

Federal Court



Cour fédérale

Date: 20191202

**Dockets: IMM-5745-18
IMM-6365-18**

Citation: 2019 FC 1530

Ottawa, Ontario, December 2, 2019

PRESENT: Mr. Justice Sébastien Grammond

Docket: IMM-5745-18

BETWEEN:

**BASEIM ANWAR ABDELBASIT ELLOLO
ADHAM BASEIM ANWAR ELLOLO
NADA BASEIM ANWAR ELLOLO
LEND A ZIAD SOBHI RADY**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

Docket: IMM-6365-18

AND BETWEEN:

**BASEIM ANWAR ABDELBASIT ELLOLO
ADHAM BASEIM ANWAR ELLOLO
NADA BASEIM ANWAR ELLOLO
LEND A ZIAD SOBHI RADY**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

ORDER AND REASONS

[1] The applicants ask that their applications for leave and judicial review be held in abeyance while a similar matter is before the Supreme Court of Canada. Indeed, this is a test case for a class of similar cases challenging the constitutional validity of the denial of a right of appeal within the process for the determination of refugee status.

[2] I am granting this motion. As I will explain below, refusing to hold these matters in abeyance would require the parties to pursue two applications at the same time, before the Supreme Court's decision clarifies which one of them is the proper course of action. Moreover, it would jeopardize the applicants' Charter rights before the Supreme Court defines their scope.

I. Background

A. *The STCA RAD Bar*

[3] The *Immigration and Refugee Protection Act*, SC 2001, c 27 [the Act], entrusts the determination of asylum claims to the Immigration and Refugee Board [IRB]. Two divisions of the IRB are tasked with hearing those claims: the Refugee Protection Division [RPD] and the Refugee Appeal Division [RAD]. Most persons whose claim for asylum is rejected by the RPD have a right to appeal to the RAD.

[4] Under the Safe Third Country Agreement [STCA], foreign nationals are normally not allowed to claim asylum in Canada if they seek to enter at a port of entry located on the Canada-

United States land border: section 101(1)(e) of the Act. There are, however, certain exceptions to that rule, set out in section 159.5 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. Foreign nationals who fall within those exceptions may claim refugee status, but, according to section 110(2)(d) of the Act, they do not have a right to appeal to the RAD. This exclusion came to be known as the “STCA RAD bar.”

B. *The Kreishan Case*

[5] The constitutional validity of the STCA RAD bar has been challenged on the basis that it is inconsistent with section 7 of the *Canadian Charter of Rights and Freedoms*. In *Kreishan v Canada (Citizenship and Immigration)*, 2018 FC 481, the applicants sought judicial review of a decision of the RAD that declined jurisdiction on the basis of section 110(2)(d). This Court dismissed their application in May 2018. The applicants in that case then brought the matter before the Federal Court of Appeal.

[6] The applicants in *Kreishan* were not alone in this situation. Similar applications were filed in this Court while *Kreishan* was under reserve. On an *ad hoc* basis, some of those applications were put in abeyance until the issuance of the judgment of this Court. When that judgment was issued and the matter was brought before the Federal Court of Appeal, further motions to put matters in abeyance were filed. It became apparent that a large number of files would be involved. For that reason, I directed that three such motions be heard as test cases. In *Buyu Luemba v Canada (Citizenship and Immigration)*, 2018 FC 681 [*Buyu Luemba*], I ordered that these matters be held in abeyance pending the decision of the Federal Court of Appeal. I have since issued similar abeyance orders in approximately 150 similar cases.

[7] *Buyu Luemba* was an application for judicial review of a decision of the RAD, which held that it did not have jurisdiction because of the STCA RAD bar. Many applicants in that situation simultaneously filed an application for judicial review of the decision of the RPD that denied their claim for refugee status. Those applicants also asked that these matters be held in abeyance pending the decision of the Federal Court of Appeal. I granted a large number of such motions.

[8] The Federal Court of Appeal dismissed the appeal from this Court's decision in August 2019: *Kreishan v Canada (Citizenship and Immigration)*, 2019 FCA 223. The applicants in that case announced their intention to seek leave to appeal to the Supreme Court of Canada. That application was filed on October 18, 2018, under file no. 38864.

[9] Counsel in a number of matters that were held in abeyance until the decision of the Federal Court of Appeal then communicated with the registry and expressed the desire to extend the abeyance until the final disposition of the *Kreishan* case by the Supreme Court of Canada. It was agreed that a test case would be selected, that a motion for abeyance would be heard in that case and that the decision would apply to the whole class of similar cases. The present applicants' case was selected to be the test case. I also issued an order holding a class of similar cases in abeyance until the disposition of the present motion.

[10] On November 7, 2019, the Chief Justice ordered that these proceedings continue as specially managed proceedings, appointed me as the case management judge and assigned my colleague Prothonotary Sylvie M. Molgat to assist me in the management of these files.

C. *The Applicants' Claim*

[11] The applicants are a family of stateless Palestinians who used to reside in Saudi Arabia. They came to Canada through the United States in order to claim asylum. The applicants availed themselves of one of the exceptions to the STCA and were allowed to make a claim for refugee status.

