Federal Court  Cour fédérale

Date: 20240704

Docket: IMM-8715-21

Citation: 2024 FC 1051

Toronto, Ontario, July 4, 2024

PRESENT: The Honourable Madam Justice Aylen

BETWEEN:

RICARDO ANDRES MUNOZ CARDENAS

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, a citizen of Colombia, is paraplegic and permanently confined to a wheelchair. He is separated from his parents and siblings, who live in Canada, and now lives alone, with only his 90-year-old grandfather remaining in Bogota. The Applicant does not have the assistance he needs for the daily activities of life, like cooking and cleaning or navigating the streets of Bogota to attend regular medical appointments, and relies on his family in Canada for

financial support because he is unable to work. For over 14 years, the Applicant's family has been trying to bring him to Canada.

[2] The Applicant seeks judicial review of a decision dated November 12, 2021, made by an Immigration, Refugees and Citizenship Canada [IRCC] officer [Officer] at the Embassy of Canada in Bogota refusing the Applicant's application for permanent residence from outside of Canada on humanitarian and compassionate [H&C] grounds under subsection 25(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*]. The Applicant had applied for a permanent resident visa as a member of the family class, but also put forward H&C grounds to overcome the fact that he did not meet the definition of a dependent child under the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*Regulations*]. The Officer ultimately refused his application because they determined that the Applicant neither met the definition of a family member, nor had demonstrated through relevant documentation that an exemption to the requirements of the *IRPA* should be granted for H&C grounds.

[3] The Applicant submits that the Officer's decision was unreasonable because the Officer: (i) failed to apply the correct legal test under section 25 of the *IRPA*; (ii) failed to consider the Applicant's submissions regarding core elements of the application; (iii) erred in their *de facto* family member analysis; (iv) made findings without regard to the evidence; and (v) erred in their assessment of the impact of family separation.

[4] For the reasons that follow, I find that the Officer's decision is replete with errors and falls far short of meeting the reasonableness threshold. Accordingly, the application for judicial review shall be granted and the matter remitted for redetermination by a different officer.

I. Background

[5] The Applicant, who is 43 years old, is a former art salesman and former member of the Military Armed Forces of Colombia. In the last 20 years, he has been the victim of four assaults, two of which resulted in him being shot. The second shooting in 2006 resulted in a spinal cord injury that rendered him a paraplegic.

[6] The ongoing threats of violence in Colombia led the Applicant's family to flee to Canada. His father claimed refugee status in Canada in December of 2004, which was granted in October of 2005. The Applicant's father then applied for permanent residence on behalf of his family members but, since the Applicant was no longer a dependent child at that time, the Applicant's application was processed separately. In 2008, the Applicant's mother and sisters became permanent residents and moved to Canada.

[7] Although the Applicant's family has repeatedly tried to bring him to Canada, the Applicant's applications have not been successful. In particular, the Applicant applied for (and was refused) permanent residence in 2007 and temporary residence in 2012.

[8] When the Applicant's family moved to Canada in 2008, they left the Applicant in the care of his grandparents. However, in 2010, the Applicant's maternal grandfather, who had been caring

for him, passed away. The Applicant then moved in with his paternal grandfather, who, as a result of advanced age, was not physically capable of caring for the Applicant.

[9] As a result of his injuries, the Applicant requires extensive medical care (e.g. physiotherapy) and personal assistance (e.g. cooking, cleaning, personal care and transportation to appointments), and struggles to live independently. For example, the Applicant has suffered from pressure ulcers, which are common for individuals using wheelchairs, and received a skin implant to treat them in 2008. The Applicant has also fallen out of his wheelchair while traversing the streets, on several occasions, with one fall leading to the Applicant requiring surgery on his leg. On another occasion, he was hit by a motorcycle while he was navigating the streets on his way to a medical appointment and broke his leg.

[10] In 2019, the Applicant applied for a permanent resident visa as a member of the family class and put forward H&C grounds to overcome the fact that he did not meet the definition of a dependent child under the *Regulations*.

[11] In August of 2021, the initial officer that reviewed the application sent a procedural fairness letter [PFL] to the Applicant. In that letter, the initial officer concluded that the Applicant was not a dependent child pursuant to section 2 of the *Regulations* and subsection 12(1) of the *IRPA* for the following reasons:

> As you were over the age of 22 at the lock-in date, in order to be considered a dependent child in respect of your Sponsor, you must demonstrate that you have depended substantially on the financial support of your sponsor since before attaining the age of 22 years and being unable to be financially self-supporting due to a physical or mental condition.

