

Date: 20091110

Docket: IMM-1621-09

Citation: 2009 FC 1146

Ottawa, Ontario, November 10, 2009

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

LURA ALHEN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

I. Overview

[1] Ms. Lura Alhen is a divorced, single mother of three sons and a citizen of Jordan. She applied for permanent residence in Canada on humanitarian and compassionate grounds. The main thrust of her application was that she should be considered a *de facto* member of the family of her seven siblings living in Canada due to her reliance on their financial and emotional support.

[2] An immigration officer refused her application. The officer found that there was insufficient evidence supporting her assertion that she was *de facto* member of her siblings' family and her

claim to be experiencing hardship in Jordan. Ms. Alhen argues that the officer failed to take adequate account of the evidence supporting her application and asks me to order a reconsideration by another officer.

[3] I can find no basis for overturning the officer's decision and must, therefore, dismiss this application for judicial review.

II. Analysis

[4] The sole issue is whether the officer failed to appreciate the evidence supporting Ms. Alhen's application for humanitarian and compassionate consideration.

[5] In respect of Ms. Alhen's claim of *de facto* family membership, the officer considered the relevant factors as set out in the applicable guidelines, particularly Ms. Alhen's financial and emotional needs and dependence, and her family's willingness and capacity to meet and support those needs. I cannot find any failure on the officer's part to consider the evidence in Ms. Alhen's favour or the importance of family reunification under the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s. 3(1)(d). This distinguishes the circumstances of this case from those in the cases relied on by Ms. Alhen: *Nalbandian v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 1128; *Koromila v. Canada (Minister of Citizenship and Immigration)*, 2009 FC 393.

[6] As for the issue of the applicant's hardship, again, I cannot fault the officer's treatment of the evidence. She noted that there was nothing in the record suggesting that Ms. Alhen's circumstances were any different from those experienced by other single mothers in Jordan and, therefore, no grounds for conferring the exceptional humanitarian and compassionate relief sought by Ms. Alhen.

III. Conclusion and Disposition

[7] Accordingly, I cannot find any basis for overturning the officer's decision and must, therefore, dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT

THIS COURT'S JUDGMENT is that :

1. The application for judicial review is dismissed;
2. No question of general importance is stated.

“James W. O’Reilly”

Judge

Annex “A”

Immigration and Refugee Protection Act, S.C.
2001, c. 27

*Loi sur l’immigration et la protection des
réfugiés, L.R. 2001, ch. 27*

Objectives — immigration

Objet en matière d’immigration

3. (1) The objectives of this Act with
respect to immigration are

3. (1) En matière d’immigration, la présente
loi a pour objet :

[...]

...

(d) to see that families are reunited in Canada;

d) de veiller à la réunification des familles au
Canada;

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1621-09

STYLE OF CAUSE: LURA ALHEN v. MCI

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: October 28, 2009

**REASONS FOR JUDGMENT
AND JUDGMENT:** O'REILLY J.

DATED: November 10, 2009

APPEARANCES:

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FOR THE APPLICANT

Mr. Gordon Lee

FOR THE RESPONDENT

SOLICITORS OF RECORD:

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