

Federal Court



Cour fédérale

Date: 20250616

Docket: IMM-8990-24

Citation: 2025 FC 1080

Ottawa, Ontario, June 16, 2025

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

**MANJIT SINGH
PARAMJEET KAUR
PRABHJOT SINGH**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicants, Manjit Singh [Principal Applicant], Paramjeet Kaur [Associate Applicant], and Prabhjot Singh [Minor Applicant], seek to set aside a decision of a senior immigration officer [Officer] who refused their application to apply for permanent residence from within Canada on humanitarian and compassionate [H&C] grounds.

[2] This application shall be dismissed as the decision is reasonable, and the Officer engaged with all of the evidence.

[3] The Applicants are citizens of India. The Principal Applicant and Associate Applicant are spouses. The Minor Applicant is their son. The Applicants have lived in Canada since May 30, 2018.

[4] During this time, the Principal Applicant and Associate Applicant have been employed. They have saved and contributed to charitable causes. The Associate Applicant also serves as the primary caregiver to her mother, who is elderly and diagnosed with several health conditions.

[5] The Applicants sought H&C relief on four grounds: (1) country conditions in India; (2) hardship upon removal; (3) the Applicants' establishment in Canada; and (4) the best interests of the Minor Applicant.

[6] The Officer acknowledged the Applicants' submissions concerning high unemployment rates in India, but ultimately determined that country conditions did not warrant H&C relief. The Officer found that, although "not...ideal", the unemployment rates described by the Applicants "are general in nature and would be applicable to most similarly situated persons in India."

[7] As to hardship, the Officer found that the Applicants had failed to provide sufficient evidence of their claims. The Applicants stated that, "[i]f returned to India, it is almost certain that [the Principal Applicant] will not be able to support his family." The Officer found that this assertion was not supported by the evidence. Observing that the Principal Applicant and

Associate Applicant “are self-sufficient, independent, resourceful, and capable of making their own way in life,” the Officer found that “it is reasonable to conclude [they] may be able to utilize their skills and work experience to assist them with gaining employment in India.”

[8] As to establishment, the Officer noted several factors in the Applicants’ favour, including the Applicants’ work, savings, charitable donations, and religious involvement as well as the Associate Applicant’s role as her mother’s primary caregiver. Although the Officer granted these factors some weight, the Officer determined that “[t]he [A]pplicants have been in Canada for close to six years and it is expected that they would have achieved a level of establishment during this time.” The Officer further noted that “the evidence presented does not demonstrate that the [Associate Applicant] must be the caregiver to her mother” as the Associate Applicant’s mother resides in the same city as two of the Associate Applicant’s siblings.

[9] With respect to the best interests of the child [BIOC], the Officer considered the Applicants’ assertions that removal would cause the Minor Applicant to be separated from friends, lose “financial stability, stable education, and family support” and may trigger a mental health crisis for the Minor Applicant. The Officer found no objective evidence for these claims. The Officer noted that “several forms of modern communication” may assist the Minor Applicant with maintaining his friendships in Canada and there was nothing in the record to indicate that the Minor Applicant “is under the care of a mental health professional...or that he is vulnerable to a mental health breakdown.”

[10] The Applicants assert that the Officer disregarded some of their submissions and failed to assess their H&C application through a compassionate lens.

[11] The Supreme Court of Canada has held that positive H&C considerations are “those facts, established by the evidence, which would excite in a reasonable [person] in a civilized community a desire to relieve the misfortunes of another”: *Chirwa v Canada (Minister of Citizenship and Immigration)* (1970), 4 IAC 338 at 350, cited in *Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 [*Kanthasamy*] at para 13.

[12] This Court has observed that “[a]pplying compassion requires an empathetic approach”: *Damte v Canada (Citizenship and Immigration)*, 2011 FC 1212 at para 34. As the purpose of subsection 25(1) is to provide relief from the inflexible application of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*], the Supreme Court of Canada in *Kanthasamy* held that “*all* relevant humanitarian and compassionate considerations” [emphasis in original] must be “weighed cumulatively as part of the determination of whether relief is justified in the circumstances”: *Kanthasamy* at paras 33 and 28.

[13] The Applicants submit that the Officer ignored the poor health of the Associate Applicant’s mother and the impacts of removal on the Minor Applicant. The Applicants further assert that the Officer erred in law by failing to view their H&C application through an empathetic lens, contrary to subsection 25(1) of the *IRPA*. They argue that, as a result, the Officer’s decision is at odds with the factual and legal constraints and is therefore unreasonable: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, at para 99.

[14] I find no merit in these submissions.

[15] The Applicants submit that the Officer disregarded the impact of removal on the Minor Applicant and the Associate Applicant's mother. However, the text of the decision demonstrates that these factors were thoroughly assessed by the Officer.

[16] Almost an entire page of the refusal decision is dedicated to the best interests of the Minor Applicant. The Officer considered the Minor Applicant's friendships, mental health, and academic activities, finding that the Minor Applicant's "achievements in Canada" should be "afford[ed]...some weight."

[17] The Officer similarly acknowledged the Associate Applicant's caregiving role with respect to her mother, clearly listing the medical diagnoses of the Associate Applicant's mother and referring to a doctor's letter which confirmed "that the [Associate Applicant] is" her mother's "primary caregiver."

[18] Having considered these submissions, it was open to the Officer to determine that there were nonetheless insufficient grounds to justify H&C relief. The Applicants have not identified any evidence that was ignored or that clearly contradicts the Officer's conclusion. In my view, the Applicants' submissions are more properly described as a request that this Court reweigh the evidence before the decision-maker, a request which cannot be granted under reasonableness review: *Vavilov* at para 125.

[19] Furthermore, I do not find the Officer failed to view the Applicants' application through a compassionate lens. The Applicants submit that the Officer misapprehended their submissions,

reducing their position to the simple statement that the Applicants “do not wish to return to India.” This a misstatement of the written reasons, which read as follows:

The applicants do not wish to return to India. While that wish may be understandable, not wishing to return is not sufficient reason to allow them to remain in Canada. I find that the cumulative balance of the factors raised in this application do not favour the applicants. I do not find that the applicants’ personal circumstances justify an exemption from the law. [emphasis added]

[20] The refusal decision demonstrates that the Officer was sensitive to the Applicants’ particular circumstances, including their concerns with unemployment and financial instability in India and their wish to remain united with family members in Canada. The Officer acknowledged at several points that removal would likely impose difficulties on the Applicants, but ultimately found that “the difficulties the [A]pplicants may encounter in leaving Canada arise from the normal and foreseeable working of the law.” The Officer’s assessment was justified, intelligible, and consistent with the holistic, empathetic approach mandated in *Kanthasamy*: *Vavilov* at para 99; *Kanthasamy* at paras 23, 25, 28.

[21] No question for certification was raised.

JUDGMENT in IMM-8990-24

THIS COURT'S JUDGMENT is that this application is dismissed, and no question is certified.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8990-24

STYLE OF CAUSE: MANJIT SINGH, PARAMJEET KAUR, PRABHJOT SINGH v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 14, 2025

JUDGMENT AND REASONS: ZINN J.

DATED: JUNE 16, 2025

APPEARANCES:

Lakhwinder Sandhu	FOR THE APPLICANTS
Margherita Braccio	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Lakhwinder Sandhu Barrister and Solicitor Brampton, Ontario	FOR THE APPLICANTS
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT