Date: 20231122

Docket: IMM-4136-21

Citation: 2023 FC 1550

Ottawa, Ontario, November 22, 2023

PRESENT: The Honourable Madam Justice Aylen

BETWEEN:

SURAYA MUHIDIN HASSAN

Applicant

and

THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS

Respondent

JUDGMENT AND REASONS FOR JUDGMENT

[1]   The Applicant seeks judicial review of a decision by the Refugee Protection Division [RPD] vacating her refugee status pursuant to section 109 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*]. The RPD determined that the Applicant had misrepresented her citizenship and identity and that she was not Suraya Muhidin Hassan, a citizen of Somalia, but was rather a Kenyan citizen named Hafsa Ahmed Nur Mohamed [Ms. Mohamed].

[2] The Applicant asserts that the RPD's decision was unreasonable on a number of grounds and that she was denied procedural fairness.

[3] For the reasons that follow, the application for judicial review shall be dismissed.

I. Background

[4] The Applicant claims that she is a citizen of Somalia and that she entered Canada on August 25, 2017 using a fraudulent Swedish passport. The Applicant successfully claimed refugee protection in 2018 based on a well-founded fear of persecution by Al-Shabaab. In assessing her identity for the purpose of her refugee claim, the RPD relied upon the Applicant's testimony, the testimony and affidavit of a family friend and a letter from a community service organization that provides settlement services to refugees, as she had no identity documents.

[5] On November 18, 2020, the Minister of Public Safety and Emergency Preparedness [Minister] brought an application under section 109 of the *IRPA* seeking to vacate the Applicant's refugee status on the ground that the Applicant had misrepresented her personal and national identity and how and when she travelled to and entered Canada. The Minister alleged that her true identity was Ms. Mohamed, a Kenyan citizen who applied for a study permit to attend NorQuest College [College] in Edmonton, Alberta and entered Canada on August 10, 2017, fifteen days before the Applicant claimed she arrived. Correspondence between the Associate Registrar for Admissions and Information at the College and the Minister confirmed that Ms. Mohamed applied for and was offered admission to the College in the fall of 2017, but that she did not enroll in or attend any classes (despite paying fees).

[6]   After comparing photos submitted by Ms. Mohamed in support of her study permit application (including her Kenyan passport and a photo taken during her immigration medical examination) to photos of the Applicant, the Minister decided that they were the same person and applied to have the Applicant's refugee protection vacated. In support of the vacation application, the Minister provided the RPD with various documents related to Ms. Mohamed's study permit, travel visa, entry to Canada and her admission and fee payment to the College. The Minister also included photos from both the Applicant and Ms. Mohamed's GCMS files. At the hearing, the Minister drew attention to: (a) a scar that appears on the Applicant's cheek in her photographs, as well as a similarly positioned scar in one of Ms. Mohamed's photographs; and (b) other resemblances between the two sets of photos, including the shape of their eyebrows, nostrils, eyes and similar asymmetries on the right side of their lips.

[7]   In her written submissions and oral testimony at the hearing, the Applicant raised three primary issues. First, the Applicant challenged the Minister's alleged use of facial recognition technology and argued that it was unfair for the Minister to use it as the "basis of its evidence before a quasi-judicial tribunal." In particular, the Applicant argued that matching photos using facial recognition technology is not a reliable method for establishing identity because it is not "scientifically valid" (unlike comparing fingerprints). Furthermore, the Applicant claimed that facial recognition technology is particularly inaccurate for dark-skinned faces. To support these arguments, the Applicant submitted articles and a report related to the general use of facial recognition technology, including: (i) a CBC article dated July 6, 2020 entitled "Clearview AI stops offering facial recognition software in Canada amid privacy probe"; (ii) an article dated July 10, 2020 entitled "Canadians can now opt out of Clearview AI facial recognition, with a catch";

(iii) an article published by the American Civil Liberties Union entitled "Amazon's Face Recognition Falsely Matched 28 Members of Congress with Mugshots"; and (iv) a copy of the "2020 Annual Report to Parliament on Immigration" for the period ending December 31, 2019.

