

Federal Court



Cour fédérale

Date: 20241029

Docket: IMM-17689-24

Citation: 2024 FC 1716

Toronto, Ontario, October 29, 2024

PRESENT: Mr. Justice Diner

BETWEEN:

ISHIMWE AIME CESAR

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

ORDER AND REASONS

[1] The Applicant has brought a motion, filed October 17, 2024, pursuant to Rule 369 of the *Federal Courts Rules*, SOR/98-106, for an order that the Applicant's Application for Leave and for Judicial Review [ALJR] proceed under the Simplified Procedure – Study Permit Pilot Project, which I received on the afternoon of October 25, 2024.

[2] The Federal Court's Study Permit Pilot Project [Pilot], launched on October 1, 2024, includes a list of criteria which must be met in order to be considered for the pilot project.

Specifically, the following two criteria must be met: (i) both parties must agree to opt in to the Pilot, and (ii) the proceeding cannot involve a complex matter (such as an issue of admissibility).

[3] In response to the first criterion, the Respondent does not agree to opt into the Pilot.

[4] In response to the second criterion, the Respondent correctly points out that the study permit refusal, which forms the basis of Mr. Cesar's ALJR, raises an admissibility issue (under section 40(1)(a)) of the *Immigration and Refugee Protection Act* (S.C. 2001, c. 27).

[5] Due to these two issues, this ALJR is therefore ineligible for consideration under the Pilot. I therefore leave aside a third issue, namely that this ALJR was served and filed on September 25, 2024, approximately a week prior to the October 1, 2024 commencement of the Pilot.

[6] The Respondent is also correct as to the Certified Tribunal Record [CTR]. In Immigration Matters, the CTR is only ordered if the Court intends on granting leave, by way of a production order.

[7] Finally, the Respondent requests directions on the Motion Record, and whether the Court will accept it as the Application Record. The Court declines to do so. The Motion Record that has been filed does not comply with the requirements of section 10(2) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 [*Rules*]. The Applicant is expected to serve and file an Applicant's Record in the form and within the timelines set out in section 10(1) of the *Rules*.

ORDER in IMM-17689-24

THIS COURT ORDERS that the Applicant's motion is dismissed.

"Alan S. Diner"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-17689-24

STYLE OF CAUSE: ISHIMWE AIME CESAR v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

**MATTER CONSIDERED IN WRITING WITHOUT THE PERSONAL APPEARANCE
OF THE PARTIES**

ORDER AND REASONS: DINER J.

DATED: OCTOBER 29, 2024

WRITTEN REPRESENTATIONS BY:

Ishimwe Aime Cesar

FOR THE APPLICANT
ON HIS OWN BEHALF

Alex Dalcourt

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Attorney General of Canada
Ottawa, Ontario

FOR THE RESPONDENT