Federal Court  Cour fédérale

Date: 20150121

Docket: IMM-6029-13

Citation: 2015 FC 80

Ottawa, Ontario, January 21. 2015

PRESENT: The Honourable Mr. Justice Boswell

BETWEEN:

MARIE ASSUMPTA JUDY DEVADAWSON
(A.K.A. MARIE ASSUMPTA DE VADAWSON)

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Background and Nature of the Matter

[1] Ms. Devadawson [the Applicant] sought an exemption from the in-Canada selection criteria based on humanitarian and compassionate [H&C] grounds pursuant to section 25(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the *IRPA*]. Her application for that exemption was refused by a senior immigration officer [the Officer], so she now applies for

judicial review pursuant to section 72(1) of the *IRPA*, requesting that this Court set aside the Officer's decision and return the matter for re-determination by a different decision-maker. The Applicant had been scheduled to be removed from Canada shortly after filing this application but this Court stayed that removal pending the determination of this application.

[2] The Applicant is a Sri Lankan woman who came to Canada on May 12, 2010, seeking refugee protection and claiming to be a human rights activist who was targeted because she obtained information that could embarrass the government in Sri Lanka. The Immigration and Refugee Board [the IRB] did not believe the Applicant's claim and denied her protection as a refugee. The Applicant sought judicial review of the IRB's decision, but this Court denied leave to apply for judicial review on May 2, 2011 (*Devadawson v Canada (Citizenship and Immigration)*, IMM-585-11 (FC)).

[3] Subsequent to such denial of leave, the Applicant next applied for a pre-removal risk assessment [a PRRA] and for permanent residence from within Canada on H&C grounds. Both of these applications were refused, so the Applicant again sought relief from this Court. The Applicant's application for leave to apply for judicial review of the PRRA decision was denied by this Court on June 10, 2013 (*Devadawson v Canada (Citizenship and Immigration)*, IMM-695-13 (FC)). The Applicant's application with respect to the H&C decision was withdrawn on June 6, 2013, after the Minister of Citizenship and Immigration [the Minister] undertook to have a different immigration officer reconsider the H&C decision; the Applicant was afforded 30 days to submit any updated information for purposes of this reconsideration.

II. Decision under Review

[4] Upon reconsideration, the Officer refused the Applicant's H&C application.

[5] The Applicant's claims, in part, were that she feared persecution, risk of torture, and a risk to her life if she returned to Sri Lanka. The Officer dismissed those claims, saying that section 25(1.3) of the *IRPA* precludes consideration of "factors which pertain to a fear of persecution and/or risk to life, or of cruel and unusual punishment". The Officer stated that, since discrimination does not always rise to the level of persecution, it might nonetheless be an unusual and undeserved or disproportionate hardship faced by the Applicant.

[6] In considering the discrimination which the Applicant claimed she faced, the Officer reviewed a number of country conditions documents supplied by the Applicant which described the plight of Tamils in Sri Lanka. The Officer was not satisfied, however, that these country conditions would directly and personally affect the Applicant. Although the Applicant claimed that she had been harassed and discriminated against due to her gender, ethnicity, religion, and perceived political opinion, the Officer determined that the details of any such harassment or discrimination were vague and uncorroborated. The Officer was not satisfied that the Applicant would be adversely treated on the basis of any of those factors.

[7] As for the Applicant's work as a human rights activist, the Officer noted that her claims were materially similar to the ones rejected by the IRB, whose decision the Officer gave considerable weight. The Officer found that the threats described by the Applicant were intended

to keep her from leaving her position with the provincial council, and she ultimately got what she wanted when that position was terminated. Given the Applicant's impressive work history and her courage, the Officer concluded that she would have no trouble finding new employment as a human rights activist if that was what she wished to do.

[8] The Officer accepted that the Applicant had established herself in Canada and was supported by many positive character references. However, the Officer determined that the Applicant could maintain her friendships in Canada through other means and that she had lots of friends in Sri Lanka as well. The Officer also accepted that the Applicant sent money to her family in Sri Lanka and that there would be a disruption in their quality of life if she lost her job in Canada. However, the Officer found that the Applicant had good employment prospects since she is multi-lingual, intelligent, and has a wealth of job experience. Furthermore, the Officer noted, since the Applicant had spent most of her life in Sri Lanka, she should have no difficulty re-integrating in Sri Lanka. The Officer determined that the Applicant's level of establishment in Canada was not beyond what could be expected while she received due process on her refugee claim, and that her establishment here was not so great that having to apply for permanent residence from Sri Lanka would be an unusual and undeserved or disproportionate hardship.

