

Federal Court



Cour fédérale

Date: 20230531

Docket: IMM-6848-22

Citation: 2023 FC 762

Toronto, Ontario, May 31, 2023

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

**TAIWO OMOLARA PETERS
ADEOLA OLUWANIFEMI PETERS
AUGUSTUS OLUWADARASIMI PETERS
AYODEJI OLUWASHANUMI PETERS**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Ms. Taiwo Omolara Peters (the “Principal Applicant”) and her three minor children, Adeola Oluwanifemi Peters, Augustus Oluwadarasimi Peters, and Ayodeji Oluwashanumi Peters (collectively “the Applicants”) seek judicial review of the decision of an officer (the “Officer”), refusing their application for permanent residence in Canada, on Humanitarian and

Compassionate (“H and C”) grounds, pursuant to subsection 25(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

[2] The Applicants are citizens of Nigeria. Their claims for protection in Canada were rejected on credibility grounds and an application for leave and judicial review was dismissed.

[3] In the present proceeding, the Applicants argue that the Officer unreasonably ignored the Principal Applicant’s contribution to Canadian society during the Covid-19 pandemic when she worked as a personal support worker.

[4] The Applicants further submit that the Officer unreasonably assessed the best interests of the children, specifically their access to adequate education in Nigeria, when evidence was provided about shortcomings in public education in Nigeria.

[5] The Minister of Citizenship and Immigration (the “Respondent”) argues that the decision is reasonable and that there is no basis for judicial intervention.

[6] Following the decision of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653, the decision is reviewable on the standard of reasonableness.

[7] 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 the decision"; see *Vavilov, supra* at paragraph 99.

[8] I agree largely with the submissions of the Respondent.

[9] The Officer made reasonable findings about the establishment of the Principal Applicant in Canada. The fact that the Principal Applicant worked as a personal support worker during the Covid-19 pandemic is not relevant to the issue of establishment since the Principal Applicant did not qualify for the "Pathway Program" in any event.

[10] Likewise, the Officer reached a reasonable conclusion about the education available to the minor Applicants in Nigeria. The fact that the public education system may be inferior to the public education system available to these Applicants in Canada does not make the Officer's conclusion unreasonable. The Officer, not the Court, is mandated to weigh the evidence submitted.

[11] In the result, the application for judicial review will be dismissed. There is no question for certification.

JUDGMENT in IMM-6848-22

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question for certification.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6848-22

STYLE OF CAUSE: TAIWO OMOLARA PETERS ET AL. v. THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: MAY 17, 2023

REASONS AND JUDGMENT: HENEGHAN J.

DATED: MAY 31, 2023

APPEARANCES:

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