Date: 20070319

Docket: T-1328-06

Citation: 2007 FC 294

Ottawa, Ontario, March 19, 2007

PRESENT: The Honourable Mr. Justice Harrington

BETWEEN:

HEBA HITTI and
YOUSSEF HITTI

Applicants

and

THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

Respondent

REASONS FOR ORDER AND ORDER

[1] The question in this case is whether Nassif Hitti enjoyed diplomatic status when he served as an attaché with the Information Office of the League of Arab States in Ottawa from 1985 to 1990. The answer is that he was and therefore his two children born in Canada during this period are not Canadian citizens.

BACKGROUND

[2] Generally speaking, a person can acquire Canadian citizenship by birth or by personal experience. In Canada, there are two ways that citizenship by birth may be recognized, not unlike the principles of customary law known as *jus soli* and *jus sanguinis*, i.e. right by land and by blood. In short, under the *Citizenship Act*, R.S.C. 1985, c. C-29, in effect in Canada, persons have Canadian citizenship if they are born in Canada or – in the event that they were born abroad – if one of their parents is a Canadian citizen.

[3] The applicants were born in Ottawa, Canada. Heba Hitti was born in 1987, and her brother Youssef was born in 1989. Even though they were both born on Canadian soil, the Minister argues that the applicants are not Canadian citizens given the exception found under paragraph 3(2)(*a*) of the *Citizenship Act* which states the principle of *jus soli*:

3.(2)(*a*)…does not apply to a person if, at the time of his birth, neither of his parents was a citizen or lawfully admitted to Canada for permanent residence and either of his parents was	**3.**(2)*a*)…ne s'applique pas à la personne dont, au moment de la naissance, les parents n'avaient qualité ni de citoyens ni de résidents permanents et dont le père ou la mère était:
(*a*) a diplomatic or consular officer or other representative or employee in Canada of a foreign government…	*a*) agent diplomatique ou consulaire, représentant à un autre titre ou au service au Canada d'un gouvernement étranger…
[Emphasis added.]	[Emphasis added.]

It would be incorrect to argue that the Hitti family's current situation is anything but remarkable.

[4] Mr. Hitti is a citizen of Lebanon, while Latifa Hitti is a citizen of Tunisia. When they arrived in the country in 1985, and when they left in 1990, the applicants' parents had only permanent residence status in Canada. They came to Canada so that Mr. Hitti could serve as an

information officer with the League of Arab States. It is important to point out that the League in question did not have diplomatic standing recognized by the Canadian governmental authorities. With reason, in keeping with the rules regarding international courtesy in the course of inter-country relations, Canada extended diplomatic status to Mr. Hitti, even though in reality, at least internally, the Lebanese State understood it to be otherwise.

[5] Mr. Hitti himself, as the ambassador and head of mission for Lebanon, who was accredited to the country from 1985 to 1990, stated that during that period, at no time did he fulfill any diplomatic tasks in the country or act as a representative of the Lebanese State or on behalf of the Lebanese Embassy in Ottawa, and he was not employed by them. Indeed, Mr. Hitti's employment tied him to the Information Office of the League of Arab States, from which he received a salary. Whatever the case, the Minister argues that one fact remains: the Court cannot disregard that the name of the applicants' father appears on the list of accredited diplomats managed by the Protocol Office, with the informed consent of Mr. Hitti and the Lebanese government.