[9] The Officer noted that the Applicant has a lot of family members still in Sri Lanka, including six children, several of whom are adults. The Officer found there was no reason to believe that the Applicant's family could not support her if she needed them. As for her younger children, the Applicant's own testimony was that they had been affected immensely by their

separation from her, so the Officer concluded that re-uniting them with the Applicant was in their best interests.

[10] In the result, the Officer rejected the Applicant's application in a letter dated August 12, 2013. However, this decision was not communicated to the Applicant until September 3, 2013, and in the meantime the Applicant had submitted additional materials to the Officer and requested an interview.

[11] Following receipt of these additional materials, the Officer wrote an addendum to the August 12 decision in a letter dated August 29, 2013, wherein the Officer stated that he had considered all of the additional material submitted up until August 28, 2013. These additional materials did not change the Officer's initial decision as stated in the August 12 letter. The Officer did not agree with the Applicant that an interview was required, since the Applicant's "credibility was not found to be an issue". The Applicant also submitted that she did not have the chance to present police clearances, but that was irrelevant, the Officer stated, since it had no bearing on the decision to reject the Applicant's application. The Officer accepted the bank statements and the additional letters of support supplied by the Applicant, but decided that these documents were consistent with the earlier findings anyway. In the end, the Officer was still not satisfied that having to apply for permanent residence from outside Canada would result in sufficient hardship to the Applicant to justify an exemption.

III. Issues

[12] The Applicant focuses on the following three issues in her supplementary memorandum of argument:

1. What is the standard of review?
2. Were there breaches of procedural fairness in this case?
3. Did the Officer make an unreasonable decision by: ignoring and/or selectively relying on the evidence; by conducting a flawed country analysis and/or by misconstruing the definition of "discrimination" in relation to the test for hardship; and/or by failing to take into account the best interests of the children?

[13] The Respondent argues that the Officer did not err in refusing the Applicant's H&C application and did not breach the duty of procedural fairness. The Respondent also contends that the Applicant has improperly supplemented the record before the Court.

IV. Parties' Arguments

A. *Applicant's Arguments*

[14] The Applicant submits that no deference is owed to the Officer on questions of procedural fairness (*Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 43, [2009] 1 SCR 339 [*Khosa*]). For the other issues raised by the application, the Applicant acknowledges that the standard of review is one of reasonableness (*Shallow v Canada (Citizenship and Immigration)*, 2012 FC 749 at para 5, 410 FTR 314 [*Shallow*]), but emphasizes

that the Court must assess the Officer's reasons on their own merits and not substitute better reasoning to justify the outcome (see e.g., *Pathmanathan v Canada (Citizenship and Immigration)*, 2013 FC 353 at paras 27-28, 430 FTR 192).

[15] The Applicant argues that H&C applicants are owed more than a minimal level of procedural fairness (*Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at para 32, 174 DLR (4th) 193 [*Baker*]), and it includes a right to an interview when credibility is at stake (*Duka v Canada (Citizenship and Immigration)*, 2010 FC 1071 at paras 12-14, 92 Imm LR (3d) 255 [*Duka*]). The Applicant asserts that the Officer implicitly rejected the Applicant's statutory declaration, and so her credibility was in issue. Furthermore, the Applicant submits that, while the IRB had rejected her claims to be a human rights activist, the PRRA officer did not. In these circumstances, the Applicant argues that she should have been granted an interview and that she was denied the right to know the case to meet (*Pusat v Canada (Citizenship and Immigration)*, 2011 FC 428 at para 32, 388 FTR 49). She also asserts that it was unfair to re-open the decision without waiting for forthcoming evidence, and to waive the requirement of police clearances in order to more quickly refuse the application.

[16] The Applicant also argues that the Officer ignored evidence. For example, the Officer found that the Applicant had not proven any personal link to the problems faced by perceived supporters of the Liberation Tigers of Tamil Eelam [the LTTE], but the Applicant's statutory declaration identifies clearly that she was once suspected of having connections to the LTTE. Similarly, the Applicant says that her statutory declaration provides links to the problems of discrimination and harassment faced by women and activists in Sri Lanka.

