Date: 20090506

Docket: IMM-2091-09

Citation: 2009 FC 463

Ottawa, Ontario, May 6, 2009

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

SYED RIZWAN HAIDER RIZVI, SAEYDA TABASSUM HAIDER, SUKAINA HAIDER RIZVI (by her litigation guardian, SEYED RIZWAN HAIDER RIZVI), SYED HIDER RAZA (by his litigation guardian, SEYED RIZWAN HAIDER RIZVI), and MASSUMA RIZVI (by her litigation guardian, SEYED RIZWAN HAIDER RIZVI)

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION
and
THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondents

REASONS FOR JUDGMENT AND JUDGMENT

I. Overview

[1] The denial of a humanitarian and compassionate exemption does not involve the determination of an applicant's legal rights but rather is an exemption from the normal requirement that all persons seeking admission to Canada must make their application before entering Canada (*Gautam v. Canada (Minister of Citizenship and Immigration)* (1999) 167 F.T.R. 124, 88 A.C.W.S. (3d) 652 (F.C.T.D) at paras. 9-10).

[2] This Court should not intervene in this decision unless the Officer's decision does not fall within the range of possible acceptable outcomes which are defensible in respect of the facts and law. This Court does not have the jurisdiction to intervene in this case as the standard is a deferential one, as per the Supreme Court of Canada (*Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190 at paras. 47, 53, 55, 62; *Canada (Minister of Citizenship and Immigration) v. Khosa*, 2009 SCC 12 at para. 89; *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817 at para. 62, p. 858; *Thandal v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 489, 167 A.C.W.S. (3d) 166 at para. 7).

II. Introduction

[3] To obtain the extraordinary remedy of a stay, the Applicants, citizens of Pakistan, must meet the three-part conjunctive test. They have shown no serious issue regarding their refused Humanitarian and Compassionate (H&C) application. In an eleven page decision, the Officer considered all evidence adequately and applied the test. Removal, albeit inconvenient, will not cause irreparable harm. The balance of convenience favours removal in this case.

III. Background

[4] The Applicants, citizens of Pakistan, are scheduled to be removed from Canada to the United States, on May 7, 2009.

[5] The Applicants are a family from Pakistan: husband, wife, two daughters and a son. They have lived in Canada since April 2002. They unsuccessfully sought refugee protection in 2003.

They then applied to remain in Canada on humanitarian and compassionate (H&C) grounds and also made an application under Pre-Removal Risk Assessment (PRRA) guidelines, both in 2005. Three years later the same officer refused their H&C and PRRA applications. They successfully reviewed their negative H&C decision in this Court. A PRRA officer refused their H&C application, on March 25, 2009, and communicated his decision to the Applicants, on April 15, 2009. They have sought leave of this Court to review that decision. They are now before this Court seeking a stay of removal pending the determination of their judicial review application.

[6] The Applicants have had the benefit of a refugee claim, a PRRA, H&C consideration and reconsideration, administrative deferrals and a judicial stay of removal.

IV. Issue

[7] Have the Applicants satisfied all three parts of the conjunctive test for a stay?

V. Analysis

[8] The test for the granting of an order staying execution of a removal order is:

a. whether there is a serious question to be determined by the Court;

b. whether the party seeking the stay would suffer irreparable harm if the stay were not issued; and

c. whether on the balance of convenience the party seeking the stay will suffer the greater harm from the refusal to grant the stay.

(*Toth v. Canada (Minister of Employment and Immigration)* (1988), 86 N.R. 302, 11 A.C.W.S. (3d) 440 (F.C.A.); *R.J.R.-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311).

[9] The test for a stay is conjunctive and the Applicant must therefore satisfy each branch of this tri-partite test (*Chavez v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2006 FC 830, 150 A.C.W.S. (3d) 189 at paras. 9, 26).