THE FACTS

[6] During the period of time that the Hitti family was in the country, the League of Arab States was an organization made up of 21 Arab states, coordinating economic and cultural matters, as well as commercial ties of interest to its member States in their relations with Canada. For several years, the League was based in Ottawa. On several occasions during this period, the organization attempted to obtain diplomatic status from the government authorities. However, as stated in the Aide-Mémoire of 1976 prepared by the Canadian federal government, Canada's

position on that point was clear. There was no legal basis for granting diplomatic privileges and immunities to this organization. In short, while it was reviewing the Canadian status of officials working for the Information Office of the League of Arab States in the country, the Department of Foreign Affairs determined that, as a result of the League's status, the officials did not enjoy diplomatic privileges or immunity as they were not under the purview of the *Vienna Convention on Diplomatic Relations* or the *Foreign Missions and International Organizations*, S.C. 1991, c. 41. The Aide-Mémoire of 1976 provides the following:

> However, in the interest of good relations with member states of the Arab League, Canada agrees as a matter of courtesy to list officials of the Centre [the Information Office of the League] as "Attachés (Information)" of embassies of Arab countries accredited to, and with residence in, Canada".

[7] In order to give effect to this accommodation or, as the applicants define it, this *modus operandi*, in accordance with the Aide-Mémoire of 1976, a national from an Arab State who is an official of the Information Office of the League must advise the Canadian authorities that the function of this person is indeed that of ". . . an official of the Centre [the League] of a member of the diplomatic staff of the embassy in question of the country of which he is a citizen." After following this procedure, the Department of Foreign Affairs provided that attachés at the Information Office were conferred diplomatic status in Canada tied to their native State and responsibilities were derived therefrom. Finally, the Aide-Mémoire of 1976 states that officials from the Information Office of the League who did not observe this procedure to obtain legal status in the country, which in itself conferred diplomatic status as just discussed, had to personally take steps with the Canadian Department of Manpower and Immigration to have any given status legalized. It is worthwhile to refer here to an extract of what is stated in the Aide-Mémoire in question:

> (a) The above procedure will go into effect in each individual case upon receipt of a note from the resident embassy of an Arab country with residence in Canada notifying the Department of the appointment as an official of the Centre [the

> League] of a member of the diplomatic staff of the embassy in question of the country of which he is a citizen.
>
> (b) The Department understands that the officials of the Centre who will be granted diplomatic status under the above procedure will obviously have actual diplomatic responsibilities deriving from their status with their respective embassies.
>
> Members of the Centre who are not granted diplomatic status under the above procedure must as soon as possible establish their status in Canada with the Department of Manpower and Immigration in order to legalize their presence in Canada and thus to obtain the necessary authority to assume their designated functions at the Centre.
>
> [Emphasis added.]

[8] In this case, the record contains a letter from Linda McDonald, Deputy Chief of the Protocol Office, Director, Diplomatic Corps Services, Department of Foreign Affairs and International Trade. As this document indicates, the Citizenship and Immigration branch of the Protocol Office was responsible for ensuring that Canada met its obligations with regard to accrediting representatives from foreign states and members of their families so that diplomatic immunities and privileges to which the person in question was entitled could be adequately managed. In her letter, Ms. McDonald state the following: “existing records establish that Mr. N.Y. Hitti was covered by the provisions of the *Vienna Convention on Diplomatic Relations* between March 30, 1985 and June 11, 1990.”

[9] At times, the question as to whether diplomatic status should be conferred to the League of Arab States in Canada has been the subject of discussion between Canadian and foreign governmental authorities. On that point, in August 1986, the Right Honourable Joe Clark, then Secretary of State for Foreign Affairs, wrote His Excellency Ziad Shawwaf, Ambassador of the Kingdom of Saudi Arabia, who was then the Dean of Arab Ambassadors in Ottawa. At that time, he assured the Ambassador of the important role played by the League of Arab States in the

international arena and that in light of the importance that the Canadian government gave to cooperation and dialogue with the Arab world, the presence of the League of Arab States in Ottawa was more than welcome. However, he reiterated that since Canada was not a member of the League, neither the *Vienna Convention on Diplomatic Relations* nor the *Privileges and Immunity (International Organizations) Act* applied. Furthermore, there was no statute in force providing a basis for Canada to grant diplomatic status to any international organization of which Canada was not a member in good standing. In order to do so, it would involve not only the League, but also other organizations such as the Association of Southeast Asian Nations (ASEAN), the African Union (AU) as well as the Caribbean Community and Common Market (CARICOM). Nevertheless, Mr. Clark made a point of stating the following:

> Due to our inability to accede to the League's request for diplomatic status for its Ottawa office, we have sought practical means to ensure that its effectiveness is not impaired because of the importance we attach to its presence. This is why senior officials of the Office in Ottawa are listed as Attachés of embassies of Arab countries accredited to, and with residence in, Canada. For our part, we have found this practice has facilitated an effective working dialogue with the Arab League.

