

Federal Court



Cour fédérale

**Date: 20170222**

**Docket: IMM-2802-16**

**Citation: 2017 FC 213**

**Toronto, Ontario, February 22, 2017**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**ABDULKADIR YUSUF ALI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Mr. Abdulkadir Yusuf Ali (the “Applicant”) seeks judicial review of the decision made by the Immigration and Refugee Board, Refugee Protection Division (the “Board”) denying his claim to be found a Convention refugee or a person in need of protection pursuant to section 96 and subsection 97(1), respectively, of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The application is allowed because the record of the hearing before the Board is incomplete, that is the Compact Disc for the first hearing date of March 4, 2016, does not record the proceedings of that day and the written transcript consists of three and a half pages, including the cover page.

[3] It is impossible to determine what evidence was heard on March 4, 2106.

[4] Accordingly, the application for judicial review is allowed, the decision of the Board is set aside and the matter remitted for re-hearing before a different Member of the Board.

[5] There is no question for certification arising.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application for judicial review is allowed, the decision of the Immigration and Refugee Board, Refugee Protection Division is set aside and the matter remitted for re-hearing before a different Member of the Refugee Protection Division. There is no question for certification arising.

"E. Heneghan"

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Judge

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

**DOCKET:** IMM-2802-16

**STYLE OF CAUSE:** ABDULKADIR YUSUF ALI V MCI

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** FEBRUARY 22, 2017

**JUDGMENT AND REASONS:** HENEGHAN J.

**DATED:** FEBRUARY 22, 2017

**APPEARANCES:**

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FOR THE APPLICANT

Meva Motwani

FOR THE RESPONDENT

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FOR THE APPLICANT

FOR THE RESPONDENT