Federal Court  Cour fédérale

Date: 20100330

Docket: IMM-1266-09
IMM-1267-09

Citation: 2010 FC 347

Ottawa, Ontario, March 30, 2010

PRESENT: The Honourable Mr. Justice O'Keefe

BETWEEN:

JESUS FRANCISCO QUINTERO PACHECO

Applicant

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

O'KEEFE J.

[1] These are two separate applications for judicial review, pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the Act), of two separate decisions of immigration officers. The first decision, by immigration visa officer, Phillippe de Varennes (the visa officer) on or about October 20, 2008, refused to issue the applicant an authorization to return to

Canada and found the applicant inadmissible. The second decision, by immigration officer, M. Lourdes Hernandez (the officer) on or about October 21, 2008, refused the applicant's application for a permanent resident visa. The second decision depended entirely on the first.

[2] At the hearing, the applicant stated he would be dealing with Court file IMM-1267-09 as the success of Court file IMM-1266-09 depended on the success of Court file IMM-1267-09.

[3] The applicant seeks orders setting aside both decisions and referring the applications back for new assessments by different officers.

[4] For the reasons that follow, I find that the applicant was offered a fair process and received a reasonable decision from the visa officer. Therefore, I would dismiss the application for judicial review of the visa officer's decision in Court file IMM-1267-09. By necessary implication, the judicial review of the officer's decision in Court file IMM-1266-09 is also dismissed.

Background

[5] The applicant is a failed refugee claimant from Mexico. He signed a departure order in October of 2003 that would become effective upon a negative refugee decision. His claim was denied by the Refugee Protection Division of the Immigration and Refugee Board (the Board) in a decision dated March 27, 2006. The Board found that the applicant's story was simply not credible. This Court rejected his application for leave and judicial review in May of 2006 and a departure

order for the applicant became effective on or about July 27, 2006. He did not depart within 30 days and alleges that his lawyer did not advise him of the requirement to leave within 30 days. Instead, in November of 2006, the applicant applied for a pre-removal risk assessment (PRRA), an option the Minister had given him.

[6] Back in April of 2005, prior to his refugee hearing, the applicant had also submitted an application for permanent residency as a skilled worker. On May 15, 2007, while still awaiting his PRRA decision, the Canadian Embassy in Mexico advised him that in order for his permanent residency application to be processed further, he would have to depart Canada. He was given 60 days to provide proof that he had departed Canada.

[7] The applicant was issued a negative PRRA decision in a letter dated May 25, 2007.

[8] The applicant alleges that he did not receive either correspondence until June of 2007 and that upon receiving the correspondence from the Embassy, he immediately informed the PRRA office that he wished to withdraw his PRRA application. A direction to report dated June 15, 2007 was hand delivered to the applicant advising him that his removal from Canada was scheduled for July 10, 2007 and directed him to report to the immigration office at Pearson International Airport on that day. On July 10, 2007, the applicant obtained a certificate of departure and departed for Mexico.

[9] In a letter dated August 3, 2007, the Canadian Embassy acknowledged confirmation of his departure but stated that since the applicant had obtained the certificate more than 30 days after his departure order had become enforceable, he would need an authorization to return to Canada (ARC) and to provide an explanation for his late departure.

[10] The applicant's counsel responded on behalf of the applicant, requesting an ARC decision and provided explanations for the late departure. Not satisfied with the explanations provided, the Canadian Embassy sent another request for additional reasons in January of 2008, to which applicant's counsel responded with further argument.

The Authorization to Return to Canada Decision

[11] In a decision letter dated October 20, 2008, the visa officer first noted that the rationale informing the regulatory provision of departure orders being converted into deportation orders is to provide incentive for failed refugee claimants to comply with removal orders. The visa officer stated that he gave significant consideration to the reasons offered as to why the applicant did not comply with the departure order within 30 days of July 27, 2006. The visa officer expressly considered the applicant's submission that his lawyer had not advised him of the 30 day rule.

[12] In regards to the PRRA application, the visa officer found:

> Although you were entitled to a PRRA review, it is my opinion that this was done for the sole reason of gaining more time in Canada and not because of a life threatening situation in Mexico. In fact, you decided to withdraw your PRRA application and to return to Mexico

> when you learned you had an immigration interview, making me believe that you were not facing any danger in your country of origin.

