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IMM-3342-95

**BETWEEN:**

**ABDI NUR AHMED**

**Applicant**

**- and -**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR CERTIFICATION OF A QUESTION  
AND CERTIFICATION OF A QUESTION**

**GIBSON J.:**

By Order dated the 23rd day of October, 1996, I dismissed an application by Midaynta, the Association of Somali Service Agencies (Metro Toronto) for an Order granting Midaynta standing as an intervenor in this application for judicial review instituted in accordance with subsection 82.1(1) of the *Immigration Act*.<sup>1</sup>

While the issues of certification of a question was briefly addressed at the close of the hearing of the application by Midaynta, it was not then settled because the Court had, during the course of the hearing, raised a question of law that counsel had not addressed. The application was therefore adjourned to provide an opportunity for counsel to make written submissions on the question of law. Those submissions were received and the point of law to which

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<sup>1</sup> R.S.C 1985, c 1-2

they were addressed essentially formed the basis for my decision.

Following my decision and the distribution of reasons related to it, counsel for Midaynta wrote to the Court seeking an opportunity to make submissions on certification of a question. An opportunity was provided and a schedule for submissions established by directions of the Court. Those directions further indicated that I would, if submissions were received, at the same time I considered them, entertain a motion pursuant to Rule 324 of the *Federal Court Rules*<sup>2</sup> to extend the time fixed by section 27 of the *Federal Court Act* for filing of an appeal.

Submissions were received from the proposed intervenor together with an application for extension of time. No submissions were received from the applicant. Counsel for the Respondent wrote to the Court indicating that the Respondent does not consent to, but does not oppose the proposed intervenor's request that a question be certified.

The question proposed on behalf of the proposed intervenor is the following:

Whether, in proceedings under the Federal Court Immigration Rules, Rules 5 and 1611 of the Federal Court Rules cannot, in law, be relied upon to grant a motion for intervenor status.

I am satisfied that the question proposed is a serious question of general importance and that a response to it would be determinative of an appeal of my Order.

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<sup>2</sup> C.R.C. 1978, c. 663.

The question proposed on behalf of Midaynta is hereby certified with respect to my Order of the 23rd day of October, 1996 in this matter. I have today signed an Order pursuant to subsection 27(2) of the *Federal Court Act* extending the time to file an appeal from my Order.

**FREDERICK E. GIBSON**

Judge

DEC - 6 1996

FEDERAL COURT OF CANADA  
TRIAL DIVISION

NAMES OF SOLICITORS AND SOLICITORS ON THE RECORD

COURT FILE NO.: IMM-3342-95

STYLE OF CAUSE: ABDI NUR AHMED v.  
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

MATTER DEALT WITH IN WRITING WITHOUT THE APPEARANCES OF PARTIES

REASONS FOR CERTIFICATION BY: THE HONOURABLE MR. JUSTICE GIBSON

DATED: December 6, 1996

WRITTEN REPRESENTATIONS BY:

Mr. J. Robert Leo Labossière

FOR THE APPLICANT

Mr. David Tyndale

FOR THE RESPONDENT

Mr. Raoul Boulakia

FOR THE PROPOSED INTERVENOR

SOLICITORS ON THE RECORD:

Mr. J. Robert Leo Labossière  
Toronto, Ontario

FOR THE APPLICANT

Mr. George Thomson  
Deputy Attorney General of Canada

FOR THE RESPONDENT

Mr. Raoul Boulakia  
Toronto, Ontario

FOR THE PROPOSED INTERVENOR

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