarian and compassionate grounds is set aside.

3. The matter is referred back to Immigration, Refugees and Citizenship Canada for redetermination on the merits by a different officer, on the basis of these reasons.

4. There is no question of general importance to be certified.

"Denis Gascon"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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