Preliminary Matter – Style of Cause to be Amended

[10] This is a motion seeking a stay of removal until the underlying application for leave and judicial review is decided. The application for leave and for judicial review concerns a decision of a PRRA Officer, emanating from the Minister of Citizenship and Immigration; however, the decision to enforce the Applicants' removal order emanates from Canada Border Services Agency (CBSA). The style of cause is therefore amended to add the Minister of Public Safety and Emergency Preparedness as a responding party, as the CBSA does not fall under portfolio of the Minister of Citizenship and Immigration. Pursuant to the coming into force of the *Department of Public Safety and Emergency Preparedness Act* (Bill C-6), on April 4, 2005, the Solicitor General's responsibilities with respect to the CBSA have now been transferred to the Minister of Public Safety and Emergency Preparedness (*Public Services Rearrangement and Transfer of Duties Act*, R.S.C. 1985, c. P-34; Orders in Council, P.C. 2003-2061 & P.C. 2003-2063; *Department of Public Safety and Emergency Preparedness Act*, S.C. 2005, c. 10, s. 7).

A. Serious Issue

[11] As the Applicants have failed to establish a serious issue, this motion should be dismissed on this basis alone.

Officer did not fetter discretion

[12] This Court has rejected the notion that the analysis of hardship is an improper lens for an H&C Officer to use. The Federal Court of Appeal has held that the use of unusual, undeserved, or disproportionate hardship in the Guidelines merely assist decision-makers. The use of hardship in an H&C Officer's decision or the particular wording chosen by the officer is not determinative and does not indicate that he or she has fettered their discretion:

> [9] Fourth, "hardship" is not a term of art. As noted in section 6.1 of Chapter IP 5 of the *Immigration Manual* (reproduced at para. 30 of my colleague's reasons), the administrative definition of "unusual and undeserved hardship" and "disproportionate hardship" in the Manual are "not meant as 'hard and fast' rules" and are, rather, "an attempt to provide guidance to decision makers when they exercise their discretion"…

(*Hawthorne v. Canada (Minister of Citizenship and Immigration)*, 2002 FCA 475, [2003] 2 F.C. 555 (C.A.) at para. 9; *Dang v. Canada (Minister of Citizenship and Immigration)*, 2007 FC 290, 310 F.T.R. 161 at paras. 14 and 28).

[13] Inherent in the notion of H&C applications is that hardship is a normal consequence of deportation proceedings, and that relief is to be granted only when hardship goes beyond the inherent consequences of deportation. The Officer did not fetter her discretion by assessing whether the Applicants would suffer unusual and undeserved or disproportionate hardship if required to leave Canada. This is the proper burden to be met in an H&C application before the requirement to hold a visa can be exempted (*Uddin v. Canada (Minister of Citizenship and Immigration)*, 2002

FCT 937, 116 A.C.W.S. (3d) 930 at para. 22; *Irimie v. Canada (Minister of Citizenship and Immigration)* (2000), 10 Imm. L.R. (3d) 206, 101 A.C.W.S. (3d) 995 (F.C.T.D.) at paras. 12 and 26).

[14] The argument that the focus on hardship is incompatible with the language of ss. 25(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, s. 27 (IRPA) and that immigration officers should be approaching the H&C analysis by using factors similar to those used by the Immigration Appeal Board (IAB) in *Chirwa v. Canada (Minister of Citizenship and Immigration)*, [1970] I.A.B.D. No. 1, has been rejected by this Court. In *Lim v. Canada (Minister of Citizenship and Immigration)*, 2002 FCT 956, 116 A.C.W.S. (3d) 929, Justice Eleanor Dawson noted that the jurisprudence of the IAB has not been followed in connection with H&C applications:

> [16] To the extent it was argued that jurisprudence from the Immigration Appeal Division, including *Chirwa v. Canada (The Minister of Manpower and Immigration)* (1970), 4 IAC 338 (I.A.B.) and *Jugpall v. Canada (Minister of Citizenship and Immigration Canada)* [1999] IADD No. 600 (I.A.D.), provides proper guidance as to what H & C considerations are, that jurisprudence was developed in consideration of provisions other than subsection 114(2) of the Act. That jurisprudence has not been followed by this Court in connection with H & C applications under subsection 114(2). See, for example, *Lee v. Canada (Minister of Citizenship and Immigration)*, [2001] F.C.J. No. 139 (T.D.).