[10] This was the prevailing situation in Canada when Mr. Hitti worked at the Information Office of the League of Arab States from 1985 to 1990. The Department of Foreign Affairs Detail Report noted that Mr. Hitti had never held a diplomatic passport issued by Lebanese authorities, and that he was attached to the Embassy of Lebanon in Canada as a member of the administrative and technical staff with the specification "Arab Information League". On that basis, both he and his wife and their two children were granted identification cards stating their status in Canada, which expired when they left Canada for abroad in 1990.

[11] In 1991, Mr. Hitti applied to the Canadian Embassy in Tunisia for Canadian citizenship certificates for Heba and Youssef. One of the questions on the form was:

If you were born in Canada on or after January 1, 1947, were either of your parents employed by a foreign government or an international agency at the time of your birth?	Si vous êtes né au Canada après le 1er janvier 1947, est-ce qu'un de vos parents était employé par un gouvernement étranger ou une agence gouvernementale au moment de votre naissance?

[12] Mr. Hitti checked "yes" for this question. On the same form, a representative acting on behalf of the Canadian government wrote the following remarks:

> The father works for the Arab League. The League's Office in Ottawa does not have an official or diplomatic status. The father entered on a visitor's visa. He had an official acceptance in order to stay as a member of the staff of the Lebanese Embassy that is actually part of an established arrangement between Lebanon and the League which is known to the dept of Foreign Affairs.

[13] Nevertheless, the certificates of Canadian citizenship were issued for Heba and Yousef Hitti. The applicants subsequently obtained their Canadian passports. This litigation arose when the applicants wanted to renew their passports at the Canadian Embassy in Paris in 2004, after the official there confiscated their passports and their citizenship certificates. Needless to say that this situation outraged the applicants' parents and attracted the attention of Canadian lawyers.

[14] In March 2004, in response to a letter that Ms. Hitti had written to the Canadian Embassy in Paris, the Embassy's Counsellor and Consul wrote the following to the applicants' mother:

> [TRANSLATION]
>
> First, let me correct what appears to be a possible misunderstanding. We did not "remove" your children's citizenship. Pursuant to subsection 3(2) of the *Citizenship Act*, your children were never entitled to Canadian citizenship. In fact, the legislation provides that a person born in Canada is not entitled to citizenship if: "*at the time of his birth, neither of his parents was a citizen or lawfully admitted to Canada for permanent residence and either of his parents was (a) a diplomatic or consular officer or other representative or employee in Canada of a foreign government*." There was a regrettable bureaucratic error. Nobody is for a moment questioning your good faith. When you applied for the certificates you

> did not in any way conceal your husband's status, representative of the League of Arab States, an attaché with the Lebanese Embassy.

The last paragraph of this letter mentioned that Patricia Birkett, Chief Registrar of Citizenship and Immigration Canada, would oversee the review of the matter, considering that the interpretation of the *Citizenship Act* fell within the exclusive jurisdiction of her position.

[15] The following month, Ms. Birkett wrote to the applicants' lawyer and sent him a letter in which she restated what had been said earlier by the Protocol Office of the Department of Foreign Affairs attesting to the fact that Mr. Hitti was indeed a diplomat during his stay in the country from March 20, 1985 and June 11, 1990, adding that in Canada the applicants and their mother were considered members of Mr. Hitti's family. Furthermore, since neither parent was Canadian or a permanent resident of Canada, citizenship could not be conferred to the two children based on the principle of *jus sanguinis;* otherwise, they would have been able acquire Canadian citizenship in accordance with the *Citizenship Act* in force in Canada.

