

Federal Court



Cour fédérale

Date: 20120320

Docket: IMM-6626-11

Citation: 2012 FC 327

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Ottawa, Ontario, March 20, 2012

PRESENT: The Honourable Mr. Justice Harrington

BETWEEN:

YANNICK WANDJA DJEUKOUA

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] Ms. Djeukoua, a citizen of Cameroon, has been living in Canada for ten years. In 2002, the Refugee Protection Division (RPD), of the Immigration and Refugee Board of Canada, dismissed her claim for refugee protection, and this Court in turn is dismissing her application for judicial review of the RPD's decision.

[2] In 2003, she got married and filed an application for permanent residence in Canada in the spouse or common-law partner class. However, the immigration officer dismissed the application because he was of the view that Ms. Djeukoua's marriage was one of convenience. Her application for judicial review of that decision was also dismissed (*Djeukoua v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1213, [2006] FCJ No 1509 (QL)).

[3] She later filed an application for a Pre-Removal Risk Assessment (PRRA), which was also dismissed.

[4] The present matter concerns an application for judicial review of the PRRA officer's decision dismissing Ms. Djeukoua's second application for permanent residence, this time on humanitarian and compassionate grounds. She is seeking dispensation from the requirement of filing her application from outside of Canada. The application is based on the undue, undeserved or disproportionate hardship she would face if she were removed to her country of origin.

[5] In my opinion, the PRRA officer's decision is reasonable, and the intervention of this Court is not warranted. The officer weighed Ms. Djeukoua's life in Canada with the life she would lead in Cameroon. She has established some links to Canada, and recently started up her own telemarketing business. However, her business employs no one other than herself, she has no family in Canada and her marriage is dissolved.

[6] A number of members of her family live in Cameroon. Her first husband and their two children live in Gabon and supposedly cannot return to Cameroon. In any event, that is not a relevant factor in this case.

[7] She claims that she cannot be sent back to Cameroon. The claim has no basis in law. Her refugee protection claim and her PRRA application were both dismissed.

[8] As for her business, it is not a case that is similar to that in *Toth v Canada (Minister of Employment and Immigration)*, 86 NR 302, 11 ACWS (3d) 440, in which the livelihoods of a number of people depended on the success of the business. At any rate, *Toth* involved a motion for a stay pending a decision on an application for judicial review in which the issues differed greatly from those in this matter.

[9] There is simply no basis for the Court to intervene with respect to the decision that is the subject of this judicial review.

ORDER

FOR THE ABOVE-NOTED REASONS;

THE COURT ORDERS that:

1. The application for judicial review is dismissed.
2. No serious questions of general importance for certification arise from this matter.

“Sean Harrington”

Judge

Certified true translation

Sebastian Desbarats, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6626-11

STYLE OF CAUSE: DJEUKOUA v MCI

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: MARCH 13, 2012

**REASONS FOR ORDER
AND ORDER:** HARRINGTON J.

DATED: MARCH 20, 2012

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