

Federal Court



Cour fédérale

Date: 20180613

Docket: T-1886-17

Citation: 2018 FC 615

[ENGLISH TRANSLATION]

Montréal, Quebec, June 13, 2018

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

SULAIMAN ALMUHAIDIB

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Following an application for judicial review, the applicant is seeking a writ of prohibition and a writ of *mandamus* pursuant to sections 22.1 and 22.4 of the *Citizenship Act*, RSC, 1985, c C-29 [CA], and sections 18 and 18.1 of the *Federal Courts Act*, RSC, 1985, c F-7.

[2] The applicant is seeking to have the request of a citizenship officer declared illegal and abusive and to stop the proceedings the respondent initiated under section 23.1 of the CA.

[3] The applicant is asking the Court to require by way of a writ of *mandamus* that the applicant be summoned for a citizenship oath ceremony.

[4] According to the Court, as specified by the respondent, jurisdiction on admissibility originates from the Minister's jurisdiction (*Zhao v. Canada (Citizenship and Immigration)*, 2016 FC 207; and subsection 22(6) of the CA).

[5] The applicant's application to obtain a determination on reasonableness is premature at this stage.

[6] Moreover, not all the criteria for obtaining a writ of *mandamus* have been met (*Tayeb Ali v. Canada (Citizenship and Immigration)*, 2016 FC 1051; see also *Apotex Inc. v. Canada (Attorney General)*, [1994] 1 FC 742 (C.A.), affg. [1994] 3 SCR 1100; *Canada (Citizenship and Immigration) v. Nilam*, 2017 FCA 44 and the same application for leave to appeal the Federal Court of Appeal decision). The Federal Court of Appeal confirmed pursuant to section 13.1 of the CA that the Minister had the authority to suspend the proceedings of a citizenship case "for as long as is necessary" when questions of admissibility might lead to a prohibition.

[7] Based on the serious doubt about certain erroneous information under paragraph 22(1)(e.1) of the CA, an officer may request additional information authorized in section 23.1 of the CA (see also *GPP v. Canada (Citizenship and Immigration)*, 2018 FC 562).

[8] The question of time pursuant to section 23.1 of the CA was clearly presented and established. The officer consented to a first extension of time, but not to a second, given the circumstances of the applicant failing to provide the requested copies of passports.

[9] The applicant cannot be summoned to take an oath of citizenship, because his case is suspended under section 13.1 of the CA.

[10] The applicant did not respond to the last notice asking him to submit evidence pertaining to the requests for information or, at least, evidence of the steps he took to submit missing information (see Parliament's intent set out in the headnote of C-24 and the orders issued, particularly with respect to the truthfulness of information).

[11] Since the reason the officer did not make a decision was the applicant's lack of response, the delay cannot be attributed to the Minister or the officer.

[12] The applicant's applications cannot be considered, because they are premature at this stage of proceedings (*Canada (Border Services Agency) v. C.B. Powell Limited*, 2010 FCA 61).

JUDGMENT in T-1886-17

Based on the analysis above, **THIS COURT’S JUDGMENT is that** the applications are premature. Moreover, the applications for a writ of prohibition and a writ of *mandamus* are also dismissed. There is no question of importance to be certified.

“Michel M. J. Shore”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1886-17

STYLE OF CAUSE: SULAIMAN ALMUHAIDIB v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: JUNE 12, 2018

JUDGMENT AND REASONS: SHORE J.

DATED: JUNE 13, 2018

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