[16] It appears that the issuance of the applicants' citizenship certificates was in reality the result of an administrative error. Bear in mind that it is not the citizenship certificate in itself that gives an individual the right to citizenship, but rather the legislation that sets it out. In addition, section 26 of the *Citizenship Regulations, 1993,* SOR/93-246, provides that the Registrar of Citizenship Canada may cancel an unlawfully issued certificate.

[17] In this letter dated April 20, 2004, Ms. Birkett ended with these words:

> [TRANSLATION]
>
> If you have any relevant information that could change my decision to cancel, please forward it to me as soon as possible. If not, I will have to proceed to cancel

> the citizenship certificates of Heba Hitti (4842537) and Youssef Hitti (4842536).
> Please contact me if you require additional clarification.

[18] On May 17, 2004, the applicants' then counsel in Quebec informed the Citizenship Registrar, Ms. Birkett, in writing that the applicants had reviewed the contents of the letter dated April 20, 2004, and that in the coming weeks he would be providing her with their observations on the matter.

[19] After two months went by with no exchange of correspondence, a second letter was sent to the applicants' counsel stipulating that they had until August 3, 2004, to submit information that he deemed relevant to the matter. Once again, with no word from the applicants, a directive was issued on August 13, 2004, effectively cancelling the citizenship certificates of Heba and Youssef Hitti.

[20] It was not until 2006 that this matter resurfaced. Accordingly, the respondent submits before us that the application for judicial review brought by the applicants is out of time, and that in any event, such an application was to have been brought within 30 days after the time the decision was first communicated by the federal board, commission or other tribunal, in accordance with section 18.1 of the *Federal Courts Act*. Unless, of course, the Court orders that additional time be granted.

ISSUES

[21] The issues raised in this case are the following:

1. What is the appropriate standard of review?
2. Were the two citizenship certificates confiscated in a manner that was unlawful or procedurally unfair?

3. Was the application for judicial review filed out of time? If so, should the Court grant an extension of time under the circumstances?

ANALYSIS

[22] As paradoxical as it may seem, the Minister argues that the issues raised in this matter are clearly no more than questions of law, that this Court does not owe deference to the Registrar of Citizenship Canada and that, accordingly, the standard of review is that of correctness.

[23] For their part, the applicants allege that Mr. Hitti's duties with the Information Office of the League of Arab States during his stay in the country are at issue. If that is the case, the question is mixed, of fact and of law, which is generally subject to the standard of review of reasonableness *simpliciter*. However, as I am dismissing the application on the correctness standard, which is obviously more favourable to the applicants, there is no need to address the issue of the deference that this Court must give to the decision-maker at issue.

[24] If the citizenship certificates had been unlawfully confiscated, the appropriate standard of review for that decision would be that of correctness since that would be a question of law. The same would apply to the analysis of the question underlying that of the breach of procedural fairness or another principle of natural justice in that a question of law is raised when *a priori* the analysis using the pragmatic and functional approach would not be required (*C.U.P.E. v. Ontario (Minister of Labour)*, [2003] 1 S.C.R. 539).

[25] I do not think it necessary to consider the confiscation of the applicants' citizenship certificates in great detail. The confiscation, if that is the correct term for the treatment of the applicants' documents, was carried out by a consular officer attached to the Canadian Embassy in Paris, France. In accordance with the *Vienna Convention on Diplomatic Relations*, incorporated in large part in Canada under Schedule I of the *Foreign Missions and International Organizations Act*, consular functions include issuing passports or documents related to inter-country movement by the concerned parties.