> As per the information on file, you did not present a physical or mental condition until your accident in 2006 (at that time, you would have been 25/26 years old). As per the information on file, you did not depend substantially on the financial support of your parents, as you were gainfully employed or a full-time student from 1999 until your accident.

[12] Further, the PFL stated that "Humanitarian and Compassionate factors were also considered but found insufficient" and advised the Applicant that he had 30 days from the date of the letter to respond to the concerns before a final decision was made.

[13] On August 31, 2021, the Applicant's mother provided a letter in response to the PFL, in which she requested the exercise of H&C discretion. In her letter, she: (a) described the difficulties of being separated from her son; (b) stated that the family sends the Applicant money to cover his living expenses; (c) stated that her son is "alone" in Bogota; (d) stated that the Applicant faces great difficulty because there is no one to help him shower, dress, cook, take him to medical appointments, travel or provide emotional support; and (e) requested an extension of time to provide further submissions.

[14] On October 14, 2021, the Applicant provided further submissions on H&C grounds in response to the PFL. The submissions state, among other things, that:

A. The Applicant was attacked and shot in 2006, which resulted in a spinal cord injury that has left him permanently wheelchair-bound. As a result of his injuries, the Applicant needs extensive medical care and personal assistance.

B. The Applicant's living circumstances had changed from what they were when his family fled to Canada. The Applicant was now living with his paternal grandfather

who is of advanced age and not physically capable of taking care of himself, let alone taking care of the Applicant. The Applicant needs assistance with the activities of daily life, such as cooking, cleaning, and personal care, but is currently not receiving this assistance and is struggling to live independently. By way of example, cooking is very difficult and dangerous for him, as he often burns his body in the process. The Applicant provided photographs of these burns.

C. As a result of the many injuries and physical challenges he faces, the Applicant is unable to work and is entirely financially dependent on his family in Canada. Even if he were able to work in some capacity, there are little to no employment opportunities for people in wheelchairs.

D. The Applicant lives an isolated life in Bogota. He does not have any social ties in Colombia and all of his close family members (parents, sisters and nieces) live in Canada.

E. The Applicant experiences many barriers living in Colombia, as someone living with a disability with little support. The streets in Bogota are not accommodating to people who use a wheelchair, making it extremely difficult for him to complete day-to-day activities. He has fallen out of his wheelchair on several occasions because the streets are not equipped to accommodate wheelchairs. In 2018, the Applicant was hit by a motorcycle while on his way to a medical appointment. The motorcycle impact broke his leg, and he spent time in the hospital recovering. He attends his medical appointments alone, which is also challenging, as he uses public transportation that is not always accessible for him.

F. The Applicant's physical and mental health are in jeopardy if he is forced to remain in Colombia. The loneliness and isolation that comes from restricted movement, as well as a lack of social support, have negative implications on his mental health.

G. The violence in Bogota is a serious threat to those who reside there. The Applicant's experiences are testaments to the violent attacks that occur in the streets of Bogota against civilians. The Applicant and his family all fear for his safety in Bogota, particularly given that he is especially vulnerable to violence, as he uses a wheelchair and is constantly alone in the city.

[15] The response to the PFL included additional documentation, including a letter of support from his mother, and affidavits from his father and sister stating that his family is concerned about him, are willing to support him in Canada and attest to the difficulties the Applicant faces in Colombia. Further, the Applicant's father stated that the Applicant does not work or earn "any income, salary, or pension" and therefore, he and his wife "take responsibility for all [the Applicant's] expenses" and "send him money monthly to pay his living expenses". The Applicant also provided objective country evidence on the discrimination towards people with disabilities, the isolation that people with disabilities face and the widespread violence, poverty and corruption in Colombia.

II. The Decision

[16] By letter dated November 12, 2021, the Officer refused the application for a permanent resident visa as a member of the family class and found that the Applicant failed to demonstrate

sufficient H&C grounds to warrant an exemption to the requirements under *IRPA*. In reaching these conclusions, the Officer stated, in part, as follows:

> I have reviewed your response but this did not allay my concerns because, amongst other things, the claims you have made about your incapacities, inadequate medical treatment in Colombia and having no family to take care of you are either not supported by relevant documentation or contradicted by the documentation you did submit.

[17] In the Global Case Management System Notes [GCMS], which also form part of the reasons for the decision, the Officer provided further explanation for their decision. In an entry dated November 1, 2021, the Officer noted that they had reviewed all of the documents submitted for the application, as well as all notes from the Applicant's current and previous two temporary residence visa applications. Furthermore, the Officer stated that they "carefully reviewed the H&C analysis, rationale and recommendations made by the initial reviewing officer and the subsequent officer who reviewed the response to the latest PFL." Having reviewed these two officers' GCMS notes, the Officer concluded that the officers "correctly and factually analyzed" the following factors:

> - ties to Canada and country of origin
>
> - health considerations (including availability of medical treatment for current situation and adverse country conditions, as well as taking into account that the current actual medical situation of [the Applicant] is that he has no pathologies preventing him from participating in normal activities in the community)
>
> - consequences of the separation from relatives;
>
> - [the Applicant's] ability to establish himself in Canada (seems very low but family has indicated that they would be supportive of [the Applicant])

[18] The Officer adopted the reasons of the initial reviewing officer, which appear as a recorded entry dated August 31, 2021. Under the heading of "HUMANITARIAN AND COMPASSIONATE CONSIDERATIONS" the initial reviewing officer made the following findings:

> 1) [The Applicant's] father claimed irregularly in CDA in 2004. At that time [the Applicant] was not eligible as a dependent child, as he did not significantly depend on his parents due to a physical or mental condition.
>
> 2) [The Applicant's] mother and siblings landed as DR in DEC2008. While at this time [the Applicant] had had the accident leading to his disability, [the Applicant's] mother and family voluntarily decided to move to Canada, knowingly leaving [the Applicant] in the care of family members. I therefore give less weight to this.
>
> 3) [The Applicant] and SPR declare that he has been living "without family or friends too [*sic*] help me" or "alone", yet SPR also declares that [the Applicant] has been in the care of his maternal grandfather until his death, and is now in his paternal grandfather's care. He therefore appears to not be alone, and appears to be with family. I therefore give less weight to this contradictory information provided.
>
> 4) SPR indicates that [the Applicant] requires assistance for daily activities "that can be provided in Canada". This does not preclude [the Applicant] from obtaining this same assistance in Colombia. As indicated above, he is currently receiving help from family, and alternatively the assistance of others (such as a nurse) can be obtained, as it would in Canada. I therefore give less weight to this.
>
> 5) While [the Applicant's] medical records indicates [*sic*] he will require a wheelchair the rest of his life, it does not appear that he has lost control of his upper body, also evidences [*sic*] by images on file. [The Applicant] could still be able to be employed, such as in an office setting. As per the medical certificate on file (translation) "after clinical evaluation completed today, display [*sic*] no evidence of pathologies which could prevent him from participating in normal activities in the community". I therefore give less weight to this.
>
> 6) SPR indicates that there is no wheelchair accessibility in Colombia. However, the city has been improving its accessibility (NOTE1) and there are many places (essential and non-essential

> services) that have ramps and other wheelchair accessible means. I therefore give less weight to this.
>
> 7) SPR indicates that [the Applicant] would be able to access better medical care, and that they would cover all expenses. Colombia ranks 22 of 191 while Canada ranks at 30 based on the WHO ranking of healthcare systems (NOTE2). Given that the "healthcare in Colombia is a perfect balance of high quality, easy access, and low cost", with his parents financing as they've declared he would be able to obtain the same if not better quality of care in Colombia. I therefore give less weight to this.

[19] The Officer also adopted the recommendations of the officer that reviewed the response to the PFL, which appear as a recorded entry dated November 10, 2021. This officer noted that the mother's claim — that her son is alone in Bogota and does not have anyone to help him shower, dress and cook, among other things — is contradicted by other evidence in the application, which states that the Applicant had been under the care of his paternal grandfather until he passed and is now under the care of his maternal grandfather. In addition, the officer noted that the Applicant's father's affidavit states that the Applicant's "disability prevents him from working, and therefore his father and mother have to send him money monthly to pay for his expenses." The notes further indicate that "[t]he father also states that him and his wife are the only providers of the [the Applicant], for economic, moral and emotional support" and conclude as follows:

> After review of these new submissions and in light of the rest of the application, I support the prevous [*sic*] officer's analysis and recommendations. With regards to [the Applicant] not meeting the definition of a dependent child under R2: the affidavit from the father stating that he provides financial support to his son because of his disability does not change the fact that [the Applicant] did not meet the definition of a dependent child at the time his father arrived in Canada in 2004, and rather started to be dependent on his parents after his accident in 2006, when he was around 25-26 years old. Furthermore, the fact that his mother and siblings landed in Canada in 2008, leaving [the Applicant] alone in Colombia while he was disabled and paraplegic, corroborate the fact that he has had a support system available to him in COL since that time, sufficiently

> strong for his parents to decide to leave him behind. With regards to the other H&C considerations: the PFL reply does not provide any additional evidence, nor do they add further elements for consideration. I have read the previous officer's assessment and I concur with them. As such, I support the prevous [*sic*] officer's analysis and recommend to refuse the H&C request.

[20] However, the Officer noted that the initial reviewing officer and subsequent officer did not explicitly address whether the Applicant is a *de facto* family member. As such, the Officer weighed the factors and indicated whether or not they were satisfied the Applicant had demonstrated each factor with a (+) or (-) as follows:

> - whether dependency is bona fide and not created for immigration purposes (+)
>
> - the level of dependency (-) (no documentation submitted in terms of correspondence, money transfers, etc.)
>
> - the stability and duration of the relationship (+)
>
> - the possible impact of a separation (-) (the family has left without him even though he had just become paraplegic, leaving him under care of grandparents)
>
> - the financial needs of the applicant in relation to the family unit (-) (no evidence of financial support submitted)
>
> - the emotional needs of the applicant in relation to the family unit (+)
>
> - the ability and willingness of the family in Canada to provide support(-) (besides testimonies, no evidence of support submitted)
>
> - the applicant's other options, such as family outside Canada able and willing to provide support (-) ([the Applicant] has been taken care of by grandparents for the last 15 years, no evidence submitted that this would be in jeopardy)
>
> - documentary evidence about the relationship(-) (insufficient evidence submitted in terms of communication, visits (no ppt stamps, boarding passes, etc.))

> - whether the applicant would have difficulty meeting financial or emotional needs without the support and assistance of the family unit (-) (no evidence submitted)

[21] In light of the above, the Officer refused the Applicant's application, stating in the GCMS notes:

> After reviewing these factors, I'm not satisfied that overall, [the Applicant] has demonstrated with sufficient relevant documentation that the de facto family member factor should be weighed positively enough to overcome the other factors of this case. Overall, after reviewing the whole file, examining the documentation and notes and analyzing the H&C factors described above, I concur with the officers recommendations and I'm not satisfied that [the Applicant] has demonstrated, as the onus is on him to do so, that there are sufficient H&C grounds to warrant the special grant of an exemption from him meeting the requirements of the definition of a dependent family member. The application is hence refused.

III. Issue and Standard of Review

[22] The sole issue for determination by this Court is whether the Officer's decision was reasonable.

[23] The parties agree and I concur that the applicable standard of review of a H&C decision is reasonableness [see *Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61 at para 44 [*Kanthasamy*]]. When reviewing for reasonableness, the Court must take a "reasons first" approach and determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible and justified [see *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at paras 8, 59]. A reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and

law that constrain the decision-maker [see *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 15, 85 [*Vavilov*]]. The Court will intervene only if it is satisfied there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency [see *Adeniji-Adele v Canada (Citizenship and Immigration)*, 2020 FC 418 at para 11].

IV. Analysis

[24] Subsection 25(1) of the *IRPA* gives the Minister discretion to exempt foreign nationals from the ordinary requirements of that statute and grant permanent resident status in Canada if the Minister is of the opinion that such relief is justified by H&C considerations. An H&C determination under subsection 25(1) of the *IRPA* is a global one, where all the relevant considerations are to be weighed cumulatively in order to determine if relief is justified in the circumstances. Relief is considered justified if the circumstances would excite in a reasonable person in a civilized community a desire to relieve the misfortunes of another [see *Kanthasamy*, *supra* at paras 13, 28; *Caleb v Canada (Citizenship and Immigration)*, 2020 FC 1018 at para 10].