[8]   However, at the hearing before the RPD, counsel for the Applicant conceded that he had no evidence that the Minister or CBSA was using artificial intelligence and accepted that they were not using Clearview AI, but was of the view that it "defied logic" to suggest that they located the photos and information about Ms. Mohamed by other means.

[9]   Second, the Applicant asserted that, if the RPD accepted that the Minister's evidence was derived from the use of facial recognition technology, the correct legal standard that the RPD should apply in comparing the Applicant's and Ms. Mohamed's photographs was that of beyond a reasonable doubt, rather than a balance of probabilities.

[10]   Third, the Applicant asserted that the photographs did not establish that the Applicant and Ms. Mohamed are the same person, because there were "many significant differences" between the two photos. The Applicant's evidence was that:

A. The Applicant's face is rounder and she has cheeks that are chubby, whereas Ms. Mohamed's cheeks are not chubby and her face is narrower and not as round.

B. Their pupils are similar but the Applicant's lower eyelids are more prominent.

C. The Applicant's ears are covered by her hijab, so it was impossible to compare based on these photos, but the Applicant believed that her ears do not stick out as far as Ms. Mohamed's ears.

D. Their bottom lips are similar but the Applicant's upper lip is a different shape. Their upper lips are similar but Ms. Mohamed's upper lip is short and more defined.

E. The bridge of their noses are the same but the Applicant's nostrils are flared, whereas Ms. Mohamed's are not.

F. The Applicant believes her forehead is higher than Ms. Mohamed's, but it was hard to tell given that the Applicant wears a hijab.

G. Ms. Mohamed had bigger eyes than the Applicant.

[11]   The Applicant did not offer any explanation as to why she could not be Ms. Mohamed, aside from referring to differences in their appearances (e.g. based on timelines, new identity documents or documentary evidence related to her entry to Canada).

[12]   At the hearing, the Minister took the position that the evidence submitted by the Applicant in relation to facial recognition technology was not relevant to the proceeding and that all of the Minister's evidence was retrieved from internal IRCC and CBSA system records (other than the correspondence from the College).

[13]   There was no evidence before the RPD that any form of facial recognition technology had been used by the IRCC or the CBSA.

II.   The RPD Decision

[14]   The RPD allowed the Minister's application to vacate the Applicant's refugee status. The RPD's decision turned heavily on comparing five photographs of Ms. Mohamed and the Applicant, which were taken from their respective immigration records. The RPD held that, on comparing the student permit photograph with the Applicant's refugee photograph, differences were visible to the naked eye that may have to do with the positioning of the headscarves and the positioning of the heads. However, the RPD went on to consider the additional photographs, including the Applicant's photograph that was uploaded to GCMS on October 15, 2017, the Applicant's permanent resident photograph taken on January 28, 2019 and the photograph in Ms. Mohamed's passport.

[15]   The RPD found that the resemblance between Ms. Mohamed's image in her passport and the Applicant's permanent residence photograph was marked. The headscarf is worn in a similar way in both photographs and the differences pointed out by the Applicant could not be seen. The jawline and shape of face was similar, as was the nose and shape of the lips, in particular the lower lip. The Applicant's jaw did not appear as rounded as it did in the permanent resident card photograph of September 2019 and the eyes were wider. To the naked eye, the two individuals in the passport photograph and the October 15, 2017 photographs are the same person. The RPD also observed that, to its naked eye, the photograph of the Applicant that was uploaded on October 3, 2017 also bore a striking resemblance to Ms. Mohamed's passport photograph.

[16]   The RPD concluded that there were clear and strong resemblances in the photographs of the Applicant and Ms. Mohamed, including in relation to: (a) the shape of the eyebrows where visible, especially the top of the eyebrows which is flat; (b) the shape, positioning and size of the nostrils; (c) the shape, positioning and size of the eyes; (d) the visible asymmetry on the right side of the lips; and (e) the small scar on the mid to lower left cheeks of both individuals.

