

CANADA / JUDGMENT

Ghasedi v. Canada (Citizenship and Immigration)

2026 FC 608

COURT
Federal CourtDECIDED
7 May 2026

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

Ghasedi v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions
Date 2026-05-07 Neutral citation 2026 FC 608 File numbers IMM-10234-24 Decision Content Date:
20260507 Docket: IMM-10234-24 Citation: 2026 FC 608 Ottawa, Ontario, May 7, 2026 PRESENT:
Madam Justice Conroy BETWEEN: ZOHREH GHASEDI Applicant and THE MINISTER OF
CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The Applicant, Ms. Zohreh Ghasedi, seeks judicial review of a decision refusing her application for permanent residence on humanitarian and compassionate [H&C] grounds.
- [2] For the reasons that follow, the judicial review is dismissed. I. BACKGROUND AND DECISION UNDER REVIEW [3] The Applicant is in her 60's and a citizen of Iran. She obtained a visitor visa for Canada in 2019, which was valid until August 2024. She also obtained a work permit which was valid until August 2024.
- [4] The Applicant has a daughter, son-in-law and a grandson in Canada. Her grandson was born in 2019 and has been diagnosed with autism.
- [5] On June 3, 2024, Ms. Ghasedi's H&C application was refused by an immigration officer [Officer]. The following is a review of the Officer's reasons.
- [6] The Officer "g[a]ve little weight to the Applicant's establishment in Canada." The Officer found the Applicant was financially self-sufficient and has her daughter's financial support to cover living costs in Canada. She has obtained a work permit, and although there is little evidence that she plans to work in Canada, the Officer looked favourably upon this factor. At the time of her H&C application, the Applicant had been in Canada continuously for three months, having previously visited Canada for six months in 2021. The Officer found this to be a very limited amount of time to become established in Canada.

- [7] The reasons considered evidence from her daughter's doctor about her daughter's depression, as she experiences tremendous pressure due to a busy schedule, balancing work, household chores, and caring for her autistic son. However, the Officer found there was insufficient evidence to indicate an interdependency that would undermine the daughter's health should her mother depart Canada.
- [8] The Officer noted that the Applicant had, at that point, only been staying with her family in Canada for three months and that it was unclear how the Applicant's daughter managed her conditions prior to the Applicant's arrival. The Officer considered the existence of outside supports such as the Ontario Autism Program to provide in-home care for the Applicant's grandson. They also noted that there was little evidence showing that the daughter and son-in-law's financial situation created barriers to accessing mental health supports, help with housekeeping, or help with childcare. Nevertheless, the Officer gave positive weight to the Applicant's contribution to the well-being of her daughter.
- [9] The Officer gave some weight to the Applicant's family ties in Canada. The reasons acknowledge that she is emotionally attached to her daughter and grandson, and that she lives alone in Iran. However, the Officer found that the Applicant can continue to have a close bond with her daughter and grandson and communicate via the phone and internet. They noted that this is how the family would have stayed in touch since 2019, when the Applicant's daughter became a citizen and moved to Canada, until 2023. While they acknowledged the benefits of physical presence, the Officer concluded there would not be difficulties in maintaining these relationships while the Applicant is in Iran.
- [10] The Officer also conducted a Best Interests of the Child [BIOC] analysis with respect to the Applicant's grandson. They acknowledged that the Applicant supports her grandson with various physical and emotional supports, and that her grandson is attached to her. They noted that in the period between her 2021 and 2023 visits, the Applicant's grandson experienced some regression. The Officer accepted that the grandson requires substantial supports and therapies due to his autism, and that the Applicant makes positive contributions to his overall treatment. Nevertheless, the Officer found that the grandson would continue to receive specialized services as part of his treatment plan, regardless of the Applicant's presence in Canada. The Officer noted the significant support he receives from his parents, medical professionals, and community.
- [11] While the Applicant submitted that she took care of her grandson during the day, the Officer noted that the evidence shows he has been attending daycare daily since December 2021 and will be attending junior kindergarten in September of that year. Accordingly, he is likely to spend a significant amount of time at daycare, school or with health professionals, and it was unclear to the Officer why his parents would be unable to fill the gaps when it comes to his daily needs.

