

Federal Court



Cour fédérale

**Date: 20220623**

**Docket: IMM-7364-19**

**Citation: 2022 FC 945**

**Ottawa, Ontario, June 23, 2022**

**PRESENT: The Honourable Madam Justice Elliott**

**BETWEEN:**

**CHOR, LENG**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant is a 67-year-old woman from Cambodia who came to Canada in June, 2017 to visit her daughter.

[2] On September 13, 2017, she applied for permanent residence on humanitarian and compassionate (H&C) grounds based on her degree of establishment in Canada, her personal

relationships and ties to Canada and Cambodia, the best interests of children, her fear of discrimination in Cambodia and adverse country conditions in Cambodia which the applicant described as “the most dangerous in the world”.

[3] On November 27, 2019 an H&C Officer (the Officer) determined there was insufficient evidence for each of the categories the Applicant put forward to support her application (the Decision).

[4] For the reasons that follow, I find that the Decision was reasonable and I must dismiss this application.

## II. **Analysis of the Decision**

### A. *Establishment*

[5] At the time of the Decision, the Applicant had only been in Canada a little over two years. The Officer reviewed her establishment in Canada which included volunteering at her Church by cleaning it and delivering food to homeless people and the Applicant’s statement that she had taken English as a second language classes (ESL) through the church.

[6] The Officer found there was no evidence of the Applicant taking ESL classes nor any evidence of community support by way of letters from friends or acquaintances.

[7] Acknowledging that, the Applicant had resided in Canada for just over two years, the Officer found there was not sufficient evidence to indicate the Applicant had integrated into Canadian society.

[8] On reviewing the underlying record and considering the submissions to the Officer and those made at the hearing of this application, I find the Officer's analysis of the Applicant's establishment is reasonable.

B. *Personal relationships in, and ties to, Cambodia and Canada*

[9] The Applicant's primary argument was that the Officer failed to consider the evidence of adverse country conditions and the personal effect on her life if she is forced to return to Cambodia. These were said to include isolation, poverty, discrimination and a lack of community.

[10] As the Officer addressed fear of discrimination separately, I will also address it separately, below.

[11] The Applicant, her daughter and the Archbishop of their church all submitted letters stating that the daughter had been deeply distressed since her divorce on November 3, 2008 and needs her mother's support. The daughter's letter indicated that if her mother was returned to Cambodia then she, the daughter, was afraid she would commit suicide.

[12] The Officer noted there was no corroborating evidence such as a psychological report or diagnosis or any evidence the daughter had sought counselling or any other help to assist her with her depression or any suicidal ideation. The Officer also found there was insufficient evidence to indicate that the Applicant and her daughter could not continue to remain in contact through modern technology.

[13] The Applicant also indicated that her sister lives alone in Canada and needs the Applicant's support but the Officer found there was no information or letters of support from the sister. The underlying record supports this finding.

[14] In terms of returning to Cambodia, the Officer observed that the Applicant indicated she had been an unemployed housekeeper in Cambodia for over 40 years but had not indicated how she had supported herself over those years.

[15] I find the Officer made no reviewable errors in arriving at the conclusions they did given the paucity of evidence placed before them.

C. *Fear of Discrimination in Cambodia*

[16] The Applicant's primary argument was that the Officer failed to consider the evidence of adverse country conditions and the personal effect on her life if she is forced to return to Cambodia. These were said to include isolation, poverty, discrimination and a lack of community.

[17] The thrust of the Applicant's argument was that Cambodia has a high rate of crime and murder and it is not safe for the Applicant. Also, the Applicant indicated that Cambodia is a poor country, with unemployment. The Applicant stated that she had been discriminated against and harassed "many times" in Cambodia. Unfortunately, once again no details were provided to the Officer with examples of any discrimination or harassment suffered by the Applicant.

[18] The Officer stated that being removed to Cambodia would subject the Applicant personally to some hardship and acknowledged that some areas of the country were under stress, and country conditions were not always favourable. However, insufficient objective evidence had been presented that the Applicant would personally be adversely affected by the stresses or be discriminated against in Cambodia for any reason.

[19] The Officer was not suggesting that direct evidence must be presented to prove that the Applicant would be personally targeted by discriminatory action nor do I find that they were imposing the heightened standard of personalized risk under sections 96 and 97. As I read the reasons for the Decision the Officer was merely noting that they have not been provided with any details on the nature of the discrimination that the Applicant claimed to have experienced in Cambodia. The evidence in support was insufficient.

### III. **Conclusion**

[20] Although it appears from the content and structure of the submissions made to the Officer that the Applicant had received some form of legal assistance, essentially she was self-represented. By the time of the hearing of this application, the Applicant was represented by

counsel. They did their best to overcome the almost total lack of corroborative evidence in the record.

[21] The Officer considered all of the information submitted by the Applicant and provided reasons for each finding they made.

[22] The establishment analysis was insufficient due to the lack of corroborating medical evidence and absence of letters of support from friends and her sister. The hardship analysis was insufficient due to the minimal details of how the adverse country conditions could negatively affect the Applicant.

[23] The Applicant bears the onus of presenting their case which they did not do. Given the lack of evidence I must conclude that the Decision was reasonable.

[24] The Supreme Court of Canada has established that when conducting judicial review of the merits of an administrative decision, other than a review related to a breach of natural justice and/or the duty of procedural fairness, the presumptive standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at para 23. While this presumption is rebuttable, none of the exceptions to the presumption are present here.

[25] The Officer may assess and evaluate the evidence before them. Absent exceptional circumstances, a reviewing court will not interfere with their factual findings. The reviewing

court must refrain from “reweighing and reassessing the evidence considered by the decision maker”: *Vavilov* at para 125.

[26] The Officer clearly set out how and why they reached the conclusions they did. Each fell within a range of possible acceptable outcomes defensible in respect of the facts and law. There is an internally coherent and rational chain of analysis that is justified in relation to the facts and law that constrain the decision maker. As such, I am required to defer to such a decision: *Vavilov* at para 85.

[27] For all the foregoing reasons, this application is dismissed.

[28] There is no serious question of general importance to be certified on these facts.

**JUDGMENT in IMM-7364-19**

**THIS COURT'S JUDGMENT is that:**

1. The application is dismissed.
2. There is no serious question of general importance to be certified.

"E. Susan Elliott"

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Judge



**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-7364-19

**STYLE OF CAUSE:** CHOR, LENG v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** HELD BY WAY OF VIDEO CONFERENCE

**DATE OF HEARING:** SEPTEMBER 13, 2021

**JUDGMENT AND REASONS:** ELLIOTT J.

**DATED:** JUNE 23, 2022

**APPEARANCES:**

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