[17]   The RPD concluded that:

> [23] The panel has carefully considered the evidence before it, including the Minister's Application, the photographs on which the Minister relies, the affidavits submitted by the Respondent, and her oral testimony. The panel specifically considered the submissions of both counsel regarding the points of similarity and difference between the photographs tendered by the Minister. Having considered the evidence, in particular the photographic evidence, the panel finds on a balance of probabilities, that the photographs tendered into evidence depict the same person. The panel finds that the points of similarity outweigh the differences to the extent that it cannot be said with certainty that the subjects in the photographs are not the same person. In fact, the panel finds on a balance of probabilities, that the October 3, 2017 and October 15, 2017 photographs of the Respondent bear a clear and marked resemblance to Hafsa Ahmed Nur Mohammed's passport photograph that cannot be explained as being features shared by many ethnic Somalis. The panel concludes on a balance of probabilities, that Suraya Muhidin Hassan and Hafsa Ahmed Nur Mohammed are one and the same person.

[18]   In light of their conclusion, the RPD went on to find, on a balance of probabilities, that at the time the Applicant was granted refugee protection she withheld her true identity—a material fact relating to a relevant matter, namely the basis of her claim for protection as a Somalian citizen fearing persecution from Al-Shabaab. Further, the RPD found that there was a causal link between the Applicant withholding her true identity and the grant of refugee protection to her. As a result,

the RPD held that the Minister met its onus in establishing that the grant of refugee protection to the Applicant was obtained as a result of her directly or indirectly misrepresenting or withholding facts related to a relevant matter. Under the circumstances, the RPD concluded that since the original RPD panel did not know the true identity of the Applicant, there could be no sufficient evidence presented that would have justified granting refugee protection.

III.   Preliminary Issues

[19]   The parties raise three preliminary issues. First, the Applicant requests that the style of cause be amended to name the Minister of Public Safety and Emergency Preparedness as the Respondent, instead of the Minister of Citizenship and Immigration. The Respondent consents to this request and I am satisfied the amendment should be made [see *Omar v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 1334 at paragraphs 11-14].

[20]   Second, the Applicant asserts that the affidavit of Bridgette Sullivan affirmed August 3, 2021 [Sullivan Affidavit] should be struck in its entirety, as this Court did in *Omar, supra,* on the basis that the Sullivan Affidavit adduces new evidence that goes to the merits of the case and was not before the RPD. Furthermore, the Applicant asserts that the Sullivan Affidavit is improper because the affiant was counsel at the original RPD hearing and thus is in a conflict of interest.

[21]   The Respondent asserts that the Sullivan Affidavit is relevant and admissible if this Court finds that one of the issues properly before this Court on this application for judicial review is whether the Applicant was denied procedural fairness by the Minister's failure to disclose information about its investigative techniques and in particular, whether facial recognition

technology was used to locate the photographs at issue. The Respondent asserts that contrary to the Applicant's position, this issue is not properly before this Court and if the Court agrees with the Respondent, the Respondent accepts that the Sullivan Affidavit should be struck. For the reasons set out below, I agree that the issue of whether the Applicant was denied procedural fairness by the Minister's failure to disclose information about its investigative techniques is not properly before the Court on this application. Accordingly, the Sullivan Affidavit will be struck in its entirety as inadmissible as it does not fall within any of the enumerated exceptions in *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at paragraphs 19-20.

[22]   Third, the Respondent asserts that paragraphs 6 to 20 of the Applicant's affidavit affirmed July 14, 2021 should be struck on the basis that these paragraphs state opinion, contain legal argument or express legal conclusions. The Applicant denies that the paragraphs are improper, asserting that the evidence does not constitute opinions but rather contains facts that were already before the RPD.

[23]   I find that paragraphs 6-7 and 9-20 of the Applicant's affidavit do in fact contain opinion, argument and legal conclusions, and attempt to put a gloss or explanation on facts relevant to the dispute, none of which is of assistance to the Court in determining the application [see *Canada (Attorney General) v Quadrini,* 2010 FCA 47 at paras 18]. Accordingly, paragraphs 6-7 and 9-20 shall be struck. Paragraph 8 will not be struck, as it is largely factual in nature, with the Applicant confirming that she is a citizen of Somalia and has never travelled to Kenya nor used any Kenyan identity documents.

IV.   Issues and Standard of Review

[24]   This application raises two issues: (i) whether the RPD's decision vacating the Applicant's refugee status was unreasonable; and (ii) whether the Applicant's procedural fairness rights were breached.