[26] I agree with the Minister that under the circumstances it would have been pointless to return the citizenship certificates knowing that when received, the consular officer could immediately require they be returned. There is no doubt that once they received a written request ordering the return of their citizenship certificates, Heba and Youssef would have promptly cooperated. Further, bear in mind that citizenship is not conferred by a piece of paper, but rather by what is provided by law. Admittedly, not only were the Hittis shocked when they learned that their passports would not be renewed, but even more so once they learned that the documents attesting to their citizenship in the country had been seized and were being scrutinized by Canadian governmental authorities. However, I do not consider this to be a breach of natural justice. Even it if were, the outcome of the case would have been no different given the particular circumstances of the case, as stated at page 228 in *Mobil Oil Canada Ltd. v. Canada−Newfoundland Offshore Petrol*, [1994] 1 S.C.R. 202:

> . . . the circumstances of this case involve a particular kind of legal question, *viz*., one which has an inevitable answer.

[27] With regard to the issue of the interpretation to be given to the *Citizenship Act*, the applicants dispute the Minister's allegations to the effect that since Mr. Hitti enjoyed privileges and

diplomatic immunities during his stay in Canada in accordance with the *Vienna Convention on Diplomatic Relations*, Mr. Hitti was then a "diplomatic or consular officer or other representative or employee in Canada of a foreign government", paragraph 3(2)(*a*) of that Act. In short, based on the intended purpose of the *Citizenship Act*, the applicants argue that it would be incorrect to claim that the enjoyment of diplomatic privileges and immunities is guaranteed with the enjoyment of diplomatic status in Canada. Accordingly, the applicants allege that to decide the matter, the Minister had the burden of establishing that Mr. Hitti actually had duties in Canada that could be qualified as "diplomatic" or "consular".

[28] To support their arguments regarding the interpretation to be given to the exception provision stated at paragraph 3(2)(*a*) of the *Citizenship Act*, both parties in this case relied on section 35 of the *Interpretation Act*, R.S.C. 1985, c. I-21, which reads as follows:

35. (1) In every enactment,	**35.** (1) Les définitions qui suivent s'appliquent à tous les textes.
"diplomatic or consular officer"	« agent diplomatique ou consulaire »
"*diplomatic or consular officer*"	« *agent diplomatique ou consulaire* »
"diplomatic or consular officer" includes an ambassador, envoy, minister, chargé d'affaires, counsellor, secretary, attaché, consul-general, consul, vice-consul, pro-consul, consular agent, acting consul-general, acting consul, acting vice-consul, acting consular agent, high commissioner, permanent delegate, adviser, acting high commissioner, and acting permanent delegate;	« agent diplomatique ou consulaire » Sont compris parmi les officiels diplomatiques ou consulaires les ambassadeurs, envoyés, ministres, chargés d'affaires, conseillers, secrétaires, attachés, les consuls généraux, consuls, vice-consuls et leurs suppléants, les suppléants des officiels consulaires, les hauts-commissaires et délégués permanents et leurs suppléants.
[Emphasis added.]	[nos soulignés]

[29] In his affidavit dated August 28, 2006, Mr. Hitti himself acknowledged that the title conferred to him by Canadian governmental authorities is that of a member of the administrative

and technical staff of the Embassy of Lebanon in Canada, although he added in this same document that his accreditation was simply:

> [TRANSLATION]
>
> . . . an accommodation proposed by the Canadian Department of Foreign Affairs regarding employee of the Office of the Arab League . . .
>
> [Emphasis added.]

[30] He added that he did not hold a diplomatic passport at any time from 1985 to 1990 and restated the facts of his story relevant to the issue as follows:

> [TRANSLATION]
>
> i. I was a member of the Information Office of the League of Arab States in Ottawa at all times during the above-mentioned period;
> ii. I was not employed by the State of Lebanon and I did not receive any salary from the State of Lebanon or from the Lebanese Embassy in Ottawa;
> iii. I received my salary directly from the Secretariat of the League of Arab States.
> iv. I did not have any work office at the Lebanese Embassy in Ottawa;
> v. I was not under the authority of the Ambassador of Lebanon in Ottawa, and he had no control over me;
> vi. I was always received by the members of the Canadian Department of Foreign Affairs as an information attaché at the League of Arab States;

[31] In support of his affidavit, without proceeding with cross-examinations, Mr. Hitti filed the affidavit of Makram Ouaïdat, accredited as an ambassador of Lebanon in Canada from 1985 to 1990.

