



[2022] 1 F.C.R. D-2

CITIZENSHIP AND IMMIGRATION

STATUS IN CANADA

Permanent Residents

Judicial review of Immigration and Refugee Board, Immigration Appeal Division (IAD) decision dismissing appeal of officer's determination that applicant failed to meet residency requirement — Applicant permanent resident — Having zero days of residency in five-year period — IAD finding level of non-compliance "significant"; reasons for applicant's initial departure to Lebanon reasonable — Also finding that applicant had not demonstrated there was no alternative arrangement available to care for his father's needs in Beirut — IAD found it more likely than not that applicant remained to continue working in Lebanon — Applicant submitted that IAD fundamentally misapprehended evidence regarding extent of his father's medical needs, inability of other family members to provide adequate care — Also submitted, *inter alia*, that choice to stay psychological compulsion arising from sense of moral obligation, compelling need — Whether IAD findings with regard to applicant's failure to return to Canada after his father's recovery reasonable — IAD's reasons on applicant's failure to return to Canada demonstrating no reviewable error — Reasoning of IAD on hardship not unreasonable — IAD not mischaracterizing applicant's evidence with respect to employment opportunities — Not downplaying situation of applicant — Although hardship weighing in applicant's favour, it is only one factor to consider — IAD considered all relevant factors — Reasonably concluded that those factors that weighed in applicant's favour failed to outweigh those that did not — Application dismissed.

TEGLIAN V. CANADA (CITIZENSHIP AND IMMIGRATION) (IMM-5568-20, 2021 FC 1078, Zinn J., reasons for judgment dated October 15, 2021, 11 pp.)