[25] I agree with the Applicant that the Officer failed to consider his submissions regarding core elements of his application for H&C relief. It is evident from the reasons that the Officer fundamentally misapprehended evidence and failed to consider contradictory evidence in refusing to grant an H&C exemption pursuant to section 25 of the *IRPA*, rendering the decision unreasonable. Specifically, I find that the Officer: (i) fundamentally misapprehended the evidence with respect to the Applicant's support system in Colombia; (ii) failed to consider contradictory evidence pertaining to the nature of care the Applicant requires; and (iii) drew an irrational

inference that the Applicant currently has a support system based on the Applicant's family's choice to leave Colombia in 2008. Although there are other errors in the Officer's reasons, I find that any one of these errors taken independently would be sufficient to render the Officer's decision to refuse the Applicant's H&C exemption unreasonable.

[26] As noted above, the Officer adopted the reasons of the initial reviewing officer and subsequent reviewing officer, which include findings with respect to H&C considerations. In particular, the Officer states that the two officers "correctly and factually analyzed" the Applicant's ties to Canada and Colombia, health considerations, consequences of his separation from his relatives and the Applicant's ability to establish himself in Canada. However, the reasons provided by the two reviewing officers contain errors that, once adopted by the Officer, render the Officer's decision unreasonable.

[27] First, the Officer fundamentally misapprehended the evidence by finding that the claims the Applicant had made about having no family to take care of him were either "not supported by relevant documentation or contradicted by the documentation [he] did submit." The initial reviewing officer found that the Applicant was in his paternal grandfather's care after his maternal grandfather passed away. Based on this fact alone, the initial reviewing officer rejected the Applicant's submission that he lives alone without family or friends to help him. Instead, the initial reviewing officer concluded that, for this reason, the Applicant "appears to not be alone, and appears to be with family" and decided to give "less weight" to the "contradictory" information provided.

[28] The Respondent argues that the Officer was entitled to find that the Applicant's evidence that he is "alone" in Colombia was contradictory to other evidence before them — specifically, the evidence that the Applicant had been cared for by his grandparents. Although the Respondent acknowledges the Applicant's submission that the evidence of this care arrangement was not recent, the Respondent maintains that the Officer was entitled to rely on it and not be required to "speculate that because the grandfather would have been 'in his 90s' at the time of the officer's decision, that 'the Applicant was alone in Colombia.'"

[29] The Officer was required to consider all of the evidence before them, including the most recent evidence. Circumstances change over time and it was not open to the Officer to ignore the fact that the Applicant's circumstances had changed when evidence of those changes was placed squarely before them. Contrary to the Respondent's submission, the Officer was not entitled to rely on evidence that they knew was not recent and that was contradicted by the most recent evidence. Moreover, I find that there was nothing "speculative" about the Applicant's submissions. In the Applicant's October 14, 2021 response to the PFL, he clearly states that:

> When [the Applicant's] family migrated to Canada in 2008, [the Applicant] was left in the care of his grandparents. However, in 2010, [the Applicant's] grandfather who had been taking care of him passed away. [The Applicant] moved in with his other grandfather, who was of advanced age, and not physically capable of taking care of himself let alone to take care of [the Applicant].

[30] Further, in a letter from the Applicant's mother dated June of 2010, she notes that the Applicant's grandfather "is 79 years old" and taking care of the Applicant, but that the grandfather's "own health is frail." At the time that the Officer issued their rejection letter to the

Applicant on November 12, 2021, the Applicant's grandfather would have been approximately 90 years old.

[31] I find that the initial reviewing officer erred both by (i) concluding that the information submitted by the Applicant was contradictory, because the Applicant's family support systems had, in fact, changed over time; and (ii) failing to consider the Applicant's evidence in response to the PFL, which stated that his grandfather was elderly and not physically capable of caring for him. Thus, the Officer, by adopting the analysis of the initial reviewing officer, fundamentally misapprehended the evidence, which renders the decision unreasonable [see *Vavilov*, *supra* at para 126; *Canada (Citizenship and Immigration) v Tefera*, 2017 FC 204 at para 31].

[32] Furthermore, I would also note that the Officer, in adopting the reasons of both reviewing officers, erred in concluding that "[w]ith regards to the other H&C considerations: the PFL reply does not provide any additional evidence, nor do they add further elements for consideration." On the contrary, the Applicant provided further evidence in his October 14, 2021 submission in response to the PFL that he was no longer receiving care from his paternal grandfather. The submissions make it clear that the Applicant was living alone and struggling to meet his day-to-day needs at the time of the application.