[32] With regard to the applicants' allegation to the effect that their father's accreditation as a member of the administrative and technical staff of the Lebanese Embassy was no more than a *modus operandi* of the Canadian State, the fact remains that Lebanon is one of the signatory States to this accommodation and in my opinion, what Mr. Hitti did when he was in the country is not relevant. As discussed earlier, the Canadian federal government's Aide-Mémoire of 1976 clarifies

the analysis of the issue in this case since it states that if an Arab State from which an official of the League of Arab States is a national fails to follow prescribed procedure by registering that official on the list regarding diplomatic status of its posted Embassy members, the information officer from the League of Arab States must attend to obtaining legal status in the country through ordinary channels.

[33] Mr. Hitti entered the country with a temporary visa and he certainly could not have stayed in Canada for five years as he did with no more than that visitor's card. Had he not lived in the country in accordance with the *modus operandi* implemented by the Canadian State, Mr. Hitti would have had to leave the country and as a result, his children would have been born outside Canadian borders.

[34] It is worthwhile to point out that in this case, in the event that an unfavourable decision is made with regard to the applicants, this will not strip them of their papers, rendering them stateless, in this case. The evidence filed in this case establishes unequivocally that the applicants enjoy Lebanese citizenship.

[35] Today, it is not unusual to see that the enjoyment of rights results in many cases from the application of legal fictions that contemplate different legislation in effect in Canada. Would it not be more hazardous to believe that it could be otherwise when there are issues contemplating the fabric of interstate relations involving Canada? Whatever the case, the application of such conceptions sometimes results in undesired consequences. This case is a patent example that one of the drawbacks of the accommodation or the *modus operandi* implemented by the Canadian

government, of benefit to Canada, Lebanon, the League of Arab States and Mr. Hitti, is that the two children born in the country cannot enjoy Canadian citizenship.

[36] Although the records of the Protocol Office are not conclusive in themselves with regard to the information that it transferred to the Minister of Foreign Affairs regarding the status of a country recognized as a foreign state with diplomatic duties in Canada based on the single certificate issued by that Department to that effect, it appears from the record that Mr. Hitti's name had been put on the list of those benefiting from diplomatic status following the consent of the principal party, Mr. Hitti, and that of the Lebanese State.

[37] Mr. Hitti was reputed to be a member of the administrative and technical staff of the Lebanese Embassy in Canada, and according to the terms of article 1 of the *Vienna Convention on Diplomatic Relations*, a Schedule to the *Foreign Missions and International Organizations Act*, he was in fact a member of the mission staff tied to this Embassy. If Mr. Hitti had not been a member of the mission staff or a diplomatic official while he was staying in Canada, from 1985 to 1990, he was deemed to be another representative or employee in Canada of a foreign government. As an information officer of the League of Arab States with the Embassy of his native country, Lebanon, Mr. Hitti was a "diplomatic or consular officer" within the meaning of the *Interpretation Act*. Accordingly, pursuant to this Act and to general principles of the interpretation of laws, "diplomatic or consular officer" should be interpreted in keeping with the meaning that prevails when interpreted in regard to the *Citizenship Act*.

