

Federal Court



Cour fédérale

**Date: 20150520**

**Docket: IMM-373-14**

**Citation: 2015 FC 655**

**Ottawa, Ontario, May 20, 2015**

**PRESENT: The Honourable Mr. Justice Locke**

**BETWEEN:**

**MIREILLE AZIZ ABDO SALEM,  
ALI HASSAN ABBAS and SAHRAA ABBAS  
by their litigation guardian MIREILLE AZIZ  
ABDO SALEM**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The applicants, a mother (the principal applicant) and her two minor daughters, seek judicial review of a decision of a senior immigration officer refusing to grant them permanent residence in Canada on humanitarian and compassionate (H&C) grounds. The applicants are citizens of Lebanon and Brazil.

[2] The applicants' H&C application was necessary because the children's father, who is a permanent resident in Canada, failed to declare his spouse when he landed. The principal applicant is therefore not considered a member of the family class pursuant to paragraph 117(9)(d) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (*IRPR*).

[3] The applicants attack the officer's decision on two fronts: (i) the consideration of the best interests of the children (BIOC) was inadequate; and (ii) the consideration of the applicants' establishment in Canada was inadequate. On both fronts, I am of the view that the officer's analysis was adequate and reasonable.

[4] With regard to the BIOC, the applicants assert that the officer failed to (i) properly consider the evidence; (ii) consider country conditions awaiting the children in Lebanon; and (iii) weigh paragraph 117(9)(d) of the *IRPR* against the assessment of the BIOC.

[5] In my view, the officer adequately considered the evidence. The fact that the officer's analysis of the BIOC began with the conclusion that the children's interests are best met if they remain with their mother does not change that. I disagree with the applicants' assertion that the officer assumed that the absence of one parent in the lives of the children would have no impact.

[6] Though the officer's assessment of country conditions in Lebanon is not in the BIOC section of the impugned decision, the assessment was done, and reasonably in my view. I see no reason to require that this assessment be dealt with under any particular heading of the decision.

[7] Likewise, though the officer's consideration of paragraph 117(9)(d) of the *IRPR* is found outside the BIOC section of the impugned decision, that consideration is present and reasonable.

[8] With regard to the principal applicant's establishment in Canada, the officer concluded that it was no more than what would be expected in the time she resided there. I am satisfied that this conclusion was reasonable, in that it falls within a range of possible, acceptable outcomes, and that it was justified, transparent and intelligible. I am also of the view that it was reasonable for the officer to conclude that the principal applicant's establishment in Canada is not as a result of circumstances beyond her control.

**JUDGMENT**

**THIS COURT ORDERS that:**

1. The present application for judicial review is dismissed.
2. No serious question of general importance is certified.

“George R. Locke”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-373-14

**STYLE OF CAUSE:** MIREILLE AZIZ ABDO SALEM, ALI HASSAN  
ABBAS, ZAHRAA ABBAS BY THEIR LITIGATION  
GUARDIAN MIREILLE AZIZ ABDO SALEM v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** APRIL 2, 2015

**JUDGMENT AND REASONS:** LOCKE J.

**DATED:** MAY 20, 2015

**APPEARANCES:**

Ms. Asiya Hirji FOR THE APPLICANTS

Ms. Veronica Cham FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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