[25]   With respect to the first issue, the applicable standard of review is reasonableness. When reviewing for reasonableness, the Court must take a "reasons first" approach and determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible and justified [see *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 8]. A reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision-maker [see *Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 15, 85]. The Court will intervene only if it is satisfied there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency [see *Adenjij-Adele v Canada (Minister of Citizenship and Immigration)*, 2020 FC 418 at para 11].

[26]   With respect to the second issue, breaches of procedural fairness in administrative contexts have been considered reviewable on a correctness standard or subject to a "reviewing exercise ... 'best reflected in the correctness standard' even though, strictly speaking, no standard of review is being applied" [see *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54]. The duty of procedural fairness is "eminently variable," inherently flexible and context-specific. It must be determined with reference to all the circumstances, including the *Baker*

factors [see *Vavilov*, supra at para 77]. A court assessing a procedural fairness question is required to ask whether the procedure was fair, having regard to all of the circumstances [see *Canadian Pacific Railway Company v Canada (Attorney General)*, *supra* at para 54].

V.   <u>Analysis</u>

[27]   Section 109 of the *IRPA* authorizes the IRB to determine applications by the Minister to vacate decisions allowing claims for refugee protection:

Applications to Vacate	**Annulation par la Section de la protection des réfugiés**
Vacation of refugee protection	**Demande d'annulation**
109 (1) The Refugee Protection Division may, on application by the Minister, vacate a decision to allow a claim for refugee protection, if it finds that the decision was obtained as a result of directly or indirectly misrepresenting or withholding material facts relating to a relevant matter.	109 (1) La Section de la protection des réfugiés peut, sur demande du ministre, annuler la décision ayant accueilli la demande d'asile résultant, directement ou indirectement, de présentations erronées sur un fait important quant à un objet pertinent, ou de réticence sur ce fait.
Rejection of application	**Rejet de la demande**
(2) The Refugee Protection Division may reject the application if it is satisfied that other sufficient evidence was considered at the time of the first determination to justify refugee protection.	(2) Elle peut rejeter la demande si elle estime qu'il reste suffisamment d'éléments de preuve, parmi ceux pris en compte lors de la décision initiale, pour justifier l'asile.
Allowance of application	**Effet de la décision**
(3) If the application is allowed, the claim of the person is deemed to be rejected and the decision that led to the conferral of refugee protection is nullified.	(3) La décision portant annulation est assimilée au rejet de la demande d'asile, la décision initiale étant dès lors nulle.

[28]   Section 109 of *IRPA* confers on the RPD the discretion to vacate a positive refugee determination if it finds that: (a) the decision was obtained as a result of the refugee claimant directly or indirectly misrepresenting or withholding material facts relevant to his or her claim; and (b) leaving the misrepresentation aside, that the remaining evidence before the panel which decided the refugee claim was insufficient to justify granting protection [see *Canada (Public Safety and Emergency Preparedness) v Bafakih*, 2022 FCA 18 at para 2].

[29]   A decision must be made with respect to subsection 109(1) before considering subsection 109(2). There are three elements to subsection 109(1): (i) there must be a misrepresentation or withholding of material facts; (ii) those facts must relate to a relevant matter; and (iii) there must be a "causal connection between the misrepresenting or withholding on the one hand and the favourable result on the other" [see *Canada (Public Safety and Emergency Preparedness) v Bafakih*, 2022 FCA 18 at para 35, citing *Canada (Public Safety and Emergency Preparedness) v Gunasingam*, 2008 FC 181 at para 7].

[30]   In a vacation application, the Minister has the burden of proof in establishing, on a balance of probabilities, that the respondent (here, the Applicant) misrepresented themselves or withheld material facts relating to a relevant matter [see *Hirsi v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 843 at para 16].

A.   The RPD's Decision is reasonable

[31]   The Applicant argues that the RPD's decision is unreasonable for several reasons. First, the Applicant asserts that the RPD made its decision exclusively on the basis of the photographs,

without corroborating evidence (such as fingerprints) and given the similarities in Somali women's features, there is a risk of a false positive identification based on unconscious or implicit racial bias, which the RPD did not acknowledge.

