Federal Court



#### Cour fédérale

Date: 20120918

**Docket: T-478-12** 

**Citation: 2012 FC 1088** 

Toronto, Ontario, September 18, 2012

PRESENT: The Honourable Mr. Justice Near

**BETWEEN:** 

# MAJOR KEYVAN NOURHAGHIGHI AND FARZAD NOUR HAGHIGHI

**Applicants** 

and

### THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

### **REASONS FOR ORDER AND ORDER**

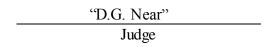
- [1] The Respondent in this matter brings a motion to strike the application filed with the Court.
- [2] I have reviewed the material before the Court and considered the submissions of Counsel for the Respondent and Mr. Nourhaghighi.
- [3] In my view it is clear that s.72(1) of *IRPA* applies to the decision in question, namely that of a visa officer considering a temporary visitation visa. As such the proper procedure is to bring an

application for leave under section 72 of *IRPA*. The Applicant, Mr. Nourhaghighi, incorrectly brought an application for judicial review under sections 18.1(1)(a) and 18 (4)(2) of the *Federal Courts Act*.

[4] There is no order as to costs.

## **ORDER**

THIS COURT ORDERS that the motion to strike the application in its entirety in this matter is granted.



#### FEDERAL COURT

#### **SOLICITORS OF RECORD**

**DOCKET:** T-478-12

STYLE OF CAUSE: MAJOR KEYVAN NOURHAGHIGHI AND FARZAD

NOUR HAGHIGHI v THE MINISTER OF CITIZENSHIP

AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** September 17, 2012

**REASONS FOR ORDER** 

**AND ORDER BY:** NEAR J.

**DATED:** September 18, 2012

**APPEARANCES:** 

Major Keyvan Nourhaghighi FOR THE APPLICANTS

(ON HIS OWN BEHALF)

John Loncar FOR THE RESPONDENT (Minister of Citizenship

and Immigration)

Helen A. Daley FOR THE RESPONDENT

Sean L. Gosnell FOR THE RESPONDENT

Darrell Kloeze FOR THE RESPONDENT

**SOLICITORS OF RECORD:** 

N/A FOR THE APPLICANTS

(ON HIS OWN BEHALF)

Myles J. Kirvan FOR THE RESPONDENT (Minister of Citizenship

Deputy Attorney General of Canada and Immigration)