[13] In the end, the visa officer determined that despite the applicant's subsequent cooperation with the removals officer, he had not provided a sufficient explanation for his failure to depart Canada within 30 days of his departure order becoming effective and determined that he was inadmissible to Canada.

The Officer's Decision

[14] In a short decision letter dated October 21, 2008, the officer rejected the applicant's application for a permanent resident visa. Since the applicant had been the subject of an enforced removal order and had been denied authorization to return to Canada, the applicant was inadmissible.

Applicant's Written Submissions

[15] The applicant submitted with regard to withdrawing the PRRA, that there was a change in his fear of return to Mexico which enabled him to return safely. The visa officer did not consider this when he found that the PRRA was initiated for bogus reasons.

[16] The applicant submits that the visa officer erred in concluding that the 11 month delay amounted to a misrepresentation. The visa officer imported an incorrect standard by assigning a motive to the filing of the PRRA application, as opposed to the failure to depart with 30 days. If the visa officer's analysis is correct, no one with a previous refugee claim who also applies for a PRRA will be eligible for an ARC.

[17] Visa officers have a duty to let an applicant know their immediate impressions and concerns are so that the applicant can address them. In sum, procedural fairness dictates that the visa officer was obliged to reveal to the applicant that the visa officer's sole consideration was the failure to depart within 30 days.

[18] The applicant also submits that the visa officer failed to consider the following:

1. The applicant left Canada voluntarily;
2. He purchased his own plane ticket;
3. He was a contributing and employable member of society; and
4. He was otherwise approved for immigration.

[19] The applicant further submits that the visa officer's credibility findings were based on misconstrued evidence and violated the duty of fairness. The visa officer concluded that because the applicant withdrew his PRRA application in 2007, he had no legitimate reason for submitting one in 2006. The visa officer did not inform the applicant of his credibility concerns, giving the applicant no opportunity to respond.

Respondent's Written Submissions

[20] The appropriate standard of review for an ARC decision is reasonableness. Little in the way of reasons or justification is required of a decision maker in this context.

[21] The respondent submits that the visa officer did consider the applicant's explanation that there may have been a change in the applicant's fear but rejected it. The visa officer was clearly open to granting an ARC if the applicant could provide a satisfactory explanation for why he did not leave on time. There is no criteria set out in the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the Act) or the *Immigration and Refugee Protection Regulations*, S.O.R./2002-227, (the Regulations) to follow in considering an ARC request. However, the reason for an applicant not leaving Canada is pivotal. The visa officer considered the applicant's response to the question of why he had taken so long to leave, but simply did not think the applicant gave a direct response. The record suggests that the applicant never really answered the question.

[22] Overall, the respondent submits that the visa officer's decision was reasonable. The applicant's argument that he did not know of the case to meet is without merit. The letters from the Embassy specifically ask for more in the way of explanation for why the applicant did not leave on time. Thus, the applicant was well informed that this was a big part of the visa officer's decision. Finally, it was not unreasonable for the visa officer to draw a negative inference from the facts surrounding the applicant's receipt of the letter from the Canadian Embassy and his subsequent withdrawal of his PRRA application.

Issues

[23] The following are the issues in this case:

1. What is the appropriate standard of review?

2. Was the hearing fair?

3. Was the visa officer's decision unreasonable?

Analysis and Decision

[24] Before addressing the applicant's arguments in more detail, I find it helpful to set out the relevant statutory framework upon which an ARC decision is made. This was done concisely by Mr. Justice Legacé in *Khakh v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 710, [2008] F.C.J. No. 904 (QL).

> 14 The authority granted to the [ARC] is contained in subsection 52(1) of the Act, which states:
>
> > 52. (1) If a removal order has been enforced, the foreign national shall not return to Canada, unless authorized by an officer or in other prescribed circumstances.
>
> . . .
>
> 15 Failed refugee claimants such as the applicants are subject to removal from Canada once their claim has been finally determined. Section 223 of the *Immigration and Refugee Protection Regulations*, S.O.R./2002-227 (the Regulations) outlines three types of removal orders, namely, departure orders, exclusion orders and deportation orders.

