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Court File No. IMM-4445-97

IN THE FEDERAL COURT OF CANADA

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TRIAL DIVISION

B E T W E E N :

YUAN YUN WU (also known as QUING YUN LIU)

Applicant

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- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

A N D B E T W E E N :

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Court File No. IMM-4446-97

HONG WEI (also known as PING FANG LI)

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

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ORAL REASONS BY THE ASSOCIATE CHIEF JUSTICE JEROME

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HELD AT: Federal Court of Canada  
Toronto, Ontario

DATE: Oct. 27, 1997

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**APPEARANCES :**

Peter Wuebbolt

for the Applicants

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Jeremiah Eastman

for the Respondents

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--- Upon commencing at 2:58 p.m.

EXCERPT OF REASONS FOR JUDGMENT

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**THE COURT:** I am sorry, Mr. Wuebbolt, I cannot be more helpful to the applicants in this case. The reasons seem, to me, to be very basic and fundamental. It is these people -- I do not take any adverse inference from the fact that they, you know, chose to falsify their identity coming into the country or leaving China.

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Indeed, more often, the more danger that people feel or the more threatened they feel, the bizarre could be the arrangements that they use to come to Canada. That is not their problem and not the hurdle that you have to get over.

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It is simply this, that, in essence, poor people from all around the world, when they show up at our borders, still have the obligation of showing why they should be admitted to Canada. And unless their situation is unusual in such a way as to come within the Refugee guidelines, international conditions for Refugee status, then they really have to take their turn in line and wait their turn as an ordinary applicant.

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In this case, these people, rather than do



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that, wanted to have their Refugee status determined, and it is hard to fault the Immigration people here. You, counsel, were good enough to consider that you are not going to be critical of their conduct, plus they turned the matter over to, as I believe they are required to do, a senior immigration officer, Mr. McNamara, and he reviewed all of the events, and came to the conclusion that these people did not have or appear to have sufficient basis to warrant that sort of special treatment and to pass it on to the Immigration Board, nor did he believe, if he had let them in the country, that they would report for removal if removed.

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So, it is not for me to decide whether he was justified in reaching those conclusions, only whether he considered relevant evidence and came to a conclusion that was reasonable on those facts. And, therefore, I see no error in his interpretation of the law or his interpretation of the evidence, and, accordingly, your application for intervention is dismissed.

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I will edit the transcript of my reasons and file them pursuant to section 51 of the Federal Court Act. Thank you. And I will make an endorsement to that effect, that it is dismissed from the bench, and brief written reasons will follow.



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--- Upon adjourning at 3:51 p.m.

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CERTIFIED CORRECT

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Per: Sarah Weinstein  
Court Reporter

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FEDERAL COURT OF CANADA  
TRIAL DIVISION

NAMES OF SOLICITORS AND SOLICITORS ON THE RECORD

COURT FILE NO.: IMM-4445-97

STYLE OF CAUSE: YUAN YUN WU (aka QING YUN LIU)  
V.  
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

COURT FILE NO.: IMM-4446-97

STYLE OF CAUSE: HONG WEI (aka PING FANG LI)  
V.  
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO

DATE OF HEARING: OCTOBER 27, 1997

REASONS FOR ORDER OF: THE HONOURABLE ASSOCIATE CHIEF JUSTICE

DATED: NOVEMBER 20, 1997

APPEARANCES:

Mr. Peter Wuebbolt FOR THE APPLICANTS

Mr. Jeremiah Eastman FOR THE RESPONDENT

SOLICITORS ON THE RECORD:

Mr. Peter Wuebbolt FOR THE APPLICANTS  
Toronto, Ontario

Mr. George Thomson FOR THE RESPONDENT  
-Deputy Attorney General of Canada