

Federal Court



Cour fédérale

Date: 20210923

Docket: IMM-3119-20

Citation: 2021 FC 983

St. John's, Newfoundland and Labrador, September 23, 2021

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

VANIA DEYANIRA MARTINEZ GARCIA

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Ms. Vania Deyanira Martinez Garcia (the “Applicant”) seeks judicial review of the decision of an Officer (the “Officer”) , refusing her application for permanent residence from within Canada on Humanitarian and Compassionate (“H and C”) grounds, pursuant to section 25 of the *Immigration and Refugee Protection Act*, S. C. 2001, c. 27 (the “Act”).

[2] The Applicant is a citizen of Mexico. She is the mother of a Canadian-born child. She argues that the Officer unreasonably assessed her application and unreasonably addressed the best interests of her child.

[3] The Minister of Citizenship and Immigration (the “Respondent”) submits that the officer committed no reviewable error.

[4] The decision is reviewable on the standard of reasonableness, pursuant to the decision of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov* (2019), 441 D.L.R. (4th) 1 (S.C.C).

[5] 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.

[6] Upon considering the record, and the written and oral submissions of the parties, I am not persuaded that the Officer’s decision is unreasonable. In my opinion, the assessment of the evidence meets the applicable legal standard. The best interests of the Canadian-born child were reasonably assessed, considering the evidence that was before the Officer.

[7] I see no breach of procedural fairness resulting from the fact that the Officer did not solicit further submissions from the Applicant.

[8] In the result, the application for judicial review is dismissed, there is no question for certification arising.

JUDGMENT in IMM-3119-20

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed,
there is no question for certification arising.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3119-20

STYLE OF CAUSE: VANIA DEYANIRA MARTINEZ GARCIA v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY WAY OF VIDEOCONFERENCE
BETWEEN TORONTO, ONTARIO AND ST. JOHN'S,
NEWFOUNDLAND AND LABRADOR

DATE OF HEARING: SEPTEMBER 22, 2021

JUDGMENT AND REASONS: HENEGHAN J.

DATED: SEPTEMBER 23, 2021

APPEARANCES:

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Madeline Macdonald FOR THE RESPONDENT

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