[17] The Applicant states that human rights organizations in Sri Lanka are threatened by the government, so it was unreasonable to dismiss her financial concerns by saying that such an organization might hire her because of her history of activism. This finding, the Applicant says, was also selective and perverse: selective, because the Officer rejected her history of activism in order to find that she had established no link to the country conditions, and made an opposite finding to diminish her claim; and perverse, because it means that she could only avoid the hardship of being unable to support herself by courting the risks of activism. This was unreasonable, the Applicant states, since she established that her family could not be adequately supported without her income.

[18] The Applicant further states that the Officer ignored her evidence of establishment by dismissing it as merely what could be expected (*El Thaher v Canada (Citizenship and Immigration)*, 2012 FC 1439 at para 52, [2012] FCJ No 1658 (QL) [*El Thaher*]).

[19] The Applicant says that the Officer had to consult the most recent documentary evidence, and it was wrong to dismiss such evidence just because it did not personally name the Applicant. This evidence described risks faced by people of the Applicant's ethnicity, gender, and perceived political opinion, and it had to be considered. According to the Applicant, the concept of personalized risk has no place in an H&C application (*Hamam v Canada (Citizenship and Immigration)*, 2011 FC 1296 at para 44, 3 Imm LR (4th) 289).

[20] Finally, the Applicant says that the Officer's analysis of the best interests of the children was internally inconsistent. It was unreasonable, the Applicant states, to find that returning the Applicant to Sri Lanka would adversely affect them yet still be in their best interests.

B. *Respondent's Arguments*

[21] As a preliminary issue, the Respondent argues that the Applicant has improperly supplemented the record by relying on evidence which was not before the Officer and which was filed with the Court for purposes of the Applicant's motion to stay her removal from Canada.

[22] The Respondent agrees that the standard of review for procedural issues is correctness, but the "highly deferential" reasonableness standard otherwise applies in reviewing the Officer's decision.

[23] The Respondent emphasizes that the denial of an H&C exemption does not involve the determination of any legal rights. According to the Respondent, the purpose of the H&C process is not to eliminate all hardship, just that which is unusual and undeserved or disproportionate and which directly affects applicants (*Kanthasamy v Canada (Citizenship and Immigration)*, 2014 FCA 113 at paras 49-50, 55, 372 DLR (4th) 539, leave to appeal to SCC granted, 35990 (4 December 2014) [*Kanthasamy*]). Consequently, the Respondent states that it is difficult to show that an H&C decision was unreasonable and the onus is upon the Applicant to do so (*Mikhno v Canada (Citizenship and Immigration)*, 2010 FC 386 at para 25, [2010] FCJ No 583 (QL)).

[24] In this case, the Respondent says that there was no breach of procedural fairness. Interviews are not generally required and no interview was required in this case since credibility was not in issue and, in any event, the IRB and PRRA decisions were consistent.

[25] Furthermore, the Respondent submits that the Applicant bore the burden to supply evidence and was given 30 days to do so after the Minister's undertaking to reconsider the Applicant's application in June, 2013 (*Owusu v Canada (Minister of Citizenship and Immigration)*, 2004 FCA 38, [2004] 2 FCR 635 [*Owusu*]). The Respondent says that the Applicant submitted all of her evidence late, but the Officer still considered it and, with the August 29 addendum, even re-opened the decision for her. The Respondent states that the Applicant was given ample opportunity to make her case and provided no excuse for why she did not submit evidence on time. As for the missing police clearance, the Respondent says that had no bearing on the decision and could not affect the result.

[26] The Respondent submits that the Officer did not ignore any of the evidence and did not have to determine whether the Applicant was at risk of persecution. The Officer was entitled to consider the IRB findings since the basic allegations were the same. As such, according to the Respondent, it was reasonable for the Officer to find that there was no evidence of discrimination or hardship upon which the Applicant's claim of hardship could be based.

[27] The Respondent states that the Officer's findings regarding the Applicant's income, establishment, and re-integration were reasonable and the Officer properly concluded that such

hardships did not meet the threshold for H&C consideration. Furthermore, the Respondent submits that the Officer's assessment of the best interests of the children was also reasonable.

[28] The Respondent states that the Applicant simply did not link any of the negative country conditions to her situation. The Respondent argues that H&C applications cannot be granted based on the hardships faced by other people and the Applicant's claims that she fits those profiles were simply bald assertions.