[15] In *Lim*, above, the Court made the following further comments regarding the approach in *Chirwa*, above:

> [17] Moreover, I am not sure that there is significant difference between the guidance offered in IP-5 and that offered by the jurisprudence of the Immigration Appeal Division. In cases such as *Chirwa*, the Appeal Division has relied on a definition of compassionate considerations as being "...those facts, established by the evidence, which would excite in a reasonable man in a civilized community a desire to relieve the misfortunes of another - so long as these misfortunes warrant the granting of special relief from the provisions of the Immigration Act".

> Circumstances of unusual and undeserved or disproportionate hardship would seem to me to be generally co-extensive with those which would excite a desire to relieve misfortune within the *Chirwa* definition.

[16] The Officer in this case had regard to the particular circumstances of the Applicants, and did not fetter her discretion by rigidly adhering to the Guidelines at the expense of a full consideration of the evidence before her. The Applicants have not raised a serious issue respecting whether the Officer fettered her discretion by allowing herself to be guided by the Ministerial Guidelines contained in IP 5 (*Fernandez Mendoza v. M.C.I.*, (30 June 2008), Doc. No. IMM-2471-08 (F.C.), by Justice Carolyn Layden-Stevenson, stay granted; *Fernandez Mendoza v. M.C.I.*, (4 September 2008), Doc. No. IMM-2471-08 (F.C.), by Justice Yves de Montigny, leave dismissed).

Purpose of exemption not to create a new substantive right

[17] The existence of a humanitarian and compassionate review offers an individual special and additional consideration for an exemption from Canadian immigration laws that are otherwise universally applied. The purpose of humanitarian and compassionate discretion is to allow flexibility to approve deserving cases not anticipated in the legislation. It cannot be "a back door when the front door has, after all legal remedies have been exhausted, been denied in accordance with Canadian law" (*Mayburov v. Canada (Minister of Citizenship and Immigration)* (2000), 183 F.T.R. 280, 98 A.C.W.S. (3d) 885 at para. 39; also: Chapter IP 5 Immigrant Applications in Canada made on Humanitarian or Compassionate Grounds (IP 5), s. 1.4; *Irimie*, above at para. 26; *Chau v. Canada (Minister of Citizenship and Immigration)*, 2002 FCT 107, 111 A.C.W.S. (3d) 804 (F.C.T.D.) at para. 27; *Li v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 1292, 152 A.C.W.S. (3d) 699 at para. 20).

Standard of review of merits of decision requires deference

[18] As the Court noted in *Dunsmuir*, above:

> [48] The move towards a single reasonableness standard does not pave the way for a more intrusive review by courts and does not represent a return to pre-*Southam* formalism. In this respect, the concept of deference, so central to judicial review in administrative law, has perhaps been insufficiently explored in the case law. What does deference mean in this context? Deference is both an attitude of the court and a requirement of the law of judicial review. It does not mean that courts are subservient to the determinations of decision makers, or that courts must show blind reverence to their interpretations, or that they may be content to pay lip service to the concept of reasonableness review while in fact imposing their own view. Rather, deference imports respect for the decision-making process of adjudicative bodies with regard to both the facts and the law…
>
> …
>
> [62] In summary, the process of judicial review involves two steps. First, courts ascertain whether the jurisprudence has already determined in a satisfactory manner the degree of deference to be accorded with regard to a particular category of question. Second, where the first inquiry proves unfruitful, courts must proceed to an analysis of the factors making it possible to identify the proper standard of review.

[19] The issue for this Court is not whether the Court would make the same decision, but rather whether the decision is reasonable in the circumstances of the case. In *Mayburov*, above, Justice François Lemieux stated:

> [5] When deciding the issue of whether such a decision is unreasonable, the reviewing court cannot overstep its role. This is not an appeal but a judicial review. I cannot review the evidence and substitute my opinion for that of the immigration officer. The perspective of the review judge is to examine the evidence before the immigration officer and determine, in this case, whether there was absence of evidence or was the decision made contrary to the overwhelming weight of the evidence. I cannot reach that conclusion.