[32]   However, it is well-established that the RPD is empowered to make identity findings based on a photo comparison alone [see *Liu v Canada (Citizenship and Immigration)*, 2012 FC 377 at para 10], which was acknowledged by counsel for the Applicant before the RPD. Further, while the Applicant criticizes the RPD for relying on the photographs alone, it is important to note that the Applicant did not provide the RPD with any additional documentation corroborating her identity.

[33]   Where identity is at issue, it is critical that the decision-maker meaningfully engage with the parties' submissions on the similarities and differences between sets of photos, weigh those similarities and differences, reconcile any differences and clearly identify and explain how particular facial features (distinctive or otherwise) in the photographs led them to their conclusion on identity [see *Hirsi, supra* at paras 28-37]. In this case, the RPD addressed the specific arguments raised by the parties, was alert to the evidence and submissions of the Applicant regarding the differences between the photos, engaged in a detailed comparison of specific photographs and provided detailed reasons identifying specific similarities in facial features between the two sets of photos, including a scar on one cheek and an asymmetry on the top right lip.

[34]   While the RPD did not expressly instruct itself on the dangers of implicit racial bias, the RPD was alert to the fact that there may be features shared by many ethnic Somalis and the

Applicant has not explained how, in light of the reasons given, the RPD's failure to so instruct itself rendered its decision unreasonable.

[35]   Second, the Applicant asserts that the RPD's decision is unreasonable because the photographs used for the purpose of comparison were of low quality. Having reviewed the photographs in the record, I find that only the Applicant's passport photograph was of lower quality (which was acknowledged by the Minister at the RPD hearing), but the balance of the photographs were of sufficiently high quality to be used for photo comparison purposes. While the Applicant now asserts that the photographs were all of low quality, no such assertion was advanced before the RPD.

[36]   Third, the Applicant asserts that the decision is unreasonable because the RPD did not address the Applicant's evidence concerning the use of facial recognition technology. However, the evidence and arguments pertaining to facial recognition technology, as framed by Applicant's counsel, are not relevant to this case. The Applicant's evidence before the RPD did not establish that facial recognition technology was used by the Minister. To the contrary, Applicant's counsel conceded at the RPD hearing that Clearview AI is no longer operative in Canada, that he had "no evidence that they – CBSA or Canada Immigration [sic] is using AI" and that the Applicant's argument that the Minister or the CBSA were using facial recognition technology was speculative. Moreover, the RPD based its finding that the Applicant and Ms. Mohamed are the same person on a visual comparison of the photos themselves, not on any facial recognition technology.

[37]   As such, I am not satisfied that the RPD's failure to address the Applicant's evidence on facial recognition technology renders the decision unreasonable.

[38]   Fourth, the Applicant asserts that the RPD's failure to grant her request for an adjournment so that the Applicant could attend her hearing in person rendered the decision unreasonable, because of the poor connectivity and resulting image quality during the virtual proceeding. At the hearing before this Court, the Applicant also asserted that this amounted to a denial of procedural fairness, as an applicant should be permitted, as a matter of fairness, to attend a hearing regarding a vacation application in person so that the RPD can make a visual assessment of an applicant. I will deal with both aspects of this argument here, neither of which have merit.

[39]   The Applicant's request for an adjournment of the hearing, made by letter dated April 8, 2021 from her then-counsel, provided the following rationale for the request:

> I am writing to request a Postponement of the Hearing Date. My client is in Uganda. She arrived in Uganda on March 26, 2021 to be with her aunt who is in critical condition. She plans to return to Canada on June 10, 2021. I suggested to her that we could do the hearing Virtually [*sic*] with her in Uganda, but she says there are network problems and blackouts. […]
>
> The lateness of the request for a postponement is all on me. One of my assistants booked the hearing by mistakenly putting it in my calendar for May 14, 2021 and did not realize the hearing was on for April 14, 2021 until I received the invitation to the Virtual Meeting [*sic*] on April 7, 2021.

[40]   At no point in the letter did Applicant's counsel highlight concerns about the RPD being able to properly view the Applicant for the purpose of assessing her identity, nor was this issue raised during the hearing. Instead, the problem is framed as a scheduling issue. As such, it is not

open to the Applicant to now assert that she was denied procedural fairness because the RPD could not assess her physical appearance in person [see *Bernard v Canada (Revenue Agency)*, 2015 FCA 263 at para 26; *Sultan v Canada (Citizenship and Immigration)*, 2023 FC 1403 at para 28].

