

CANADA / JUDGMENT

Njeru v. Canada (Citizenship and Immigration)

2026 FC 524

COURT

Federal Court

DECIDED

20 April 2026

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Njeru v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-04-20 Neutral citation 2026 FC 524 File numbers IMM-2417-25 Decision Content Date: 20260420 Docket: IMM-2417-25 Citation: 2026 FC 524 Ottawa, Ontario, April 20, 2026 PRESENT: The Honourable Justice Fuhrer BETWEEN: JANE NZILANI NJERU Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] The Applicant Jane Nzilani Njeru is a citizen of Kenya. She has two adult children and one minor child, a young daughter, all of whom continue to reside in Kenya.

- [2] She asserts that after her husband's murder in 2014, she was going to be forced to marry her brother-in-law and to undergo female genital mutilation. She also alleges that the Mungiki group was following her. To escape the issues she was facing in Kenya, she applied for and received an American study permit and, in 2018, went to the United States of America [US]. Unable to continue with her coursework in the US because of an inability to comprehend the material and financial constraints, the Applicant decided to apply for refugee protection in Canada.
- [3] Ms. Njeru's refugee claim was refused by both the Refugee Protection Division [RPD] and the Refugee Appeal Division [RAD] of the Immigration and Refugee Board [IRB]. This Court dismissed her application for leave and judicial review of the RAD decision in 2022. Ms. Njeru subsequently filed an application for permanent residence on humanitarian and compassionate [H&C] grounds, which, in turn, was refused in February 2025 [Decision]. Ms. Njeru's application for judicial review of the H&C Decision is presently before the Court.
- [4] In rejecting the H&C application, the Immigration, Refugees and Citizenship Canada senior immigration officer [Officer] was not satisfied that Ms. Njeru's establishment in Canada, hardship upon return to Kenya or the best interests of her minor child in Kenya justified the granting of H&C relief. Ms. Njeru maintains the Officer erred in its analysis of each of the three stated grounds.

- [5] For the reasons outlined below, I find that the Officer made a reviewable error warranting the Court's intervention in assessing the best interests of the child [BIOC]. This issue is determinative, in my view, and I thus decline to consider the other grounds raised by Ms. Njeru. II. Analysis A. The Decision is Unreasonable [6] Ms. Njeru argues that the Officer failed to account for her minor daughter's best interests by not giving substantial weight to the daughter's dependence on her mother, as well as the daughter's sinus issues. The Respondent counters that the Decision was commensurate with the submissions that the Applicant provided on this factor. I agree with Ms. Njeru insofar as the minor daughter's financial dependence is concerned.
- [7] In considering this issue, the Court must determine whether the Decision is contextually intelligible, transparent and justified, further to the applicable, presumptive standard of review: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25, 99.
- [8] In addition, the Court must bear in mind that a decision-maker's reasons need not be perfect, and the Court thus should not undertake a line-by-line review for errors: Vavilov, above at paras 91, 102, citing *Communications, Energy and Paperworkers Union of Canada, Local 30 v Irving Pulp & Paper, Ltd*, 2013 SCC 34 at para 54. A decision-maker's reasons nonetheless must show that they meaningfully grappled with key issues or central arguments raised by the parties; a failure to do so "may call into question whether the decision maker was actually alert and sensitive to the matter before it": Vavilov, above at para 128.
- [9] The Officer found that there was insufficient evidence to determine whether the minor child's sinus condition continues to be an issue for her or the extent of it. The onus was on Ms. Njeru to provide the required evidence: *Zlotosz v Canada (Citizenship and Immigration)*, 2017 FC 724 at para 22. She has not persuaded me that the Officer's determination on this specific issue was unreasonable.
- [10] I find, however, that the Officer entirely failed to address the minor child's financial dependence on the Applicant. The BIOC analysis makes no mention of this dependency, even though it is a central aspect of Ms. Njeru's submissions on this point, unlike the minor daughter's sinus issues, which do not feature in the submissions. While the Officer considered whether the adult daughter still depends on or requires financial contributions from her mother to fund her education, the reasons fail to account for the fact that the older daughter is caring for her younger sister in Kenya.
- [11] The Officer accepted that money transfers from Ms. Njeru to her adult daughter supported her academic pursuits but speculated that her education would have been completed by 2022, meaning that she no longer needed her mother's financial support at the time of the Decision's writing. The Officer determined that the Applicant made payments to her children between April 2019 to July 2021. The evidence, however, shows that the payments continued for more than a year after, until October 2022, which calls into question the

Officer's consideration of the totality of the evidence, including that the adult daughter was looking after the Applicant's minor daughter: *Cepeda-Gutierrez v Canada* (Minister of Citizenship and Immigration), 1998 CanLII 8667 at para 15.

- [12] Further, the amounts of the transfers, especially to the adult daughter after July 2021 (i.e. \$790 in November 2021, \$820 in June 2022 and \$620 in October 2022), are significant enough to demonstrate a certain financial dependence on Ms. Njeru. In light of Ms. Njeru's submissions, the Officer was required to grapple with this evidence but failed to consider the entirety of the evidence as demonstrated by their reasons. III. Conclusion [13] For the above reasons I find that the BIOC is unreasonable for the Officer's failure to consider the totality of the Applicant's evidence and, therefore, the judicial review application is granted. The Decision is set aside, and the matter will be remitted to a different officer for redetermination.
- [14] Neither party proposed a serious question of general importance for certification. I find that none arises in the circumstances. JUDGMENT in IMM-2417-25 THIS COURT'S JUDGMENT is that: The judicial review application is granted. The February 13, 2025 decision of a senior immigration officer refusing the Applicant's application for permanent residence on humanitarian and compassionate grounds is set aside. The matter will be remitted to a different officer for redetermination. There is no question for certification. "Janet M. Fuhrer" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-2417-25 STYLE OF CAUSE: JANE NZILANI NJERU v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: HELD VIA VIDEOCONFERENCE DATE OF HEARING: march 31, 2026 JUDGMENT AND REASONS: FUHRER J. DATED: april 20, 2026 APPEARANCES: Linda Kassim For The Applicant Prathima Prashad For The Respondent SOLICITORS OF RECORD: Linda K. Law Professional Corporation Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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