- [12] The Officer also acknowledged that the grandson experiences separation anxiety and may go through a period of adjustment. However, they found that this would not be the first time the Applicant has left Canada, and that his parents will once again be able to assist him with the adjustment.
- [13] Ultimately, the Officer concluded that “there is little evidence to show that this child would be unable to adjust to life with his parents should the Applicant leave Canada,” Again, the Officer noted that the Applicant previously left and returned to Canada and had been in the country for only three months at that point in time.
- [14] The Applicant also submitted country condition evidence concerning the political oppression and violence against protestors, journalists, religious minorities and women in Iran. The Officer noted in their reasons that s. 96 and 97 risks under the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA] are not to be assessed in an H&C application but that, nevertheless, elements related to hardship must also be examined with respect to adverse country conditions that could have a direct impact on the Applicant. The Officer acknowledged the unfavourable human rights situation in Iran, but found that the articles submitted did not, on their own, show difficulties for the Applicant due to any particular risks she faces as a result of the country’s instability.
- [15] Finally, the Officer considered the Applicant’s submissions that there is no other route for her to apply for permanent residence. The Officer “acknowledge[d] that there are caps and limitations on the [family] sponsorship program and that the Applicant would like to have stability in regard to her status in Canada,” but that there was, nevertheless, not “enough justification” for an H&C exemption under s. 25 of the IRPA. The reasons note the Applicant has the option of extending her visit or to apply through other programs to remain in Canada.
- II. ISSUES AND STANDARD OF REVIEW [16] The Applicant presents the following three grounds for judicial review: Did the Officer err in their assessment of the Applicant’s daughter’s medical condition? Did the Officer err in their assessment of the best interests of the Applicant’s grandson? Did the Officer err in their assessment of the Applicant’s ability to remain in Canada?
- [17] The applicable standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 23, 25.
- III. ANALYSIS
- A. Daughter’s Medical Condition [18] The Applicant says the Officer “completely ignored the medical evidence” from the Applicant’s daughter’s doctor “which confirmed that the Applicant’s daughter is suffering from anxiety and depression, which could be attenuated with the Applicant’s presence in Canada.” She says that, by concluding that there was “insufficient evidence to indicate an interdependency that would undermine [the daughter’s] health should her mother depart Canada,” the Officer failed to appreciate the implications of the Doctor’s professional opinion and that this was unreasonable.

- [19] I agree with the Respondent that the Officer's reasons do not ignore the medical evidence. To the contrary, the reasons include quotes from the Doctor's letter and specifically consider the Applicant's submissions on how she supports her daughter. The Officer gave positive weight to the Applicant's contribution to her daughter's well-being.
- [20] It was open to the Officer to acknowledge the Doctor's recommendation but find the evidence to be insufficient to warrant H&C relief. The Applicant does not allege that the Officer misapprehended the evidence but takes issue with the fact that it was insufficient to warrant granting relief. In effect, she asks the Court to re-weigh the evidence, which is impermissible: *Vavilov* at para 125. B. Grandson's BIOC [21] The Applicant submits that the Officer erred in their BIOC analysis. She says that the Officer was not alert and sensitive to the grandchild's best interests, and did not demonstrate an understanding of his perspective, given his medical diagnosis of autism and his special needs. In addition, the Applicant argues that the Officer did not articulate the suffering the grandchild would undergo as a result of the negative decision. The Applicant further asserts that the Officer used boilerplate language to suggest that the Applicant and her grandson could maintain a relationship through technology and that this was unreasonable given the child's medical condition.
- [22] I disagree.
- [23] The Applicant correctly reviews the applicable caselaw with respect to the requirement to be alert and sensitive to a child's best interests (see e.g., *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817 at paras 74 - 75; *Kolosovs v Canada (Citizenship and Immigration)*, 2008 FC 165) and the caution against using boilerplate language about the use of technology to attenuate hardship of separation (*Vujicic v Canada (Citizenship and Immigration)*, 2022 FC 1590 at para 59; *Lopez Alvarez v Canada (Citizenship and Immigration)*, 2022 FC 130 at para 38). However, she has failed to demonstrate that the Officer's reasons exhibit the errors described in the jurisprudence she relies on.
- [24] The Officer's BIOC analysis was detailed and carefully considered. They acknowledged the role the Applicant plays in supporting her grandson, noted he is prone to separation anxiety, and were alert to the possibility of a difficult adjustment upon future separation. However, the Officer also reasonably noted that the Applicant voluntarily left Canada after her six-month trip in 2021, and did not return until 2023, when she stayed for only three months before applying for H&C. The Officer detailed the existing supports available to the grandson in Canada and noted that the daytime support the Applicant provides while her daughter and son-in-law work would decrease as the grandson's days are filled with daycare, school, and time with medical professionals. All of the foregoing demonstrates the Officer's alertness and attentiveness to the particular circumstances of the child. While the Officer appreciated the hardship the grandson may face, it was not unreasonable to find that H&C was not ultimately warranted. Indeed, the Officer was aware of the jurisprudence which states that BIOC "is an important factor to be considered...[but] not necessarily a determinative factor."

