

Federal Court



Cour fédérale

Date: 20250425

Docket: IMM-7538-24

Citation: 2025 FC 748

Ottawa, Ontario, April 25, 2025

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

IKPONMWONSA EWEKA

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Ikponmwonsa Eweka, applied for permanent residence on humanitarian and compassionate grounds (“H & C Application”). An officer at Immigration, Refugees and Citizenship Canada (“the Officer”) refused the application. Ms. Eweka challenges this determination on judicial review.

[2] The parties agree, as do I, that the merits of the decision ought to be reviewed on a reasonableness standard.

[3] Ms. Eweka is a citizen of Nigeria. She came to Canada approximately eight years ago and made a refugee claim. I do not have the refugee decision before me, but the parties submit that she was excluded from refugee protection because she had access to permanent residence status in Italy.

[4] Ms. Eweka sought relief principally on her establishment in Canada and the hardship she would face on return to Nigeria. Ms. Eweka raised a number of issues on judicial review. The determinative issue is the Officer's treatment of Ms. Eweka's work as a community shelter worker during the early days of the COVID-19 pandemic. This factor was raised in counsel's submissions to the Officer and in the support letters. As acknowledged by the Minister, the Officer does not address this factor in their brief decision.

[5] Given that the purpose of humanitarian and compassionate discretion is to "mitigate the rigidity of the law in an appropriate case", there is no limited set of factors that warrant relief (*Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 [*Kanthasamy*] at para 19). The factors warranting relief will vary depending on the circumstances, but "officers making humanitarian and compassionate determinations must substantively consider and weigh all the relevant facts and factors before them" (*Kanthasamy* at para 25; *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 [*Baker*] at paras 74-75).

[6] The Officer failed to substantively consider and weigh the Applicant's contributions as a front-line worker in the early phase of the COVID-19 pandemic -- a relevant factor raised by the Applicant. This Court has addressed this issue in several cases and found it to be unreasonable for an officer to not evaluate this factor as part of an applicant's personal circumstances (*Chinwuba v Canada (Citizenship and Immigration)*, 2023 FC 679 at paras 32-37; *Uwaifo v Canada (Citizenship and Immigration)*, 2022 FC 679 at paras 32-36; and *Iroka v Canada (Citizenship and Immigration)*, 2024 FC 1316 at paras 6-10).

[7] The Officer's treatment of Ms. Eweka's work as a front-line worker during the pandemic is both unresponsive to the submissions or evidence before them and a failure to consider all relevant factors raised by the application as required (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 127-128; *Kanthasamy* at para 25; *Baker* at paras 74-75). Accordingly, the decision is unreasonable and must be redetermined.

JUDGMENT in IMM-7538-24

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is allowed;
2. The February 21, 2024 decision is quashed and sent back to a different decision-maker for redetermination; and
3. No serious question of general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7538-24

STYLE OF CAUSE: IKPONMWONSA EWEKA v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: APRIL 2, 2025

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: APRIL 25, 2025

APPEARANCES:

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