

Date: 20071003

Docket: IMM-5994-06

Citation: 2007 FC 1019

Calgary, Alberta, October 3, 2007

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

ASSEGEDCH DEMEKE TESEMA

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER AND ORDER

[1] Ms. Assegedch Demeke Tesema (the “Applicant”) seeks judicial review of the decision of Wendy Gall, Immigration Officer with the Canadian High Commission South Africa. In that decision, dated August 10, 2006, the Immigration Officer refused the Applicant’s claim to be recognized as a Convention refugee or as a member of the Humanitarian – Protected Persons

Abroad Designated Class, pursuant to the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicant is a citizen of Ethiopia. She sought protection on the grounds of abuse at the hands of her husband.

[3] Her application was privately sponsored by the Roman Catholic Diocese of Calgary and the Calgary Ethiopian Community Association.

[4] This application can be disposed of summarily. I am satisfied that in the circumstances of this case, there was a breach of procedural fairness that gave rise to a reviewable error that invites judicial intervention. I refer to the letter, dated May 7, 2001, from Canada Immigration in Calgary to the Roman Catholic Diocese of Calgary in relation the Applicant’s application.

[5] This letter provided an undertaking that the Applicant would be interviewed to establish if she was a Convention refugee or a member of a Humanitarian Designated Class. It is clear from the record and not denied by the Minister of Citizenship and Immigration (the “Respondent”) that no interview was held. I accept the submissions of the Applicant that, in this case, the breach of this undertaking amounts to a breach of procedural fairness.

[6] Accordingly, the application is allowed and the matter is remitted to a different Immigration officer for re-determination. There is no question for certification arising.

ORDER

The application for judicial review is allowed and the matter is remitted to a different Immigration officer for re-determination. There is no question for certification arising.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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STYLE OF CAUSE: ASSEGEDCH DEMEKE TESEMA v. MCI

PLACE OF HEARING: Calgary, Alberta

DATE OF HEARING: October 3, 2007

REASONS FOR ORDER AND ORDER: HENEGHAN J.

DATED: October 3, 2007

APPEARANCES:

Ms. Jolene Fairbrother FOR THE APPLICANT

Mr. Rick Garvin FOR THE RESPONDENT

SOLICITORS OF RECORD:

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Deputy Attorney General of Canada