

Federal Court



Cour fédérale

Date: 20100531

Docket: IMM-5501-09

Citation: 2010 FC 590

Montréal, Quebec, May 31, 2010

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

BERNARD PFUPA

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] In acknowledgement, on the one hand of the fragility of the human condition of an individual and on the other of the need to ensure that the integrity of the immigration system is respected and maintained for Canadian society which is composed of a collectivity of individuals;

[2] In recognition of the setting, the specific set of circumstances and distinct facts of this case, a case onto itself, and its unique nature in its particular context (cas d'espèce).

[3] In acknowledgement of the equally significant submissions of both parties;

[4] And, in light of the communication from the Embassy of the country in question, greater scrutiny, thus, further examination is warranted as to what constitutes an adoption, and whether a customary adoption, in fact, does constitute an adoption in the country in question; if so, does that, in and of itself, meet the requirements of adoption as interpreted in Canada, subsequent to the necessary demonstration of evidence in that regard;

[5] In recognition of the above, the Court concludes that the application for judicial review is granted, simply due to the issues not having been resolved substantially enough with an adequately motivated decision;

[6] Thereupon, the matter is returned to a different immigration officer (decision-maker). This is in order for a submission of documents to take place anew (*de novo*) by which the issues, if returned to this Court, will have been responded to, in a more substantial manner with a decision that will have been adequately motivated as to what does, or does not, constitute an adoption in the country in question, and why;

ORDER

THIS COURT ORDERS that the application for judicial review be granted on the basis of the reasons above, thus, to be determined anew (*de novo*) by a different immigration officer (decision-maker). No question of general importance is certified.

“Michel M.J. Shore”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5501-09

STYLE OF CAUSE: BERNARD PFUPA v. M.C.I.

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: May 31, 2010

**REASONS FOR ORDER
AND ORDER :** SHORE J.

DATED: May 31, 2010

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