[12] The RPD dismissed their claim. They appealed to the RAD. Consistent with its practice in similar cases, the RAD summarily dismissed their appeal for lack of jurisdiction, given the STCA RAD bar. The applicants filed separate applications for judicial review of the decisions of the RPD and RAD. I ordered that these applications be held in abeyance pending the decision of the Federal Court of Appeal in *Kreishan*.

II. Analysis

[13] Paragraph 50(1)(b) of the *Federal Courts Act*, RSC 1985, c F-7, allows this Court to stay a proceeding “where . . . it is in the interest of justice.” As I mentioned in *Buyu Luemba*, the criteria used when granting an interlocutory injunction (serious issue to be tried, irreparable harm and balance of convenience) are not, strictly speaking, applicable, but they may nevertheless constitute useful guides: *RJR — MacDonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311.

A. *Applications in respect of RAD decisions*

[14] With respect to the applications for judicial review of decisions in which the RAD declines jurisdiction, the reasoning I adopted in *Buyu Luemba* remains largely valid today.

[15] I cannot predict how the Supreme Court will decide the *Kreishan* case. However, I cannot say that the case is without merit. There is a possibility that *Kreishan* will be reversed and that the STCA RAD bar will be declared unconstitutional. The applicants would be prejudiced if that were to happen after a final disposition of their case. In all likelihood, they would not be able to benefit from the decision of the Supreme Court: see, for example, *Lesly v Canada (Citizenship and Immigration)*, 2018 FC 272; *Pham v Canada (Citizenship and Immigration)*, 2018 FC 1251. While there is a general interest in the expeditious adjudication of refugee claims, this should not override the applicants' Charter rights.

[16] Counsel for the Minister sought to distinguish the present case from cases that were held in abeyance pending a decision of the Supreme Court of Canada on the basis that the Supreme Court had already granted leave when those files were put in abeyance: *Mangat v Canada (Citizenship and Immigration)*, 2014 FC 1201 at paragraph 7; *Canada (Public Safety and Emergency Preparedness) v Khalil*, 2014 FCA 213 at paragraph 16; *Appulonappar v Canada (Citizenship and Immigration)*, 2016 FC 914 at paragraph 2. I do not agree that the granting of leave to appeal is a threshold requirement for obtaining interim relief when a similar case is before the Supreme Court. See, for instance, *Baier v Alberta*, 2006 SCC 38, [2006] 2 SCR 311. I will simply note that the issue that forms the basis of the application for leave to appeal to the

Supreme Court in *Kreishan* was certified by a judge of this Court as a “serious question of general importance” deserving consideration by the Federal Court of Appeal. Thus, the application for leave to appeal cannot be said to be devoid of merit.

[17] In my view, the practical impact of not holding these files in abeyance at this time remains a highly relevant factor in this motion. Considerable resources would be wasted in perfecting a large number of applications raising exactly the same issue. Moreover, if, during this process, the Supreme Court were to grant leave in *Kreishan*, the applicants would likely renew their motion to hold their files in abeyance.

[18] In contrast, if the files are put in abeyance now, the parties will be able to dispose of them more simply and quickly when the Supreme Court makes a final decision in *Kreishan*.

[19] It may be that, at the end of the day, the Supreme Court will deny leave and the only practical effect of holding these cases in abeyance will be to delay the removal of the applicants from Canada. That additional delay, however, is not decisive if the applicants’ Charter rights are in the balance. In fact, I would be showing disrespect to the Supreme Court if I were to deny this motion on the assumption that it will not grant leave in *Kreishan*.

B. *Applications in respect of RPD decisions*

[20] The applicants are also seeking an abeyance order with respect to their application for judicial review of the decision of the RPD that denied their claim for refugee status. Such an application was not in issue in *Buyu Luemba*. As I mentioned above, however, I have granted

abeyance orders in respect of many such applications, while waiting for the decision of the Federal Court of Appeal.

[21] The Minister argues that such applications raise different considerations. The issue in those applications is not the same as in *Kreishan*. Rather, it is the merits of each applicant's claim for refugee status and the reasonableness of the RPD's decision. It is, by nature, a case-specific issue. Hence, according to the Minister, those applications should proceed normally.

[22] There is some merit in the Minister's position. However, once again, practical considerations weigh heavily in the balance. The applicants have a recourse against the decision of the RPD denying their claim for refugee status. This recourse is either an appeal to the RAD (if the Supreme Court reverses *Kreishan*) or an application for judicial review before this Court. But it cannot be both, as section 72(2)(a) of the Act provides that an application to this Court "may not be made until any right of appeal that may be provided by this Act is exhausted."