[33] Second, the Officer also failed to consider the evidence the Applicant gave about the nature of the medical care (including regular physiotherapy) and personal assistance (including cooking, cleaning and personal care) he requires. The Applicant also gave evidence that he attends his medical appointments alone, which is challenging, and that navigating the streets of Bogota for

day-to-day activities is difficult for him and has repeatedly resulted in him sustaining injuries, one of which required surgery. Instead, the Officer simply notes that the Applicant "has no pathologies preventing him from participating in normal activities in the community," which ignores the evidence put forward by the Applicant of the daily challenges he faces.

[34] Further, the initial reviewing officer, in their H&C analysis, found that the Applicant "is currently receiving help from family" in Colombia and, alternatively, "the assistance of others (such as a nurse) can be obtained [in Colombia], as it would in Canada." Accordingly, the Officer gave less weight to this factor. However, the Officer fails to explain whether or how the Applicant's evidence pertaining to the nature and extent of the support he requires — including his need for assistance to travel to appointments and complete daily activities — factored into their decision. For instance, it is not clear how the Officer reached the conclusion that hired professionals, such as a nurse, could assist him in Colombia just as easily as in Canada such that it would address the broad range of challenges the Applicant faces. These issues lie at the heart of the Applicant's claim for H&C relief and the failure to explain how the evidence was considered is sufficiently serious to render the decision unreasonable [see *Juan v Canada (Citizenship and Immigration)*, 2020 FC 988 at para 16].

[35] Third, the initial and subsequent reviewing officers drew an irrational inference that the Applicant currently has a "sufficiently strong" support system based on his family's choice to leave Colombia in 2008, over a decade earlier. The subsequent reviewing officer found that the Applicant's mother and siblings' decision to leave for Canada in 2008 corroborates the fact that the Applicant had a support system available to him in Colombia that was "sufficiently strong for his parents to decide to leave him behind." However, in adopting the reviewing officers' reasons,

the Officer failed to consider that the Applicant's care circumstances have changed in the intervening decade, as detailed above. Moreover, in drawing the inference about the family's choice to leave Colombia, the reviewing officers fail to consider the fact that the Applicant's father was granted refugee status in Canada on October 28, 2005, which suggests there were other factors that motivated the family to leave Colombia. In particular, the Officer ignored the Applicant's submission that "[t]he ongoing threats of violence in Colombia caused [the Applicant's] family to flee Canada." I find that there is a failure of rationality internal to the Officer's reasoning process in drawing the above-noted inference, which renders the decision unreasonable. Put differently, the Officer's reasoning simply does not "add up" [see *Vavilov*, *supra* at paras 101, 104].

[36] I find that each of the aforementioned errors render the Officer's decision to refuse the Applicant's H&C application unreasonable. As such, it is unnecessary to address the remaining issues raised by the Applicant. That said, I would note that I also agree with the Applicant's submission that the Officer's *de facto* family member analysis was significantly flawed, as the Officer made numerous perverse findings. To provide just one example, the Officer found that the Applicant would be financially supported by his parents, for the purpose of rendering a negative H&C consideration, and then came to the opposite conclusion in their *de facto* family analysis by finding that the Applicant had not adduced evidence of financial support.

[37] Accordingly, the decision shall be set aside and the matter remitted to a different officer for redetermination. Prior to the redetermination, the Applicant shall be given an opportunity to provide updated submissions and documentation in support of his application.

[38] Neither party proposed a question for certification and I agree that none arises.

JUDGMENT in IMM-8715-21

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is allowed.

2. The decision of the Officer dated November 12, 2021, is set aside and the matter is remitted back to a different officer for redetermination. Prior to the redetermination, the Applicant shall be given an opportunity to provide updated submissions and documentation in support of his application.

3. The parties proposed no question for certification and none arises.

"Mandy Aylen"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-8715-21
STYLE OF CAUSE:	RICARDO ANDRES MUNOZ CARDENAS v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	TORONTO, ONTARIO
DATE OF HEARING:	JULY 3, 2024
JUDGMENT AND REASONS:	AYLEN J.
DATED:	JULY 4, 2024

APPEARANCES:

Lorne Waldman	FOR THE APPLICANT
Lorne McClenaghan	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Waldman & Associates Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT