

Federal Court



Cour fédérale

**Date: 20220406**

**Docket: IMM-1937-21**

**Citation: 2022 FC 481**

**St. John's, Newfoundland and Labrador, April 6, 2022**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**TRACY ANN SIMONE COLEMAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Ms. Tracy Ann Simone Coleman (the “Applicant”) seeks judicial review of a decision made by an Officer (the “Officer”) on March 8, 2021. In that decision, the Officer refused an application for a work permit and an application for a Temporary Resident Permit (“TRP”) under the Family Violence Initiative (the “FMV”).

[2] The Minister of Citizenship and Immigration (the “Respondent”) had granted the Applicant a TRP under the FMV on February 17, 2020, with effect until February 15, 2021. On the same day, a work permit was issued to the Applicant, also due to expire on February 15, 2021.

[3] By letter dated February 5, 2021, written by Counsel on her behalf, the Applicant requested a new TRP and an extension of her work permit; see pages 57 and 59 of the Certified Tribunal Record (the “CTR”). The letter of February 5, 2021 referred to the prior issuance of a TRP under the FMV and to the issuance of a work permit.

[4] The refusal decision of March 8, 2021 refers specifically to a “request” for a TRP under the FMV and to a “request” for a work permit.

[5] Both parties submit that the decision is reviewable on the standard of reasonableness, relying on 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.).

[6] 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.

[7] In my opinion, the decision does not meet the legal test since it appears that the Officer misunderstood the nature of the Applicant's request. Focusing on something that was not requested cannot lead to a reasonable decision.

[8] In the result, the application for judicial review is allowed, the decision of the Officer is set aside and the matter is remitted to another Officer for determination. There is no question for certification proposed.

**JUDGMENT in IMM-1937-21**

**THIS COURT'S JUDGMENT is that** the application for judicial review is allowed, the decision is set aside and the matter is remitted to another Officer for determination. There is no question for certification.

“E. Heneghan”

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Judge

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

**DOCKET:** IMM-1937-21

**STYLE OF CAUSE:** TRACY ANN SIMONE COLEMAN 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:** MARCH 16, 2022

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** APRIL 6, 2022

**APPEARANCES:**

Wennie Lee FOR THE APPLICANT

Prathima Prashad FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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