[23] Thus, if applications for leave and judicial review of RPD decisions are allowed to proceed according to the usual timelines and the decision in *Kreishan* is ultimately reversed, an awkward situation may result. Resources will have been expended on applications that this Court will not be able to entertain. Moreover, the applicants would have been forced to proceed first on the recourse that affords them narrower grounds for challenging the RPD decision. Thus, if this Court has already dismissed their application for leave and judicial review if and when the Supreme Court reverses *Kreishan*, the applicants would presumably want to appeal the RPD decision to the RAD, despite the dismissal of their application for leave and judicial review, as

the grounds for appealing are wider than the grounds for judicial review. In that situation, however, this would lead to the possibility or perception that the RAD would feel bound by this Court's decision.

[24] Hence, we will not know for sure which recourse is appropriate until the Supreme Court makes a final decision in *Kreishan*. In my view, it would be unwise to force the applicants to pursue one of those recourses, or both, before the situation is definitively clarified. Doing so would hinder access to justice, as it would require applicants to incur legal fees in perfecting applications that may turn out to be an inappropriate recourse. This would also put an undue strain on the Court's resources.

[25] I have considered the possibility of ordering the parties to perfect their applications and, when that is done, to hold them in abeyance until the Supreme Court makes a final determination in *Kreishan*. That would potentially accelerate the processing of those applications, especially if the Supreme Court denies leave. However, as the application for leave to appeal in *Kreishan* will be perfected in a matter of days, and given the short time-frame in which the Supreme Court usually decides such applications, the potential gain might be quite limited. This limited gain does not outweigh, in my view, the disadvantages of proceeding immediately when the proper procedure is not yet known with certainty.

III. Disposition

[26] As a result, I will grant the applicants' motion and I will order that these applications, as well as the applications listed in the schedule to this order, are held in abeyance pending the final decision of the Supreme Court in *Kreishan*.

[27] I anticipate that applications raising the same issues will continue to be filed. My order sets out a summary process whereby such applications may be put in abeyance and added to the list of proceedings covered by this order. It also allows parties covered by this order to withdraw from it and to have their applications considered according to the usual timelines.

ORDER in IMM-5745-18 and IMM-6365-18

THIS COURT'S ORDER is that:

1. This order applies to files IMM-5745-18 and IMM-6365-18, as well as all files listed in the schedule to this order and any other files subsequently added to this list pursuant to paragraph 5.
2. These files are held in abeyance until the Supreme Court of Canada finally disposes of the application for leave to appeal and, as the case may be, the appeal in *Kreishan v Canada (Citizenship and Immigration)*, file no. 38864.
3. If the Supreme Court denies leave to appeal in *Kreishan*, the applicants in all the applications for leave and judicial review covered by this order will have 30 days from the date of the decision of the Supreme Court to file their application records or, where the application record has already been filed, the parties will have 30 days to complete the next step in the proceedings.
4. If the Supreme Court grants leave to appeal in *Kreishan*, a further case management conference will be held at the earliest opportunity after the final decision of the Supreme Court to determine the next steps in the files covered by this order. The parties will provide their availability to the registry within 15 days of the decision of the Supreme Court.
5. New applications raising similar issues may be brought under the present order upon the applicant making an informal request by way of a letter, if the Minister consents to or does not oppose the request. Upon receipt of such an informal request by the registry, with the confirmation that the Minister consents to or does not oppose the request, such applications will continue as specially managed proceedings and will be held in

abeyance, subject to the terms of this order. Where the Minister opposes the request, the matter may be brought before Prothonotary Molgat for decision.

6. An applicant in a matter covered by this order may, by way of informal request made by letter, withdraw from this order. Upon receipt of such an informal request by the registry, the application in question will cease to be held in abeyance and the parties will have 30 days to complete the next step in the proceedings.

“Sébastien Grammond”