V. Analysis

[29] The issues raised by this application for judicial review can be addressed in the following order:

1. Is the evidence challenged by the Respondent admissible?
2. What is the standard of review?
3. Was the process unfair?
4. Was the decision unreasonable?

A. *Is the evidence challenged by the Respondent admissible?*

[30] At the hearing of this matter, the Respondent argued that the Applicant had improperly supplemented the record for judicial review by relying on evidence which was not before the Officer. This evidence was filed with the Minister after the Officer's decision and for purposes of the Applicant's motion to stay her removal from Canada.

[31] The general rule in this regard is that the evidentiary record for purposes of a judicial review application is restricted to that which was before the decision-maker (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at para 19, 428 NR 297 [*Association of Universities*]). Despite this general rule, new evidence can sometimes be admitted if it is necessary to substantiate a procedural defect not apparent in the record (*Association of Universities* at para 20). That, however, is not the case here since the procedural defect about which the Applicant complains was the Officer's decision not to grant the Applicant an interview.

[32] The Applicant argues that the Officer had a duty to consult the most recent sources of country condition information and is not limited to materials furnished by the Applicant, and the disputed evidence here could be relevant insofar as it shows that there was recent evidence that the Officer did not consult.

[33] I reject the Applicant's foregoing argument. The additional evidence adduced by the Applicant subsequent to the date of the Officer's decision cannot and will not be considered by the Court in assessing the Officer's decision. The Applicant cannot now produce new evidence which was not before the Officer in an effort to buttress and bolster her arguments that the Officer erred in assessing the Applicant's application.

B. *What is the standard of review?*

[34] As both parties acknowledge, the Supreme Court has said that the standard of review for procedural issues is nominally correctness (*Khosa* at para 43; *Mission Institution v Khela*, 2014

SCC 24 at para 79, [2014] 1 SCR 502). Reviewing courts are responsible for determining whether the process was fair, although relief may be withheld if any error is "purely technical and occasions no substantial wrong or miscarriage of justice" (*Khosa* at para 43). Accordingly, the process by which the Officer assessed the Applicant's H&C application, including the Officer's decision not to grant the Applicant an interview, should be assessed from a standard of correctness.

[35] As for the other issues, the standard of review is reasonableness (*Baker* at para 62; *Kanthasamy* at para 32; *Shallow* at para 5). Accordingly, this Court should not intervene so long as "the reasons allow the reviewing court to understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range of acceptable outcomes" (*Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at para 16, [2011] 3 SCR 708).

[36] Furthermore, the Court does not have "carte blanche to reformulate a tribunal's decision in a way that casts aside an unreasonable chain of analysis in favour of the court's own rationale for the result" (*Alberta (Information and Privacy Commissioner) v Alberta Teachers' Association*, 2011 SCC 61 at para 54, [2011] 3 SCR 654, citing *Petro-Canada v British Columbia (Workers' Compensation Board)*, 2009 BCCA 396 at para 56, 276 BCAC 135; *Lemus v Canada (Citizenship and Immigration)*, 2014 FCA 114 at paras 29-38, 372 DLR (4th) 567).

C. *Was the process unfair?*

[37] After the application for leave to apply for judicial review of the H&C decision was discontinued in early June, 2013, the Applicant was afforded 30 days to submit any new information. She submitted her first batch of information on July 3, 2013, but it was not received at the Minister's Toronto office until July 17, 2013. The Applicant continued to send new information after the 30 day deadline and even after the Officer's decision was made on August 9, 2013. The Officer clearly considered all of the Applicant's new information up until August 28, 2013, as it was specifically referenced in the letter dated August 29, 2013. As for the material she sent on September 3, 2013, the Applicant is not entitled to interminably delay the decision-making process by disclosing her evidence in late instalments. Ultimately, the Applicant had ample time to make her case before the Officer. I agree with the Respondent that the police clearances were immaterial to the decision under review.

