

Federal Court



Cour fédérale

Date: 20250310

Docket: IMM-1509-24

Citation: 2025 FC 438

Ottawa, Ontario, March 10, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

NADA M D ALKALHEH

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Ms. Nada M D Alkalheh (the “Applicant”) seeks judicial review of the decision of a Senior Immigration officer (the “Officer”) refusing her request for permanent residence from within Canada on Humanitarian and Compassionate (“H and C”) grounds pursuant to subsection 25(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicant was born in Kuwait in 1973 and lived there as a temporary resident until 2016. She is of Palestinian origin but due to the ancestry of her father, she holds Jordanian citizenship. She has never lived in Jordan. Her husband is also of Palestinian origin and remains in Kuwait.

[3] The Applicant came to Canada in 2016 as a visitor, when her son began post-secondary education in Canada. Her Canadian born daughter accompanied her. She submitted her H and C application in May 2022, on the basis of an inability to renew her temporary residence status in Kuwait or to obtain citizenship there. She also relied on alleged discrimination against Palestinians in Jordan, as well as her lack of residence in Jordan.

[4] The Officer addressed the Applicant's submissions as to why she could not return to Jordan or to Kuwait, her establishment in Canada and the best interests of her children. The Officer noted that her son was then 25 years of age. The daughter was then 19 years of age but the Officer took into account the fact that she was a minor when the H and C application was submitted.

[5] The Officer observed that the evidence presented did not show that the Applicant could not obtain citizenship in Kuwait nor that she risks losing her Jordanian citizenship.

[6] The Officer addressed the Applicant's establishment in Canada, including the purchase of a house and a car, and social networks, including letters of support from friends.

[7] The Officer considered the best interests of the Applicant's children.

[8] The Applicant now argues that the Officer ignored certain evidence and unreasonably speculated in finding that she could return to Kuwait. She submits that the Officer did not consider the hardship imposed by her Palestinian identity if she were to go to Jordan. Finally, she argues that the Officer applied the incorrect legal standard in assessing her establishment factors.

[9] The Minister of Citizenship and Immigration (the "Respondent") submits that the Officer reasonably assessed the evidence and submissions of the Applicant and that there is no basis for judicial intervention.

[10] Following the decision of the Supreme Court of Canada in *Canada (Citizenship and Immigration) v Vavilov*, [2019] 4 S.C.R. 653, the decision here is reviewable on the standard of reasonableness.

[11] In considering reasonableness, the Court is to ask if the decision under review "bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision"; see *Vavilov, supra*, at paragraph 99.

[12] I am not persuaded that the Applicant has shown that the decision fails to meet the applicable standard of review.

[13] The decision shows that the Officer considered the evidence and submissions made by the Applicant. It is the role of the Officer, not of the Court, to assess the evidence.

[14] In the result, the application for judicial review will be dismissed. There is no question for certification.

JUDGMENT IN IMM-1509-24

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed. There is no question for certification.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1509-24

STYLE OF CAUSE: NADA M D ALKALHEH v. MCI

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: SEPTEMBER 24, 2024

REASONS AND JUDGMENT: HENEGHAN J.

DATED: MARCH 10, 2025

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