



IMM-968-96

B E T W E E N:

MOLLAH MOJIBUR RAHMAN

Applicant

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

**REASONS FOR ORDER AND ORDER**

**GILES, A.S.P.:**

The motion before me seeks an extension of time within which to file the Applicant's Record. The cases indicate, that before an extension should be granted, the applicant must *inter alia* excuse all of the delay and also show that an arguable case for leave exists.

**EXCUSING THE DELAY**

The only reason for delay indicated, involves the applicant's lawyer waiting for a grant of Legal Aid to cover the application. Both divisions of this Court have indicated, that waiting for Legal Aid alone is not an excuse for failing to file an Applicant's Record on time. A recent case in this regard is *Morales v. S.S.C.*, 29 Imm. L.R. (2d) 34, where Mr. Justice Teitelbaum points out; "an application for an extension should not normally be granted if the sole reason for the application is the waiting for Legal Aid."

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Here the reason for delay was for the most part waiting for Legal Aid, and for a very short time thereafter (a time so short, it can be ignored) attempting to find out a method of financing the application.

I would also point out, the remarks of Mr. Justice Muldoon in connection with lawyers who having assisted their clients' commencing application for leave, then abandoned the clients until their fees can be secured, see *Awogbade v. M.C.I.* 29 Imm. L.R. (2d) 281.

### **ARGUABLE CASE**

In most cases, it is not sufficient to submit only an argument by counsel, the evidence upon which it is founded should also be submitted. I agree with the submissions of the respondent that no arguable case has been shown on this file.

It is indeed unfortunate that the applicant, who appears on the record to be representing himself, should be injured by the behind the scene delays by his counsel awaiting Legal Aid, and the apparent delays of the Legal Aid system, which this Court on more than one occasion as said cannot be allowed to impose on the proceedings of this Court.

The motion for an extension of time must therefore be dismissed.

### **ORDER:**

Motion dismissed.

"Peter A.K. Giles"

A.S.P.

Toronto, Ontario  
May 1, 1996

**FEDERAL COURT OF CANADA**

**Names of Counsel and Solicitors of Record**

COURT NO: IMM-968-96  
STYLE OF CAUSE: MOLLAH MOJIBUR RAHMAN  
- and -  
THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

CONSIDERED AT TORONTO, ONTARIO UNDER THE PROVISION OF  
RULE 324.

REASONS FOR ORDER  
AND ORDER BY: GILES, A.S.P.

DATED: MAY 1, 1996

**SOLICITORS OF RECORD:**

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Solicitor for the Applicant

No solicitor of record

For the Respondent

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