

Federal Court



Cour fédérale

Date: 20250618

Docket: IMM-7168-24

Citation: 2025 FC 1099

Ottawa, Ontario, June 18, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

**CHRISTY OKOJIE
JACEY OSOSE THOMAS (A MINOR)
JUSTICE OSETOHAMEN THOMAS (A MINOR)**

Applicants

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS AND JUDGMENT

[1] Ms. Christy Okojie (the “Principal Applicant”) and her minor children Jacey Osose Thomas and Justin Osetohamen Thomas (collectively “the Applicants”) seek judicial review of the decision of a Senior Immigration Officer (the “Officer”). The Officer refused their application for permanent residence in 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 Principal Applicant is a citizen of Nigeria, her children are citizens of the United States of America. They based their H and C application upon their establishment in Canada and risk in Nigeria.

[3] The Officer refused the application on the grounds that the Applicants had not shown that the discretion available pursuant to subsection 25(1) should be exercised in their favour. In particular, the Officer noted insufficient establishment in Canada.

[4] The Applicants now argue that the reasons of the Officer are insufficient and that the Officer ignored evidence about their establishment, including their social ties and community participation.

[5] The Minister of Citizenship and Immigration (the “Respondent”) submits that the Officer reasonably assessed the evidence submitted and made no reviewable error.

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

[7] 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 that decision"; see *Vavilov*, *supra* at paragraph 99.

[8] Upon considering the evidence contained in the Certified Tribunal Records and the oral and written submissions of the parties, I am satisfied that the decision does not meet this standard.

[9] In my opinion, the Officer unduly focused on the Principal Applicant's past immigration history rather than on her establishment in Canada over a number of years. It seems that the Officer discounted the Principal Applicant's establishment in Canada without a rational chain of analysis.

[10] It is not necessary to address the other arguments advanced by the Applicants.

[11] In the result, the application for judicial review will be allowed, the decision will be set aside and the matter remitted to a different officer for redetermination. There is no question for certification.

JUDGMENT IN IMM-7168-24

THIS COURT'S JUDGMENT is that the application for judicial review is allowed, the decision is set aside and the matter is remitted to a different officer for redetermination. There is no question for certification.

"E. Heneghan"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7168-24

STYLE OF CAUSE: CHRISTY OKOJIE et al v. MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ON

DATE OF HEARING: FEBRUARY 27, 2025

REASONS AND JUDGMENT: HENEGHAN J.

DATED: JUNE 18, 2025

APPEARANCES:

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Nicholas Dodokin	FOR THE RESPONDENT

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