

Federal Court



Cour fédérale

Date: 20210923

Docket: IMM-3180-20

Citation: 2021 FC 984

St. John's, Newfoundland and Labrador, September 23, 2021

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

QINGRONG YANG (A.K.A. QINRONG YANG)

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Mr. Qingrong Yang (a.k.a. Qinrong Yang) (the “Applicant”) seeks judicial review of the decision of an Officer (the “Officer”), refusing his application for permanent residence from within Canada, on Humanitarian and Compassionate (“H and C”) grounds, made pursuant to section 25 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicant is a citizen of China. His application for Convention refugee status in Canada was denied. He has resided in Canada for more than 10 years. He is employed and has never drawn social assistance in Canada. He has family members in Canada. His wife and two children live in China.

[3] The Applicant argues that the Officer unreasonably assessed his establishment in Canada, as well as the best interests of his children.

[4] The decision of the Officer is reviewable upon the standard of reasonableness.

[5] According to 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), that standard requires the Court 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.

[6] The Minister of Citizenship and Immigration (the “Respondent”) submits that the decision meets the applicable standard.

[7] Upon considering the record, the written and oral submissions of the parties, I disagree.

[8] I agree with the submissions of the Applicant that the Officer failed to provide transparent and justifiable reasons as to why the positive factors about his establishment in Canada did not yield a positive decision. It is not necessary for me to address the other arguments raised by the Applicant.

[9] In the result, the application for judicial review is allowed, the decision is set aside and the matter is remitted to a different Officer for redetermination. There is no question for certification arising.

JUDGMENT in IMM-3180-20

THIS COURT'S JUDGMENT is that the application for judicial review is allowed, the decision is set aside and the matter is remitted to a different Officer for redetermination. There is no question for certification arising.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3180-20

STYLE OF CAUSE: QINGRONG YANG (A.K.A. QINRONG YANG) 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: SEPTEMBER 20, 2021

JUDGMENT AND REASONS: HENEGHAN J.

DATED: SEPTEMBER 23, 2021

APPEARANCES:

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Stephen Jarvis FOR THE RESPONDENT

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