Judge

Schedule

IMM-1013-19	MOHSIN AMIN v. MCI
IMM-1019-18	MAX MWANA KASON KAMWANGA v. MIRC
IMM-1021-18	JAVIER ALEXANDER SANTANDER HERNANDEZ ET AL v. MCI
IMM-1028-17	MOHADESE MIRZAEV v. MCI
IMM-1036-18	MAMPUYA FERNAND NZAMA c. MCI
IMM-107-19	ERNST DESROCHES v MCI
IMM-1082-19	LISBETH YANIRA HERNANDEZ DE SAMOYOA AND AL. V. MCI
IMM-1084-18	ANDERSON MAQUILON ROMERO v. MCI
IMM-1087-19	LISBETH YANIRA HERNANDEZ DE SAMAYOA AND AL. V. MCI
IMM-1100-19	DUMAR ROJAS RAMIREZ et al. c. MCI
IMM-110-19	JACQUES NOIZAIRE c. MCI
IMM-1126-18	CARMEN SHIRLEY MUNOZ GUITIERREZ ET AL v. MCI
IMM-1150-19	OMAR LEONARDO ARANGO TORRES ET AL v. MCI
IMM-1163-19	VOLODYMYR KHOMITSKYI ET AL v. MIRCC
IMM-1189-18	SAMIRA HASSAN SHAYALL AL-AJRAWI ET AL v. MCI
IMM-1210-18	HANAN AM SAFI v. MCI
IMM-1262-19	LINA MARCELA CARDOZO BASTIDAS v. MCI
IMM-1295-19	ERNST DESROCHES v. MCI
IMM-1359-18	MILKIAS KASSAYE v. MIRC
IMM-1385-19	CARLOS EUGENIO MEJIA CORDERO ET AL v. MIRC
IMM-1405-18	DAUD MUKHAMMAD ET AL v MCI
IMM-1443-18	TSERING DOLMA v. MCI
IMM-1475-18	JOKE OGUNSEYE ET AL v. MIRC
IMM-1477-19	JOANA PAXI ET AL v. MCI
IMM-1491-19	SHAHID ABBAS v. MCI
IMM-1519-19	MOHSIN AMIN v. MCI
IMM-1521-18	HANAN AM SAFI v. MCI
IMM-1556-19	JEAN BALMIR ANTOINE et al. c. MCI
IMM-1576-19	WINSON LAGUERRE v. MCI
IMM-1577-19	JUNIAL JEAN v. MCI
IMM-1629-17	DOROTHY MANGWIRO ET AL v. MCI
IMM-1681-19	MARYSOL SOLARTE ORTEGA ET AL c. mircc
IMM-1693-18	MAMUN AHMED ET AL v. MIRC
IMM-1725-18	CARMEN SHIRLEY MUNOZ GUITIERREZ ET AL v. MCI
IMM-173-17	KHATIRA GAYRAT ET AL v. MCI ET AL
IMM-1756-17	MOATAZ EL ALI ET AL v. MCI
IMM-1759-19	NADYA KARINA TELLEZ RODRIGUEZ ET AL v MCI
IMM-1788-17	MARION GAILOR KARNGBAYE v. MCI
IMM-1825-17	BISRAT ERSTU WELDESENBET v. MCI

IMM-1826-17	BERHANE KIDANE WELDEGERGISH v MCI
IMM-1837-18	KHODEZA BAGUM ET AL. v. MCI
IMM-1838-18	AHMED AFEEF TAYE BANISHAMSA v. MCI
IMM-1844-19	MARIA DEL PILAR RIOS RONCAL v. MCI
IMM-1850-18	FABIAN DARIO HOYOS SOTO et al v. MCI
IMM-1874-18	DAUD MUKHAMMAD et al v. MCI
IMM-1914-19	JULIE DECIUS-JOSEPH et al. c. MCI
IMM-1967-18	RAKESH KUMAR SOOD ET AL v. MCI
IMM-2006-19	JOANA PAXI ET AL. v. MCI
IMM-201-18	ANDERSON MAQUILON ROMERO v. MCI
IMM-2038-19	DIEGO FERNANDO SIERRA QUIMBAYO ET AL v. MCI
IMM-2039-18	MIGUEL ANGEL GUERRORO CHICA v. MCI
IMM-2042-19	DIEGO FERNANDO SIERRA QUIMBAYO ET AL v. MCI
IMM-2065-19	SHAHID ABBAS v. MCI
IMM-2066-17	MOHADESE MIRZAEV v. MCI
IMM-2076-18	HUSSAIN RAZA ET AL v. MIRC
IMM-2086-19	OSCAR NOE PALMA LOPEZ ET AL v. MCI
IMM-2204-19	MOHAMED GAMIL ABOUELELA IBRAHIM ET AL v MCI
IMM-2238-18	GLORIA FARKAS ET AL v. MCI
IMM-2245-17	OLUWASEYE JIBOKU, ET AL v. MIRC
IMM-2251-18	EVANS TADGUIN v. MCI
IMM-2278-18	WILMEN DAMIAN RAMIREZ CHACIN ET AL v. MCI
IMM-2290-19	KLAUS FABIAN JIMENEZ MARTIN ET AL v. MIRCC
IMM-2308-19	MARIA DEL PILAR RIOS RONCAL v. MCI
IMM-2356-17	MOATAZ EL ALI ET AL v. MCI
IMM-2456-18	SALINA SIKDER v. MCI
IMM-2458-18	ANA LUCIA VALENCIA HERNANDEZ v. MCIC
IMM-2465-17	HENDRICK MUKENDI TSHISUMPA v. MCI
IMM-2476-18	SAMREEN JAMSHAD ET AL v. MCI
IMM-25-18	MUSTAFA IBRAHIM EL ATRASH v. MCI
IMM-2553-17	JAMPA LOBSANG v. MCI
IMM-256-18	PETER AKHIGBEMEN v. MIRC
IMM-2563-18	KHODEZA BAGUM ET AL. v. MCI
IMM-258-19	VOLODYMYR KHOMITSKYI ET AL v. MIRC
IMM-2630-18	SOPIKO MESHVELIANI ET AL v. MCI
IMM-2664-17	RAFIQUE JOSEPH ET AL c. MCI
IMM-2687-19	ADIL YOUSUF v. MCI
IMM-2701-17	NGAWANG LODOE v. MCI
IMM-2701-18	RAKESH KUMAR SOOD ET AL v. MCI
IMM-2710-18	LEONIDA GJURAJ v. MCI
IMM-2715-18	XIALI LIU ET AL v. MCI

IMM-2725-17	DEDLEY AUREPHAR ET AL c. MCI
IMM-2726-18	RAMI ALKURD ET AL v. MCI
IMM-2727-17	BELIZAIRE JOINIS c. MCI
IMM-2773-19	JORGE WILLIAM ROSAS PEDRAZA ET AL c. MCI
IMM-2774-19	SOUNI IDRIS MOUSSA c. MCI
IMM-2779-18	HUSSAIN RAZA ET AL v. MIRC
IMM-2801-18	CARDENAS CORONEL, MARIA MERCEDES
IMM-2806-17	CLARISSE BUYU LUEMBA v. MIRC
IMM-2828-19	DOMITILA RIVERA DE MARENCO ET AL. v. MCI
IMM-2830-19	RENOLD LOUIS c. MCI
IMM-2836-17	MOHAMAD AHMED MOHAMAD ZAKRIA et.al. v. MIRC
IMM-2846-18	GIORGI GELAZANIA v. MIRC
IMM-2853-19	OSCAR NOE PALMA LOPEZ ET AL v. MCI
IMM-2898-17	VIVEKSON KAMALANATHAN v. MCI
IMM-2899-17	VERONIQUE LUGIE MUTEDIA v MCI
IMM-2914-18	LIBRADO ALBERTO ESCOBEDO GONZALEZ v. MCI
IMM-2927-18	ESTHER MWAITA MANYAYA v. MIRCC
IMM-2947-18	NATACHA ROSELYN GOLI EPSE DACOURI ET AT v. MCI
IMM-2985-19	ALFONSO VLADIMIR RODRIGUEZ BARBOSA v. MCI
IMM-3068-19	CARLINE RAYMOND ET AL. c. MCI
IMM-3079-17	JOSE ILDEFONSO ROGRIGUEZ ALCANTARA et al. v. MCI
IMM-3092-19	RAFAEL ARMANDO CACERES FLORES et al. c. MCI
IMM-3094-18	CAROLINA JIMENEZ ET AL v. MIRC
IMM-3159-18	LEONIDA GJURAJ v. MCI
IMM-3162-19	AHSAN MUNIR ET AL v. MCI
IMM-3163-19	MARTINE ESTIMABLE ET AL c. MIRCC
IMM-3184-18	WAQAS MUNIR ET AL v. MCI & MPSEP
IMM-3190-19	JENIFER ALZATE ECHAVARRIA ET AL. v. MCI
IMM-3201-16	JUAN VICTOR LASALA SALGADO ET AL. c. MCI
IMM-3220-19	MORENCY PIERRE, VASTHI c. MCI
IMM-3222-19	OMAR BUITRAGO GARCIA et al. c. MIRC
IMM-3233-19	NEISSER GIANFRANCO MORA ALCCA et al c. MCI
IMM-3240-19	ROSMY KARL ERGY EXANTUS c. MCI
IMM-324-19	LIDA MAYERLY ACOSTA BARRETO et al. c. MCI
IMM-3256-16	ELEONORE AUBIERGE KOUKA ET AL v. MCI
IMM-3266-19	ERIC ANDRES CASTRO TIRIA v. MCI
IMM-3304-17	DOLMA TSERING v. MCI
IMM-3330-19	ALEX JOSEPH c. MCI
IMM-3333-17	HERNAN DARIO NEIRA GIRALDO ET AL v. MCI
IMM-335-18	TEMILOLA TEMITOPE ALLI ET AL v. MIRC
IMM-3377-19	RUTH EMELY HERNANDEZ VASQUEZ ET. AL. v. MCI

IMM-3383-19	OLUWASEUN MICHAEL IGE ET AL. v. MCI
IMM-3386-19	OLUWASEUN MICHAEL IGE ET AL. v. MCI
IMM-3406-18	LIYISED FIGUEREDO SANTANA v. MCI
IMM-3428-19	JOHN ESERO KIZITO v. MCI
IMM-3469-19	SAMINA KOUSAR, ET AL v. MCI
IMM-3495-18	JOHN EDISSON CASTILLA GUTIERREZ ET AL v. MCI
IMM-3513-17	NGAWANG LODOE v. MCI
IMM-3552-18	MARIA LIZETH DIAZ RUIZ ET AL v. MIRC
IMM-3558-18	TENZIN SALDON v. MCI
IMM-3580-17	SURESH SABAPATHIPILLAI v. MCI
IMM-3588-18	EVANS TADGUIN v. MCI
IMM-3606-18	TOLGAY YILMAZ v. MCI
IMM-3617-18	MAX MWANA KASON KAMWANGA v. MIRC
IMM-3633-17	DINDUP TSERING v. MCI
IMM-3633-18	ALLAMBA KAMSOULOUM c. MCI
IMM-3636-19	JOSE SAUL MONTES TORRES et al v MIRCC
IMM-3643-18	HARDEEP SINGH c MIRCC
IMM-3652-19	OMAR LEONARDO ARANGO TORRES ET AL v. MINISTER OF CITIZENSHIP AND IMMIGRATION
IMM-3664-18	ESTHER MWAITA MANYAYA v. MCI
IMM-3664-19	BRAYAN ENRIQUE ROJAS CELIS ET AL v. MCI
IMM-3699-18	GIORGI GELAZANIA v. MIRC
IMM-370-18	JAVIER ALEXANDER SANTANDER HERNANDEZ ET AL. v. MCI
IMM-3735-18	ELMERLIN PIERREVIL v. MCI
IMM-3745-18	MARIA DOLORES AYALA AGUILAR v. MCI
IMM-3759-17	ABIMBOLA FOLASADE SUMBADE ET AL v. MIRC
IMM-3773-18	NADINE PIERRE LOUIS c. MCI
IMM-3790-17	HERNAN DARIO NEIRA GIRALDO ET AL v. MIRC
IMM-3799-17	MOHAMED AHMED MOHAMED ZAKRIA ET AL v. MIRC
IMM-3805-17	NATIA SHINJIKASHVILI v. MCI
IMM-3812-17	OLUWATIMILEYINI ANNI v. MPSEP
IMM-3818-19	JOHAN BUENO GARCIA ET AL. v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION
IMM-3823-19	FIONA TURATSINZE UWASE ET AL v. MCI
IMM-3824-17	DOLMA TSERING v. MCI
IMM-3826-19	DOMITILA RIVERA DE MARENCO ET AL v. MCI
IMM-3827-19	JOHN ESERO KIZITO v. MCI
IMM-3831-19	WILMAR ANDRES ROJAS RODRIGUEZ, et al. c. MCI
IMM-3881-19	KLAUS FABIAN JIMENEZ MARTIN ET AL. v. MCI
IMM-3953-18	NIROSHA LAKMANI PREMARATNE (NIRISHA LAKMANI PREMARATNE) ET AL v. MCI
IMM-3959-17	KUNGA PHUNTSOK v. MCI

IMM-3960-19	CETOUTE SAINT-LOUIS, ROBERNISE ET AL c. MCI
IMM-3997-19	RUTH EMELY HERNANDEZ VASQUEZ ET AL v. MCI
IMM-4019-17	NIM PHUTTY SHERPA ET AL v. MCI
IMM-4026-19	SANDRA HAYDE MONTANO ALARCON ET AL v. MCI
IMM-404-18	MILKIAS KASSAYE v. MIRC
IMM-4057-19	ADIL YOUSUF v. MINISTER OF CITIZENSHIP AND IMMIGRATION
IMM-4097-16	MAJURAN SRIKANTHAN v. MCI
IMM-4107-19	GENIS JOSEPH c. MCI
IMM-4113-19	KOKILAVANAN ALAGARATHNAM v. MCI
IMM-4148-17	DICKYI SANGMO v. MCI
IMM-4154-18	EMINE KARANFIL ET AL. v. MCI
IMM-4170-17	BENVINDA LAULINDA MASSUNDA v. MCI
IMM-4290-18	S M ISMAIL HOSSAIN ET AL v. MCI
IMM-4305-19	PARVEEN AKHTAR ET AL v. MCI
IMM-4319-19	ABDALLAH F M ABUSAMRA ET AL v MCI
IMM-4358-18	JUVENS CARASCO c. MCI
IMM-4360-18	MARIA LIZETH DIAZ RUIZ ET AL v. MIRC
IMM-4362-17	LEVENT AYDEMIR v. MIRC
IMM-4418-17	TENZING LHANZEY v. MCI
IMM-4419-17	LHAKPA DOLMA v. MCI
IMM-4425-18	ANA LUCIA VALENCIA HERNANDEZ v. MCI
IMM-4430-18	NIROSHA LAKMANI PREMARATNE ET AL v. MCI
IMM-4432-17	WAFAA M M RADWAN ET AL v. MCI
IMM-4452-17	JOSE RAFAEL MITRE DOLORES ET AL v MCI
IMM-4457-19	ABDALLAH F M ABUSAMRA ET AL. v. MCI
IMM-4465-18	CHRISTINA MARGARITA CARBAJAL TORRES v MCI
IMM-4475-18	JESUS ALEJANDRO GARCIA LOPEZ v. MCI
IMM-4496-19	BRAYAN ENRIQUE ROJAS CELIS, ET AL v. MCI
IMM-4499-18	GENIEUSE PIERRE-BRUN et al. c. MCI
IMM-4516-15	MOHAMMED ZAKIR HOSSAIN v. MCI
IMM-4527-18	DANIEL MERIUS CALIXTE ET AL v. MCI
IMM-4550-17	Betie MARINDO v. MCI
IMM-4569-17	BENVINDA L. MASSUNDA v. MCI
IMM-4608-18	NELCY HERRERA VARGAS ET AL v. MCI
IMM-4609-18	MARIA DOLORES AYALA AGUILAR v MCI
IMM-4611-18	DONMOR JEAN v. MCI
IMM-4614-17	STELLA MBULA-KOLELA ET AL. v. MCI
IMM-4619-18	DORIS OMONIGHO AREGBE ET AL v. MCI
IMM-4632-19	SAMINA KOUSAR ET AL v. MCI
IMM-4664-18	JOHN EDISSON CASTILLA GUTIERREZ ET AL v. MCI
IMM-4665-18	RICARDO CAMARGO JARAMILLO ET AL v. MCI

IMM-4704-18	YIASMIN HUSSAIN ZARATE c. MCI
IMM-4710-19	IFEOLUWAPO DAPO-ELEGBEDE ET AL v. MCI
IMM-4712-18	ANA ETHELIA CARRILLO RAMIREZ v. MCI
IMM-4761-19	HEYAM M M ALKAHLOUT ET AL v. MCI
IMM-4764-19	RAMI HAMAD v. MCI
IMM-4787-19	JOHAN BUENO GARCIA ET AL. v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION
IMM-4848-19	KOKILAVANAN ALAGARATHNAM v MCI
IMM-4870-17	LEVENT AYDEMIR v. MIRC
IMM-4928-18	CHRISTINA MARGARITA CARBAJAL TORRES v. MCI
IMM-4948-17	DICKYI SANGMO v. MCI
IMM-4961-18	DORIS OMONIGHO AREGBE ET AL v. MCI
IMM-4970-18	JESUS ALEJANDRO GARCIA LOPEZ v. MCI
IMM-4993-17	MAHMOUD YOUSSEF MOHAMMED FERWANA v. MCI
IMM-5002-17	JULIO CESAR ORELLANA GONZALEZ ET AL v. MCI
IMM-5004-17	LIYISED FIGUEREDO SANTANA v MCI
IMM-5029-17	REBKA FEKADE TEREFE ET AL v. MIRCC
IMM-5065-17	JOSE RAFAEL MITRE DOLORES ET AL v. MCI
IMM-5084-18	EMINE KARANFIL, ET AL v. MCI
IMM-5092-19	JHONATAN ALMARALES BAUTISTA ET AL v. MIRC ET AL
IMM-5138-18	DANIEL MERIUS CALIXTE ET AL. v. MCI
IMM-5158-17	LHAKPA DOLMA v. MCI
IMM-5164-19	ANA TEOTISTE CAMACHO DE RODRIGUEZ v MCI
IMM-5212-18	FAREED ANTON MNASSOOR DIUO v. MCI
IMM-5213-17	TENZING LHANZEY v. MCI
IMM-5224-18	PIRONIA DAOWD HURMIZ v. MCI
IMM-5239-18	ANA ETHELIA CARRILLO RAMIREZ ET AL v. MCI
IMM-5240-17	SIMPHIWE ZWELET SIMELANE ET AL v. MIRC
IMM-5256-19	JENIFER ALZATE ECHAVARRIA ET AL v. MCI
IMM-5311-18	JULIO EDGARDO VALLADARES GOCHEZ v. MCI
IMM-5344-17	SIMPHIWE ZWELET SIMELANE ET AL v. MCI
IMM-5385-18	RUTH CHITSINDE v. MCI
IMM-5411-19	ANA MILENA RODRIGUEZ CORTEZ v MCI
IMM-5413-19	THANANCHAYAN SATCHITHANANTHAN v. MCI
IMM-5420-18	PAUL JUNIOR MOISE ET AL. c. MIRC
IMM-5421-18	ALI MUDHAFAR SALEH MUBAREKA v. MCI
IMM-5445-19	THEIVENDRAM KANDIAH v. MCI
IMM-5458-17	ATILIO ALEJANDRO CASTRO DUKE ET AL. v. MCI
IMM-5462-19	PARVEEN AKHTAR ET AL v. MCI
IMM-5485-17	WAFAA M M RADWAN ET AL v. MIRCC
IMM-5490-17	ESEOGHENE CYNTHIA OKORO ET AL v. MIRC