> 16 Under subsection 224(2) of the Regulations, a foreign national who is issued a departure order must leave Canada within 30 days of the order becoming enforceable. Failure to do so results in the departure order becoming a deportation order.
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> 17 This transformation is significant. Under section 224 (1) of the Regulations, a foreign national subject to an enforced departure does not need to obtain authorization under subsection 52(1) of the Act in order to return to Canada. However, once a departure order becomes an enforceable deportation order, removal from Canada carries significant consequences. Section 226 of the Regulations, which governs deportation orders, states that a foreign national subject to an enforced deportation order cannot return to Canada at any point in the future without first obtaining written authorization to do so.

[25] In the case at bar, the applicant became subject to an enforceable departure order in May 2006 when this Court dismissed his application for leave and judicial review of his refugee claim. Because the applicant did not leave until July 10, 2007, after it had become a deportation order, he needed to obtain the ARC before he could re-enter Canada.

[26] **Issue 1**

What is the appropriate standard of review?

With respect to the issue of procedural fairness, the standard of review is correctness.

[27] The appropriate standard of review for a decision of this type (ARC decision) is reasonableness. This Court recently addressed this issue in the context of an ARC decision in the case of *Umlani v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 1373, 77 Imm. L.R. (3d) 179. In that case, Mr. Justice Russell held:

> 21 The Supreme Court of Canada in *Dunsmuir* also held that the standard of review analysis need not be conducted in every instance. Instead, where the standard of review applicable to the particular question before the court is well-settled by past jurisprudence, the reviewing court may adopt that standard of review. Only where this search proves fruitless must the reviewing court undertake a consideration of the four factors comprising the standard of review analysis.
>
> 22 The Court in *Sahakyan v. Canada (Minister of Citizenship and Immigration)*, [2004] F.C.J. No. 1875, 2004 FC 1542 (*Sahakyan*) held that on judicial review of an application under section 52 of the Act, the standard of review is reasonableness *simpliciter*.
>
> 23 Thus, in light of the Supreme Court of Canada's decision in *Dunsmuir* and the previous jurisprudence of this Court, I find the standard of review applicable to the issue of whether the Officer properly exercised his discretion to be reasonableness. When reviewing a decision on the standard of reasonableness, the analysis will be concerned with "the existence of justification, transparency and intelligibility within the decision-making process [and also with] whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law" (*Dunsmuir* at paragraph 47). Put another way, the Court should only intervene if the Decision was unreasonable in the sense that it falls outside the "range of possible, acceptable outcomes which are defensible in respect of the facts and law."
>
> …
>
> 60 I agree with the Respondent that, given the highly discretionary and fact-driven nature of ARC decisions, the Court should extend considerable deference in reviewing any such decision against the reasonableness standard. As the case law makes clear, little in the way of reasons or justification is required of a decision maker in this context. …

[28] I agree with this analysis and would accord considerable deference in reviewing an ARC decision.

[29] **Issue 2**

Was the hearing fair?

I have come to the conclusion that the applicant was given a fair hearing. The applicant claims he was not adequately informed of the visa officer's concerns or the case he was required to meet and thus was robbed of the opportunity to address those concerns. The applicant, however, was sent not one but two letters asking specifically for the applicant to provide an explanation for why he did not leave Canada within the prescribed time. In my view, he was adequately informed of the case he was required to meet and given more than a sufficient amount of time to respond. There was no breach of procedural fairness.

[30] This application does not turn on the level of procedural fairness required in the processing of ARC requests, although in my opinion, these decisions are at the lower end of the spectrum. This application alleges a specific and fundamental breach.

[31] The principle of *audi alteram partem* is a fundamental tenet of natural justice. In the immigration context, whenever the Minister proposes to exercise his discretion to refuse an application on the basis of particular facts, the principle applies and the applicant must be afforded a fair opportunity to state his position with respect to any matters that would lead to the rejection of his application (see *Lazarov v. Canada (Secretary of State)*, [1973] F.C. 927 (C.A.) at paragraph 25).

[32] I find *Sahakyan v. Canada (Minister of Citizenship and Immigration)*, 2004 FC 1542, [2004] F.C.J. No. 1875 (QL), to be quite helpful in this particular context. In that case, Mr. Sahakyan was a failed refugee claimant. He should have left Canada by March of 2000, after which his departure order became a deportation order. He left voluntarily in June of 2000, but because of his late departure, he required an ARC in order to return. In processing his request, the Canadian Embassy sent him a form letter which asked him to explain in detail the reasons why it was in Canada's national interest to give that authorization. Predictably, Mr. Sahakyan's response addressed this concern as best he could, emphasizing his qualifications and intention to work hard and become a productive member of society. The letter rejecting his request for authorization made it clear that the officer's primary concern was Mr. Sahakyan's failure to comply with immigration requirements.