[38] Although both parties, particularly the Minister, have referred to treatises on international law to support their arguments and that it has been a useful exercise, complementing the law, it is my opinion in this case that, given the unique circumstances of this case, they are not necessary in light of the fact that there is no ambiguity in the language of the text at issue to be interpreted involving customary international law and Crown prerogatives. Per Mr. Justice Linden in *Copello v. Canada (Minister of Foreign Affairs)* (2003), 308 N.R. 175, 2003 FCA 295, the Federal Court of Appeal stated:

> [22] Although it may seem unfair that Canada can expel a diplomat from within its borders without ever having to justify its decision in court, this traditional power exists in order to foster friendly diplomatic relations between nations. It is also in accordance with principles of international law. Diplomats are guests in the foreign countries in which they live and work. Their role is to "contribute to the development of friendly relations among nations, irrespective of their differing constitutional and social systems," (see: the preamble to the Vienna Convention). Diplomatic status carries with it certain privileges and immunities, but the purpose of these privileges and immunities is not for the benefit of individual diplomats. Rather, as reflected in the preamble to the Vienna Convention, these privileges and immunities attach to diplomatic agents in order "to ensure the efficient performance of the functions of diplomatic missions as representing States." Consequently, the usual rules of administrative law - those concerned with procedural fairness and the rule of law - do not apply. Moreover, no Charter right is engaged by having a diplomat recalled to Italy.
>
> [23] It should be mentioned that the appellant, who continues to reside in Canada, does not seem to have lost his individual right to remain in Canada or to apply for immigrant status as a result of the withdrawal of his diplomatic status by the Republic of Italy.

[39] Following the impugned decision by the Canadian governmental authorities, it would be incorrect to claim that Heba and Youssef Hitti lost their right to Canadian citizenship since in fact they were never entitled to enjoy it. In Canada, there is no such thing as a "*de facto* citizen" and no constitutional right was or could have been denied under the *Canadian Charter of Rights and Freedoms* in this case (See *Canepa v. Canada (Minister of Employment and Immigration)* (C.A.), [1992] 3 F.C. 270 and *Solis v. Canada (Minister of Citizenship and Immigration)* (2000), 254 N.R. 362 (F.C.A.)).

[40] The final question is whether this application for judicial review was filed out of time. The applicants argue that the first application was filed prematurely in that they had not been informed in August 2004 that their certificates of citizenship were confiscated. They submit that the letter of the Citizenship Registrar, Ms. Birkett, dated August 20, 2004, was not a decision or order in itself subject to a judicial review in accordance with the *Federal Courts Act*, R.S.C., 1985, c. F-7. In the alternative, if it was, the applicants allege they had always intended to dispute this matter and that in order to do so they required more time. For instance, they allege that they had do quite a bit to track down the ambassador of Lebanon who had been accredited by Canada for the period during which Mr. Hitti was working with the Information Office of the League of Arab States. In any event, they are asking the Court grant an extension of time.

[41] In the Minister's opinion, in the event where the applicants had truly needed more time than usual to ready their application, the communication of letters between the parties during 2006 indicates that just the same it took the applicants three months to finally properly file their application for judicial review.

[42] Considering that there is no need to decide this issue, and considering that a large number of "lost Canadians" have in the past been able to raise the issue of failing to observe the prescribed time limits in many other cases, I think it more appropriate to make no ruling on this point.

[43] Finally, as Youssef Hitti is now of full age, I am taking the initiative to amend the style and cause of this application for judicial review accordingly.

ORDER

THE COURT ORDERS that:

1. The application for judicial review be dismissed with costs.

2. In view of the change in capacity of the applicant Youssef Hitti, now giving him the status and interest to act in this matter, the style and cause is amended and must from now on appear as follows:

HEBA HITTI and
YOUSSEF HITTI

Applicants

and

MINISTER OF CITIZENSHIP
AND IMMIGRATION

Respondent

"Sean J. Harrington"

Judge

Certified true translation

Kelley A. Harvey, BCL, LLB

FEDERAL COURT

SOLICITORS OF RECORD

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STYLE OF CAUSE:	HEBA HITTI and YOUSSEF HITTI v. MINISTER OF CITIZENSHIP AND IMMIGRATION
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APPEARANCES:

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