[41]   As for the impact on the reasonableness of the decision, the identity findings made by the RPD in this case did not turn on any observations of the Applicant's appearance at the hearing. As such, any impact of the poor internet connectivity and any resulting image quality problems have no bearing on the reasonableness of the RPD's decision.

B.   The Applicant's procedural fairness rights were not breached

[42]   The Applicant claims that the Minister's failure to disclose information regarding its alleged use of facial recognition technology to match Ms. Mohamed's photograph to the Applicant's breached the Applicant's right to procedural fairness. However, there is no evidence in the record that the Applicant ever requested that the RPD order the Minister to disclose whether facial recognition technology was used to identify the sets of photos. Given the position being advanced by the Applicant before the RPD, one would have expected the Applicant to make such a request from the RPD. Having failed to do so, the Applicant is precluded from raising this procedural fairness argument on judicial review [see *Bernard, supra* at para 26; *Sultan, supra* at para 28].

[43]   I would note that this issue was expressly addressed by Justice Mosley in *Abdulle v Canada (Citizenship and Immigration)*, 2023 FC 162, where the applicant argued that if the Minister was going to rely on photographic comparisons to vacate her refugee status in Canada, the Minister

should have disclosed what technology was employed. Like here, the applicant contended that some type of facial recognition technology must have been used, since it is not possible for officials to sift through thousands of immigration applications to find matching images. Justice Mosley found no breach of procedural fairness because the applicant failed to seek a direction of disclosure from the RAD, or to provide an evidentiary foundation to establish that the Minister had used facial recognition technology:

> [35] While the weaknesses of facial recognition software are common knowledge, the Applicant's argument is undermined by the fact that she did not seek a direction for disclosure from the RAD on the methods or processes used but proceeded to make her appeal argument based on the assumption, without an evidentiary foundation, that such software had been employed. This was merely speculation, particularly in the face of the Respondent's uncontroverted assertion that an exhaustive search had been conducted using "traditional investigation techniques". Whatever those techniques were, no inference can be drawn that they included facial recognition software in the absence of supporting evidence.
>
> [36] In the circumstances, there is no basis on which the Court could find that the Applicant had been denied procedural fairness by the RAD. That leaves the question of whether the decision was otherwise reasonable. [Emphasis added]

[44]   A similar finding was made by Justice Strickland in *Mah v Canada (Citizenship and Immigration)*, 2023 FC 1229 at paragraph 18, where she noted that in the absence of a request for a disclosure order, the RPD cannot be faulted for failing to address an issue that was never raised before it.

[45]   Contrary to the Applicant's framing of this application, this is not a case about the use of facial recognition technology. While the Applicant speculates that the Minister used facial recognition technology to locate the photos at issue, there is no evidence in the record to support

that assertion. Moreover, the decision before the Court on this application for judicial review is the decision of the RPD and it is clear from the reasons that the RPD did not use facial recognition technology in making its findings.

[46]   I am not satisfied that the Applicant has demonstrated any breach of her procedural fairness rights.

VI.   Conclusion

[47]   Having found that the Applicant has failed to demonstrate that the RPD's decision is unreasonable or that her procedural fairness rights were breached, the application for judicial review shall be dismissed.

[48]   No question of general importance was proposed by the parties for certification and I find that none arises.

JUDGMENT in IMM-4136-21

THIS COURT'S JUDGMENT is that:

1. The style of cause is hereby amended to name the Minister of Public Safety and Emergency Preparedness as respondent.

2. The affidavit of Bridgette Sullivan affirmed August 3, 2021 is hereby struck in its entirety.

3. Paragraphs 6-7 and 9-20 of the Applicant's affidavit sworn July 14, 2021 are hereby struck.

4. The application for judicial review is dismissed.

5. No question is certified for appeal.

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"Mandy Aylen"
Judge

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FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-4136-21
STYLE OF CAUSE:	SURAYA MUHIDIN HASSAN v THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS
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