IMM-5496-17	SAMIRA HASSAN SHAYALL AL-AJARAWI ET AL. v. MCI
IMM-5514-17	MAHMOUD YOUSSEF MOHAMMED FERWANA v. MCI
IMM-5551-18	PABLO RODRIGUEZ BONILLA ET AL. v. MCI
IMM-5571-17	JULIO CESAR ORELLANA GONZALEZ ET AL v. MCI
IMM-559-18	NADIA FARQAN ET AL. v MCI
IMM-5611-17	TENZIN NYINJEY v. MCI
IMM-5669-18	PIRONIA DAOWD HURMIZ v. MCI
IMM-5685-19	ONYEKA MARY ANONYAI ET AL v MCI
IMM-5685-19	ONYEKA MARY ANONYAI ET AL v MCI
IMM-5693-19	RAJEEVAN MARIY ASEELAN v. MCI
IMM-57-18	ROOBINS CLERVILUS c. MCI
IMM-5718-18	NATALY LUBO FRANCO ET AL. v. MCI
IMM-5742-19	ROBERTO ENRIQUE RIGUAL ALVAREZ v. MCI
IMM-5742-19	ROBERTO ENRIQUE RIGUAL ALVAREZ v. MCI
IMM-5744-18	NELCY HERRERA VARGAS ET AL v. MCI
IMM-5745-18	BASEIM ANWAR ABDELBASIT ELLOLO ET AL v. MCI
IMM-5789-18	TAFARA MUCHENJE v. MCI
IMM-5791-18	DONMOR JEAN c. MCI
IMM-5805-19	SHABANA KOUSAR ET AL v. MCI
IMM-5806-19	SHABANA KOUSAR ET AL v. MCI
IMM-585-19	JOSE LEONEL HERNANDEZ SANDOVAL v. MCI
IMM-5861-18	ANA VILMA BARILLAS MENDEZ v. MCI
IMM-5894-19	MIRELA IORDAICHE v MCI
IMM-5901-18	MUHAMMAD NAZIR v. MCI
IMM-5935-18	LEONARDO PELAEZ BARRIOS ET AL v. MIRCC
IMM-5956-18	GUILLERMO MORENO GUERRA ET AL v. MCI
IMM-5958-19	ANA TEOTISTE CAMACHO DE RODRIGUEZ v MCI
IMM-604-18	TSERING DOLMA v. MCI
IMM-606-19	HENRY EDGARDO ELIAS MORAN v. MCI
IMM-6062-19	JHONATAN ALMARALES BAUTISTA ET AL v MCI
IMM-6113-18	HENRY EDGARDO ELIAS MORAN v. MCI
IMM-1759-19	WILLIAM MOISES CAMPOS SANDOVAL v. MIRC
IMM-6214-18	MARC DAVID CHERY ET AL c. MCI
IMM-6238-18	TAFARA MUCHENJE v. MINISTER OF CITIZENSHIP AND IMMIGRATION
IMM-632-19	WINSON LAGUERRE v. MCI
IMM-6331-19	THANANCHAYAN SATCHITHANANTHAN v MCI
IMM-6350-18	FEDNEL ELIACIN ET AL c. MCI
IMM-6365-18	BASEIM ANWAR ABDELBASIT ELLOLO ET AL v. MCI
IMM-6372-18	WILLIAM MOISES CAMPOS SANDOVAL v. MIRCC
IMM-6391-18	JULIO EDGARDO VALLADARES GOCHES v. MCI

IMM-6420-18	DERLINE JEAN ET AL. c. MIRCC
IMM-644-18	PETER AKHIGBEMEN v. MIRC
IMM-6488-18	ANA VILMA BARILLAS MENDEZ v. MCI
IMM-6491-18	LEONARDO PELAEZ BARRIOS ET AL v. MIRC
IMM-6532-19	MIRELA IORDAICHE v MCI
IMM-6552-18	JUNIAL JEAN v. MIRC
IMM-6553-18	CARLOS EUGENIO MEJIA CORDERO ET AL v. MCI
IMM-6581-18	RUTH CHITSINDE v. MCI
IMM-676-19	LINA MARCELA CARDOZO BASTIDAS v. MCI
IMM-7-19	LILIAN MARILU PORTILLO VALLE ET AL v. MCI
IMM-72-17	BILAL HAMDAN ET AL. v. MIRC
IMM-75-19	EMMANUELA OSCAR ET AL v. MCI
IMM-766-18	TEMILOLA TEMITOPÉ ALLI ET AL v. MIRCI
IMM-769-18	ROOBINS CLERVILUS v. MCI
IMM-80-19	EMMANUELA OSCAR ET AL v. MCI
IMM-840-19	NADYA KARINA TELLEZ RODRIGUEZ ET AL v. MCI
IMM-868-18	LALA KAZAKOVA ET AL. v. MIRC
IMM-869-18	LALA KAZAKOVA ET AL. v. MIRC
IMM-944-18	ADRIANA JUDITH PACHECO PINZON et.al. v. MIRC
IMM-949-18	TENZIN NYINJEY v. MCI
IMM-976-19	FRITZNER CHARPENTIER c. MCI
IMM-983-18	JOKE OGUNSEYE ET AL v. MIRC
IMM-5666-19	FRANK LOZANO GUTIERREZ v. MCI
IMM-6880-19	FRANK LOZANO GUTIERREZ v. MCI
IMM-1086-17	BISRAT ERSTU WELDESENBET v. MCI

FEDERAL COURT

SOLICITORS OF RECORD

DOCKETS: IMM-5745-18 AND IMM-6365-18

STYLE OF CAUSE: BASEIM ANWAR ABDELBASIT ELLOLO, ADHAM
BASEIM ANWAR ELLOLO, NADA BASEIM ANWAR
ELLOLO, LENDA ZIAD SOBHI RADY v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: NOVEMBER 20, 2019

ORDER AND REASONS: GRAMMOND J.

DATED: DECEMBER 2, 2019

APPEARANCES:

Jacqueline Bonisteel FOR THE APPLICANTS
Samuel Loeb

David Tyndale FOR THE RESPONDENT
Amy King
Meva Motwani

SOLICITORS OF RECORD:

Corporate Immigration Law Firm FOR THE APPLICANTS
Barristers and Solicitors
Ottawa, Ontario

Refugee Law Office
Barristers and Solicitors
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT
Ottawa, Ontario