

CITIZENSHIP AND IMMIGRATION

STATUS IN CANADA

Permanent Residents

Dependent child

Judicial review of Immigration and Refugee Board, Immigration Appeal Division (IAD) decision upholding refusal of applicant's application to sponsor son for permanent residence in Canada — Applicant, wife, Chinese citizens, becoming permanent residents in November 2007 — Son, living in China, diagnosed with paranoid schizophrenia, unable to work or to support himself, receiving financial support from aunt — Applicant later providing son with financial support, submitting application to sponsor him under family class — Application refused twice — IAD basing second decision under review here on its interpretation of *Immigration and Refugee Protection Regulations*, SOR/2002-227 (*Regulations*), s. 2 definition of "dependent child" — Finding that applicant's son not qualifying as dependent child because not receiving continuous support from his parents since age of 22 — Holding that definition requiring unbroken support — IAD's interpretation of definition of dependent child not unreasonable — IAD not erring in taking guidance from *Gilani v Canada (Citizenship and Immigration)*, 2005 FC 1522 — Substantial argument before Court herein as to whether findings in *Gilani obiter* or not pointing to reasonableness of IAD's approach — Shared meaning between English, French versions of definition is one requiring continuous, unbroken financial support — Situation of dependency can be ongoing, continuous, or intermittent, sporadic — Not unreasonable to conclude that Parliament intending to extend ordinary understanding of dependent child in specific, limited circumstances — Relevant that other provisions applying in regard to sponsorship of adult relatives, so distinction between dependent child, adult family member existing within context of overall scheme — Here, IAD relying on relevant decision of Court, interpreting provision in reasonable manner — Thus, not sufficient to warrant judicial intervention on review — Application dismissed.

HUANG V. CANADA (CITIZENSHIP AND IMMIGRATION) (IMM-4081-18, 2019 FC 1620, Pentney J., reasons for judgment dated December 18, 2019, 14 pp.)