[33] In quashing the rejection, Mr. Justice Harrington articulated his concern with procedure afforded to Mr. Sahakyan as follows:

> 25 "Audi alteram partem" is at the heart of natural justice. It means that Mr. Sahakyan had the right to be heard, to know the case he had to meet and to have the opportunity to respond to that case. The officer had a legitimate concern in his late departure. Even though Citizenship and Immigration, Montreal, had informed him it had no objection to Mr. Sahakyan's returning to Canada, the decision was his to make. He would have been derelict in his duty if he ignored the late departure. However, his duty was to enquire, a duty he did not discharge.
>
> …
>
> 29 Had Mr. Sahakyan been given an opportunity to explain the delay he would have said, as he said before this Court, that he was applying to the Québec Delegate for Immigration status through Mexico, had to give up his Armenian passport in order to get a

> Mexican visa, and could not leave Canada before the passport was returned to him.

[34] In the case at bar, the visa officer did inquire, twice in fact. The first letter sent August 3, 2007, included the specific direction: "Your written submission should include an explanation of the reasons you did not depart Canada within the 30 days of your departure order becoming enforceable". After being unsatisfied with the applicant's response, the Minister afforded the applicant an additional opportunity with its letter dated January 18, 2008, that again asked specifically for "Letter explaining additional reasons of why you did not leave Canada after being ordered to depart in 2006". The applicant's letter in response dated February 1, 2008, indicated that the applicant knew what the Minister was requesting. It stated in part: "Departure Order: You wish to have an explanation for the fact that Mr. Pacheco did not affect his departure in late 2006, before the PRRA was offered to him."

[35] For the above reasons, there can be no claim that the applicant was not informed of the case he was required to meet. The applicant was more than adequately informed that an explanation for his late departure was the visa officer's main concern and he was given more than sufficient opportunities to state his position. I would not allow judicial review on this ground.

[36] **Issue 3**

Was the visa officer's decision unreasonable?

I have reviewed the correspondence between the parties, the decision itself and the affidavits of both the applicant and the visa officer. In my opinion, the visa officer's decision was reasonable.

Even though extensive reasons are not required for these highly discretionary administrative decisions, the reasons provided by the visa officer display transparency, intelligibility and justification for his ultimate conclusion.

[37] In arguing that the decision was unreasonable, the applicant makes two primary submissions. First, the applicant argues that the visa officer based his decision on an unreasonable credibility finding. Second, the applicant submits that the visa officer misconstrued evidence in general and failed to consider several ameliorating factors. I will deal with each challenge separately.

Credibility Finding

[38] As stated above, in the visa officer's opinion, the sole reason the applicant submitted a PRRA application was to gain more time in Canada. The visa officer also concluded that the applicant's reasons for later withdrawing the PRRA application had more to do with the letter he received from the Canadian Embassy than any change in the circumstances surrounding his claimed fear. I would agree with the applicant that by doing so, the visa officer openly doubted the applicant's credibility. It was akin to making a negative credibility finding.

[39] The applicant says that if the truth of his motive in seeking the PRRA were of prime concern to the visa officer, the visa officer had a duty to make this concern known to the applicant and give him a proper opportunity to respond. I disagree. The applicant's credibility had already been

impugned in the refugee and PRRA decision and in any event, the applicant's true motive for seeking a PRRA was not the basis upon which the visa officer made his decision. The visa officer did not need to make any finding on what the applicant's precise motives were.

[40] After examining the decision and the correspondence that preceded it, it is apparent that the applicant's true motive for seeking a PRRA was not the visa officer's prime concern. The visa officer's prime concern, as clearly indicated in the letters, was getting a full explanation for the applicant's failure to depart on time.

[41] In response to those letters, the applicant, citing his PRRA application, denied breaching any immigration rules or not departing on time. It is easy to understand why the visa officer would not find this to be a satisfactory explanation. The applicant was supposed to leave Canada voluntarily before July 27, 2006 and did not even receive the PRRA offer until November of 2006.

