

Federal Court



Cour fédérale

Date: 20240905

Docket: IMM-12720-23

Citation: 2024 FC 1392

Toronto, Ontario, September 5, 2024

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

R.A. ET AL

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

ORDER

UPON MOTION by the Respondent Minister for an Order striking the HIV Legal Network [HIVLN] as a party to these proceedings under the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], and upon reading the pleadings and proceedings;

AND UPON considering that while the named Applicants RA and RA were entitled to apply for judicial review of a decision under *IRPA*, the HIVLN had and has no right to be added as a party by acting unilaterally as it has chosen to do, and did not become a proper party in this proceeding simply by having itself named as a party in the application filed by RA and RA under

IRPA, a point established by this Court in *Gnanapragasam v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 761 [*Gnanapragasam*] where this Court struck the Canadian Council for Refugees [CCR] as a party from an *IRPA* proceeding similar to the present in which CCR had unilaterally added itself, likewise without seeking leave or permission of this Court, which Order concluded on this point as follows:

AND UPON not being persuaded that CCR has rights as a party under *IRPA*, or the right under the Federal Court Rules or otherwise to confer upon itself party status as of right and thereby avoid the Court's undoubted supervisory jurisdiction and authority to determine whether and in what manner non-parties may appear before the Court, the Respondent's motion to strike CCR's standing will be granted and CCR struck as a party;

AND UPON noting this Court subsequently confirmed *Gnanapragasam* in *Slepcsik v Canada (Citizenship and Immigration)*, 2024 FC 1106 (CanLII), <<https://canlii.ca/t/k5spp>>, a case which dismissed a motion by the said CCR [Canadian Council for Refugees] to be added as a public interest party in proceedings related to *Gnanapragasam*;

AND UPON concluding therefore that HIVLN should be struck as a party from this proceeding for essentially the same reasons CCR was struck from the proceedings in *Gnanapragasam*, the Court will grant the motion by the Respondent to strike HIVLN as a party in this proceeding.

THEREFORE THIS COURT ORDERS that:

1. The motion by the Respondent for an Order striking the HIV Legal Network as a party to these proceedings is granted.
2. The HIV Legal Network is struck as a party from this proceeding.
3. HIV Legal Network is removed from the style of cause effective immediately.

“Henry S. Brown”

Judge