- [25] Further, the Officer's discussion on the use of technology to maintain a relationship was not boilerplate, but integrated considerations particular to this child. The Officer acknowledged there would be a missing benefit which comes from physical presence. However, observed that the Applicant managed to stay in-touch previously, from 2019-2021 when her daughter moved to Canada without her, and from 2021-2023, between her visits to Canada. It was open to the Officer to consider that the family has succeeded in staying in touch virtually. I cannot agree that the assessment was boilerplate or unresponsive to the Applicant's own circumstances. C. Alternate Means of Remaining in or Visiting Canada [26] Finally, the Applicant argues that the Officer erred in assuming that the Applicant could extend her visit or apply through other programs to remain longer in Canada, as there is no guarantee such applications would be approved. She also notes that the H&C application sought permanent residence, not temporary residence.
- [27] She relies on this Court's decision in *Polinovskaia v Canada* (Citizenship and Immigration), 2022 FC 696 [Polinovskaia] where it found that there was "no factual basis on the record for the officer's assumption that [the applicant] would obtain [a super visa] if she applied" (para 28). In that case, it was apparent to the Court that "the officer identified and relied on a perceived alternative way for the applicant to stay in Canada (the super visa application) and used it as the sole factor to eliminate or diminish the effects of separation on the applicant and her daughter. In short, the officer's assessment was predicated on the belief that the applicant would not really have to return to [her country of origin]" (para 27).
- [28] The Officer's mention of the Applicant's potential means of remaining in Canada are distinguishable from the situation in *Polinovskaia*. First, the Officer did not assume the Applicant would succeed if she applied for a visa extension or applied to another immigration program, they simply noted the option. As the Respondent submits, the Officer's reasons reflect an awareness that there are caps and limitations to the family's ability to sponsor the Applicant and the statement in the reasons was in response to the Applicant's submissions on this issue. Further, the Officer did not conclude there would be no hardship resulting from separation based on an assumption she would succeed in obtain a visa. The Officer acknowledged the hardship and adjustment that may occur due to the Applicant's return to Iran, and reasonably concluded that it did not rise to the level of warranting H&C relief.
- [29] The Applicant has not established that the Officer's reference to alternate means for the Applicant to remain in Canada was unreasonable. IV. CONCLUSION [30] The Applicant has failed to establish that the Officer's decision to refuse the H&C application was unreasonable. Indeed, the reasons were carefully drafted and the rationale and outcome transparent, intelligible, and justified. The decision is justified in relation to the facts and law that constrained the Officer. Accordingly, the Application is dismissed. JUDGMENT in IMM-10234-24 THIS COURT'S JUDGMENT is that: The application for judicial review is dismissed. There is no question for certification. No costs are awarded. "Meaghan M. Conroy" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-10234-24 STYLE

OF CAUSE: ZOHREH GHASEDI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: May 21, 2025 JUDGMENT AND
REASONS: CONROY J. DATED: May 7, 2026 APPEARANCES: Sandra Dzever For The Applicant
Amy King For The Respondent SOLICITORS OF RECORD: Dzever Law Barrister and Solicitor
Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The
Respondent

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/fc-cf/decisions/en/item/530532/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/ghasedi-v-canada-citizenship-and-immigration-2026>

Prepared on 27 October 2026 · Esheria