[42] The applicant's implicit explanation and his primary submission now is that he did not return earlier because he was still in fear. This made the sincerity of his fear the key part of his explanation for staying late and the applicant made submissions to the visa officer substantiating his fear. However, since both the Board and a PRRA officer had dismissed his applications in part for reasons of a lack of credibility, it was not improper for the visa officer to respect those decisions and similarly question the applicant's fear. The visa officer would have been derelict in his duty to ignore those previous decisions.

[43] The applicant's sudden willingness to return to Mexico, combined with the evidence of the letter from the Canadian Embassy, was but an additional reason to agree with the Board and the PRRA officer's conclusions that there was not a sufficient degree of harm awaiting the applicant in Mexico.

[44] The visa officer was not required to ask specifically for an explanation for his sudden willingness to return. The applicant knew the case to be met and I am satisfied that if such an explanation existed, it would have been offered by the applicant.

[45] In sum then, the visa officer's negative credibility finding was justified based on the evidence and previous decisions. It was also appropriate in this context because the applicant had made it the centerpiece of his answer to the visa officer's primary inquiry, the reason for the applicant's late departure.

Evidence Ignored

[46] The applicant alleges that the visa officer improperly focused on the applicant's failure to depart within 30 days to the exclusion of all else. Specifically, he improperly ignored the following factors:

1. That the applicant left Canada voluntarily;
2. He purchased his own plane ticket;

3. He was a contributing member of society and was employable on his return (i.e. his past and potential economic contribution); and

4. The fact that he was otherwise approved for immigration (i.e. he had the requisite number of points).

[47] Unlike some other discretionary decisions made under the Act, delegates of the Minister making ARC decisions are not required to undertake any specific considerations. In *Chazaro v. Canada (Minister of Citizenship and Immigration),* 2006 FC 966, [2006] F.C.J. No. 1234 (QL), on similar facts, Mr. Justice Blais described the lack of set requirements but also found that an applicant's explanation for not departing on time will be of central importance and cannot be ignored:

> 19 Neither the Act nor the Regulation specifies any criteria for the officer in charge of assessing the application for authorization to return. However, guidelines are given in *Sahakyan, supra*. In paragraph 23, Harrington J. wrote that the pivotal issue for the type of assessment that was conducted in this case is the analysis of the reasons for which the applicant delayed in leaving Canada:
>
> > In the final resort, it falls upon the courts, not the Minister or his officers, to construe the Act. The officer's focus on matters which would not have been relevant had Mr. Sahakyan left in time, shows that he misconstrued the Act. This is not to say that Mr. Sahakyan's Canadian history is not relevant. What it does mean is that that history must be relevant to his late departure. <u>The centrepiece of the officer's concern had to be the reasons why Mr. Sahakyan left in June, rather than in March</u>.
>
> [Emphasis in original]

[48] The applicant however, points to *Akbari v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 1421, [2006] F.C.J. No. 1773 (QL) for the proposition that it is a reviewable error for ARC decision to be based solely on an applicant's immigration history, without considering other factual circumstances. Ms. Akbari was also a failed refugee claimant who also had green card status in the U.S.A., went to the U.S.A. and unwittingly effected her own removal from Canada and was refused an ARC to return. She was married to a Canadian citizen, but he could not enter the U.S.A. without a waiver because he was married to a green card holder. At the same time, Canadian immigration authorities had seized her passport and then lost it and she had been unable to obtain a new passport. Thus, Ms. Akbari and her husband could not meet in a third country. She was in a very awkward situation (not totally of her own making) and the Court recognized that. Madam Justice Layden-Stevenson explained that it was the failure of the officer to make any reference to her situation in her reasons that constituted a reviewable error.

> 13 If the immigration officer considered Ms. Akbari's specific submissions, his notes do not reflect that consideration. Absent some indication in the notes that the officer at least turned his mind to Ms. Akbari's circumstances, I have little choice but to assume that he did not.

[49] Madam Justice Layden-Stevenson then restricted her conclusion to that bizarre set of circumstances.

> 14 In my view, it follows that the failure of the officer to consider the totality of the evidence resulted in a denial of procedural fairness to Ms. Akbari. I emphasize that my conclusion is factually driven and it applies to the unique circumstances of this matter. Further, my determination is not to be construed as constituting an opinion or position regarding the merits of Ms. Akbari's ARC application.

