

Federal Court



Cour fédérale

**Date: 20140410**

**Docket: IMM-4436-13**

**Citation: 2014 FC 353**

**Ottawa, Ontario, April 10, 2014**

**PRESENT: Madam Justice Sandra J. Simpson**

**BETWEEN:**

**FIRAS ZUREGAT**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This case concerns the Immigration and Refugee Board's [the Board] decision of June 7, 2013 refusing to reopen the Applicant's refugee claim [the Decision]. He had failed to file a Basis of Claim form by April 29, 2013 and he did not appear at a hearing on May 3, 2013 to explain his failure to file. His refugee claim was therefore declared abandoned in a decision dated May 3, 2013 [the Earlier Decision].

[2] In its Earlier Decision, the Board said “The Basis of Claim form kit was provided to him in Arabic which is the language he speaks.” This passage helps explain a comment in the Decision under review which reads “At the time the applicant claimed for refugee protection, he was provided a Basis of Claim kit with instructions in Arabic language.”

[3] Counsel for the respondent suggests that this statement means that, although the kit was in English, the Applicant received instructions through an Arabic interpreter. However, the Earlier Decision makes it clear that the Board thought the Arabic language was the language in which the kit was written. This error caused the Board to reject the Applicant’s explanation that he failed to file on time or appear because he didn’t understand English.

[4] Accordingly, the Decision on its face discloses a failure of natural justice in that the Board relied on the existence of a Basis of Claim Form in Arabic which does not exist.

I. **Certification**

[5] No question was posed for certification for appeal.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application is allowed, the Decision is set aside and the Respondent is directed to process the Applicant's refugee claim based on the Basis of Claim Form he filed on May 8, 2013.

\_\_\_\_\_  
"Sandra J. Simpson"

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-4436-13

**STYLE OF CAUSE:** FIRAS ZUREGAT v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 6, 2014

**REASONS FOR JUDGMENT  
AND JUDGMENT:** SIMPSON J.

**DATED:** APRIL 10, 2014

**APPEARANCES:**

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Ms. Amina Riaz FOR THE RESPONDENT

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