[38] The Applicant, citing *Yang v Canada (Citizenship and Immigration)*, 2013 FC 20 at para 23, [2013] FCJ No 25 (QL) [*Yang*], claims that "an officer has a duty to consult the most recent sources of information and is not limited to materials furnished by the applicant". In *Yang*, however, Mr. Justice Mosley was reviewing both a PRRA decision and an H&C decision, and it was with respect to the PRRA decision that this principle applies (*Hassaballa v Canada (Citizenship and Immigration)*, 2007 FC 489 at para 33, [2007] FCJ No 658 (QL); *Lima v Canada (Citizenship and Immigration)*, 2008 FC 222 at para 13). No such duty applies in respect of an H&C decision, for which the "applicant has the burden of adducing proof of any claim on

which the H & C application relies. Hence, if an applicant provides no evidence to support the claim, the officer may conclude that it is baseless" (*Owusu* at para 5).

[39] Furthermore, the guidance set forth in Citizenship and Immigration Canada's Manual, "*IP 5: Immigrant Applications in Canada made on Humanitarian and Compassionate Grounds*" [the Manual], does not, as the Applicant suggests, create a duty for an immigration officer to consult the most recent sources of information and go beyond the materials furnished by the applicant. Section 5.18 of the Manual makes it clear that an "H&C Officer may undertake research with respect to the issues identified in the application" (emphasis added). While this section goes on to say that applicants "can expect officers to routinely refer to the most recent information sources identified below in 5.19" (emphasis added), that simply puts applicants on notice that such information may be considered. Section 5.18 of the Manual does not make it mandatory for an officer to refer to the most recent information sources and, regardless of what sources of information the Officer may or may not have considered, there was no breach of any duty owed to the Applicant in this regard.

[40] With respect to the Applicant's request for an interview, the Supreme Court has said that "an oral hearing is not a general requirement for H & C decisions" (*Baker* at para 34; see also *Owusu* at para 8). However, that is not invariably the case, and an interview should be held if credibility is a determinative issue (*Duka* at paras 11-13; *ND v Canada (Citizenship and Immigration)*, 2014 FC 742 at para 63, [2014] FCJ No 795 (QL); see also *Khan v University of Ottawa*, [1997] OJ No 2650 (QL) at para 22, 34 OR (3d) 535, 148 DLR (4th) 577).

[41] In this case, the Applicant's refugee claim was denied exclusively because the IRB found her not to be credible. The Officer acknowledged that the IRB's findings were not binding, but nevertheless gave them "considerable weight". That said, the Officer began the next paragraph in his decision with "[n]otwithstanding the above, …", and the Officer stated that the Applicant's credibility was not in issue in the addendum letter dated August 29, 2013, saying:

> [I]t is to be noted that the applicant's credibility was not found to be an issue in this H&C application. Reference is made in my decision to the credibility findings by the Immigration and Refugee Board (IRB) within the historical context of the applicant's immigration history. It is also to be noted that although a high deference was awarded to the IRB findings it is stated that I am not bound by that decision.

[42] The Officer thus conducted the review of the Applicant's H&C application assuming that the Applicant was credible. The Officer therefore did not err by refusing the Applicant an interview.

[43] In my view, the process by which the Applicant's H&C application was considered was fair and the Officer's decision cannot be quashed on this basis.

D. *Was the Officer's decision unreasonable?*

[44] The Applicant points out that the USDOS report before the Officer expressly stated that there are major human rights problems in Sri Lanka where there were "attacks on and harassment of civil society activists, [and] persons viewed as Liberation Tigers of Tamil Eelam". Also, "[v]iolence and discrimination against women were problems". The Officer never

questioned that the Applicant was a Tamil woman and an activist, yet the Applicant says these factors were completely ignored.

[45] I disagree. The Officer simply observed that, although not conclusive, an applicant's past personal experiences were relevant to establishing a link to the country conditions. The Officer rejected some of the accounts in the Applicant's statutory declaration because she did "not clarify from whom she fears the harassment and discrimination" and she provided little objective evidence that she would be unable to find employment. The Officer further found "the applicant's statement to be abstract, lacking in details and examples of incidents within the context of previous or anticipated hardship in the field of employment and discriminatory treatment". In the Officer's view, the Applicant simply did not supply enough evidence to satisfy her burden with respect to those allegations (*Owusu* at para 5). A review of the Applicant's statutory declaration shows that finding is justifiable, and the Court cannot disturb it without re-weighing the evidence.

[46] The Applicant's allegations about the harassment and threats she received relating to her position with the provincial council were not vague. The Officer noted, however, that that position has been terminated and, impliedly, would no longer be a source of hardship. This conclusion is reasonable.