[50] Despite its reference to procedural fairness, I read the facts in *Akbari* above, as also giving rise to a reviewable substantive error. In other words, on those facts, Ms. Akbari demonstrated that the officer made an unreasonable decision.

[51] Generally in ARC decisions, an officer has discretion to determine which factual circumstances he or she will consider. ARC decisions should not be construed as mini humanitarian and compassionate applications. Instead, ARC decisions are not only highly discretionary in nature but are "largely based on open-ended and subjective discretion." (see *Akbari* above, at paragraphs 8 and 11).

[52] Without special circumstances akin to the circumstances in *Akbari* above, visa officers are not required to specifically address all of an applicant's circumstances in their reasons, "Nor is there a requirement that formal reasons be provided." (*Akbari* above, at paragraph 11).

[53] Ms. Akbari's unique situation required special consideration. Similar circumstances do not exist in the case at bar. Moreover, there is no evidence to rebut the presumption that the visa officer did in fact consider the above noted factors. An ARC decision maker is not required to give formal or comprehensive reasons.

[54] On balance, the applicant has not shown that the decision was unreasonable. I would not allow judicial review on this ground.

[55] With respect to Court file IMM-1266-09 which was a judicial review of the decision of the officer refusing the applicant's application for a permanent residence visa as a member of the economic class, this application must fail. Since the applicant did not leave Canada before a deportation order was issued against him, he could not return to Canada without an ARC (see subsection 52(1) of the Act). As his ARC application was denied, he remains inadmissible to Canada. This was the reason that the officer gave for denying the application.

[56] The applications for judicial review are therefore dismissed.

[57] Neither party wished to submit a proposed serious question of general importance for my consideration for certification.

JUDGMENT

[58] **IT IS ORDERED that** the applications for judicial review are dismissed.

"John A. O'Keefe"

Judge

ANNEX

Relevant Statutory Provisions

The *Immigration and Refugee Protection Act*, S.C. 2001, c. 27

52.(1) If a removal order has been enforced, the foreign national shall not return to Canada, unless authorized by an officer or in other prescribed circumstances.	52.(1) L'exécution de la mesure de renvoi emporte interdiction de revenir au Canada, sauf autorisation de l'agent ou dans les autres cas prévus par règlement.

The *Immigration and Refugee Protection Regulations*, SOR/2002-227

223. There are three types of removal orders, namely, departure orders, exclusion orders and deportation orders.	223. Les mesures de renvoi sont de trois types : interdiction de séjour, exclusion, expulsion.
224.(1) An enforced departure order is prescribed as a circumstance that relieves a foreign national from having to obtain authorization under subsection 52(1) of the Act in order to return to Canada.	224.(1) L'exécution d'une mesure d'interdiction de séjour à l'égard d'un étranger est un cas prévu par règlement qui exonère celui-ci de l'obligation d'obtenir l'autorisation prévue au paragraphe 52(1) de la Loi pour revenir au Canada.
(2) A foreign national who is issued a departure order must meet the requirements set out in paragraphs 240(1)(a) to (c) within 30 days after the order becomes enforceable, failing which the departure order becomes a deportation order.	(2) L'étranger visé par une mesure d'interdiction de séjour doit satisfaire aux exigences prévues aux alinéas 240(1)a) à c) au plus tard trente jours après que la mesure devient exécutoire, à défaut de quoi la mesure devient une mesure d'expulsion.
(3) If the foreign national is detained within the 30-day period or the removal order	(3) Si l'étranger est détenu au cours de la période de trente jours ou s'il est sursis à la

against them is stayed, the 30-day period is suspended until the foreign national's release or the removal order becomes enforceable.

mesure de renvoi prise à son égard, la période de trente jours est suspendue jusqu'à sa mise en liberté ou jusqu'au moment où la mesure redevient exécutoire.

. . .

. . .

226.(1) For the purposes of subsection 52(1) of the Act, and subject to subsection (2), a deportation order obliges the foreign national to obtain a written authorization in order to return to Canada at any time after the deportation order was enforced.

226.(1) Pour l'application du paragraphe 52(1) de la Loi, mais sous réserve du paragraphe (2), la mesure d'expulsion oblige l'étranger à obtenir une autorisation écrite pour revenir au Canada à quelque moment que ce soit après l'exécution de la mesure.

FEDERAL COURT

SOLICITORS OF RECORD

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