

Federal Court



Cour fédérale

Date: 20200429

Docket: IMM-5304-19

CITATION: 2020 FC 558

Ottawa, Ontario, April 29, 2020

PRESENT: The Honourable Justice Annis

BETWEEN:

**AHMED ABDALMOTLIB
ABDALHAFIZ IBRAHIM**

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

ORDER

[1] This matter was scheduled for judicial review to be heard on March 25, 2020. It concerns allegations of professional incompetence, negligence, or other conduct against the Applicant's former legal counsel, Mr. Jamal Addine Fraygui.

[2] By way of a notice of motion filed March 2, 2020, the Applicant's former counsel sought leave to intervene to introduce certain documents pursuant to Rule 109, 364(2) and 369 of the

Federal Court Rules. The Applicant filed submissions contesting the request to intervene. The Respondent in turn filed submissions supporting the former legal counsel's motion to intervene.

[3] The documents sought to be introduced by intervention concern correspondence between the former counsel and the Barreau du Québec, which dismissed the Applicant's complaint against him.

[4] The Applicant contends that the written materials will not assist the Court in the determination of this matter. He also argues that the information was available to the Court before it granted leave. The Respondent and intervener contest these submissions by their replies.

[5] There are issues whether the Protocol for Allegations Against Counsel of this Court have been complied with. The documents sought to be added to the record appear relevant. In any event, this is a determination that should be made by the Court hearing the judicial review.

[6] The request to intervene also appears to be in compliance with the factors supporting an intervention described in the *Canadian Union of Public Employees v Canadian Airlines International Ltd.*, 2000 FCA 233 at para 8, and *Canadian Pacific Railway v Boutique Jacob Inc.*, 2006 FCA 426 at para 21.

[7] Accordingly, permission is granted to the Intervener to file the requested materials that will form part of the record in the hearing the pending judicial review.

ORDER in IMM-5304-19 is:

The Court orders that Mr. Jamal Addine Fraygui is granted leave to intervene for the purpose of filing the documents in Exhibit “A” in the Notice of Motion and the Written Representations of his Counsel, Mr. Giuseppe DiDonato, to form part of the record in the judicial review of this matter.

“Peter Annis”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5304-19

STYLE OF CAUSE: AHMED ABDALMOTLIB ABDALHAFIZ IBRAHIM v
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO RULE
369 OF THE **FEDERAL COURTS RULES**

ORDER AND REASONS JUSTICE ANNIS

DATED: APRIL 29, 2020

APPEARANCES:

Jacqueline Ozor	FOR THE APPLICANT
Giuseppe Di Donator	FOR THE INTERVENOR
Nadine Silverman	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Jacqueline Ozor	FOR THE APPLICANT
Giuseppe Di Donator	FOR THE INTERVENOR
Nadine Silverman Attorney General of Canada	FOR THE RESPONDENT