[47] The Applicant also argued that the Officer ignored the fact that her family depended on her to maintain an adequate standard of living. However, the Officer expressly acknowledged that "an additional income is always beneficial and the applicant's family may experience some

hardship due to a discontinuation of financial funds". The Officer simply found that it would not be an unusual and undeserved or disproportionate hardship since: (1) her family had gotten by even when she had no income; (2) she is highly employable and could find work in Sri Lanka; and (3) her many other family members in Sri Lanka could likely support her. The Applicant further argued that she should not have to court the risk of being an activist to provide for her family. However, given the Officer's findings that the Applicant was multi-lingual, intelligent, had 11 years of teaching experience prior to her work as an activist, and had gained work experience in Canada as a security guard, it is evident and reasonable that the Officer did not think working as an activist was the only employment she could pursue.

[48] Finally, the Applicant submitted that the Officer erred by ignoring and negating positive establishment evidence on the basis that it is only what is expected, and cited *El Thaher* for that proposition. In *El Thaher*, however, Mr. Justice Russell allowed the application for judicial review on the basis that the H&C decision was missing any "analysis of the degree of establishment" (*El Thaher* at para 56). The same cannot be said here. The Officer gave "high regard" to the positive character references and acknowledged that the Applicant had integrated herself into Canada. Nonetheless, the Officer found that the bonds the Applicant had created in Canada would not be severed since she could maintain these relationships through means other than physical proximity. It is understandable why the Officer found it would not cause unusual and undeserved or disproportionate hardship if the Applicant were to apply for permanent residence through the ordinary mechanisms of the *IRPA*.

[49] Lastly, the Applicant submitted that the Officer's analysis of the best interests of the children was internally inconsistent. The Officer said:

> I am cognizant of the applicant's reference to her separation from her youngest children and affecting "them immensely." I find that it is in the best interests of the applicant's youngest children that she returns to Sri Lanka where her children could benefit from having their mother back in their lives.
>
> The applicant also indicates that her children have had to change dwelling places five times and change of schools due to "fear within an year, and search by the pro government militants too had affected my children psychologically." [sic] I find that there is insufficient information to substantiate this statement. Moreover, I find that there is information to indicate that the best interests of applicant's children will be adversely affected if this application was to be refused. [Emphasis added]

[50] On first impression, it appears that the underlined sentences above contradict each other. However, in my view, the adverse effect upon the Applicant's children that the Officer refers to above is that which would be occasioned by money no longer being sent by the Applicant from Canada to her family in Sri Lanka. These statements by the Officer are not internally inconsistent, as the Applicant suggests, but rather reflect the Officer's balancing of the factors affecting the best interests of the children.

[51] At page five of the decision, the Officer correctly stated that the Applicant bore the onus to show that any adverse country conditions would directly and personally affect her (*Kanthasamy* at paras 48-49; *Vuktilaj v Canada (Citizenship and Immigration)*, 2014 FC 188 at para 36, 24 Imm LR (4th) 234). However, the Officer appears to qualify that by saying: "I find the applicant has failed to establish the facts of her case as it pertains to adverse country conditions in that she would be subjected to conditions not faced by the general populace"

(emphasis added). It goes without saying that someone can be personally affected by a particular problem no matter how many other people in their country of origin are also affected by it. Importing a strict legal rule from paragraph 97(1)(b)(ii) of the *IRPA* betrays the underlying purpose of H&C discretion and directly violates section 25(1.3) of *IRPA* (*Kanthasamy* at para 76, citing *Caliskan v Canada (Citizenship and Immigration)*, 2012 FC 1190 at para 22, [2014] 2 FCR 111). However, I do not think this one misstatement affects the reasonableness of the Officer's decision as a whole or makes the outcome of the decision fall outside the range of acceptable outcomes. In all other respects, the Officer correctly stated the test and the factual findings support the conclusion that the Applicant would not be personally affected. Consequently, the decision is still understandable and reasonable as a whole.

VI. Conclusion

[52] In the end, I find that the Officer's decision was reasonable and the application for judicial review should be and is hereby dismissed, and there shall be no order as to costs. Neither party suggested a question for certification; so, no such question is certified.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed, and there is no order as to costs. No serious question of general importance is certified.

"Keith M. Boswell"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-6029-13
STYLE OF CAUSE:	MARIE ASSUMPTA JUDY DEVADAWSON (A.K.A. MARIE ASSUMPTA DE VADAWSON) v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
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