[20] The Court cannot lightly interfere with the discretion given to immigration officers. The H&C decision is not a simple application of legal principles but rather a fact-specific weighing of many factors. As long as the immigration officer considers the relevant, appropriate factors from a humanitarian and compassionate perspective, the Court should not interfere with the weight given to the different factors, even if it would have weighed the factors differently. As held by the Federal Court of Appeal in *Legault v. Canada (Minister of Citizenship and Immigration)*, 2002 FCA 125, [2002] 4 F.C. 358:

> [11] In *Suresh*, the Supreme Court clearly indicates that *Baker* did not depart from the traditional view that the weighing of relevant factors is the responsibility of the Minister or his delegate. It is certain, with *Baker*, that the interests of the children are one factor that an immigration officer must examine with a great deal of attention. It is equally certain, with *Suresh*, that it is up to the immigration officer to determine the appropriate weight to be accorded to this factor in the circumstances of the case. It is not the role of the courts to reexamine the weight given to the different factors by the officers.

(Reference is also made to *Suresh v. Canada*, 2002 SCC 1, [2002] 1 S.C.R. 3 at paras. 34-37).

Onus on Applicants to establish claim to positive H&C

[21] It is well established that the onus on an application for H&C relief lies with the Applicants. They were unable to meet the onus in this case where the information provided did not establish that they would suffer undue, unusual or disproportionate hardship by having to apply from outside Canada such that they would be entitled to an exemption from the normal requirement (IRPA at s. 11 and s. 25; *Immigration and Refugee Protection Regulations*, SOR/2002-227 (Regulations) at s. 66; IP 5 at s. 5.1; *Owusu v. Canada (Minister of Citizenship and Immigration)*, 2003 FCT 94, 228 F.T.R. 19 at paras 11-12 (appeal dismissed 2004 FCA 38, [2004] 2 F.C.R. 635).

[22] The Notes, which constitute the reasons for decision, are not to be read microscopically but rather as a whole (*Boulis v. Canada (Minister of Manpower and Immigration)*, [1974] S.C.R. 875; *El Doukhi v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 1464, 304 F.T.R. 266 at para. 27).

Decision not unreasonable – Best interests of children adequately considered

[23] While the children's best interests must be considered, the existence of children does not entitle the Applicants to a particular result (*Baker*, above, at paras. 74-75; *Legault*, above, at para. 11).

[24] In finding that the Applicants had not established their H&C claim, there has been no inconsistency with the Convention on the Rights of the Child (CRC). All of the children's best interests have been very carefully considered in the portion of the decision that runs for more than two pages; the Officer was alert, alive and sensitive to all of the impacting factors for all three children.

[25] With respect to the children's education, the Officer noted that, although there is still discrimination for female students, primary education is available. Although secondary education may be less available in rural areas, the Applicants, who are from Karachi, have not indicated that they will be returning to a rural area.

[26] The Officer did not ignore the children's language issues. She noted that it was reasonable to assume (in the absence of sufficient evidence to the contrary) that the children would have been exposed to Urdu and Pakistani culture as well as the fact that the Applicants do have family members in Pakistan. In light of the evidence which describes the children as intelligent and adaptable, this finding was open to her.

[27] Although the Applicants argue that the Officer failed to understand the psychological report with respect to the oldest child and argued that the Officer relied on irrelevant considerations, they have provided no specifics. In fact, the Officer appropriately understood and applied the findings in the report (which report was based to some extent on facts which have not been found to be so in other immigration proceedings) to conclude that although she wants to stay in Canada, no undue, unusual or disproportionate hardship would occur if she were required to return to Pakistan.

[28] Further, the Officer carefully analyzed the evidence with respect to the oldest child's health issues and the medical record in that regard was assessed. Based on the evidence before her, it was open to her to conclude that requiring the Applicants to obtain health care in Pakistan would not result in the kind of hardship that would lead to a positive determination.

[29] In light of the careful analysis which is very specific to these children, it cannot be said that the Officer engaged in boiler plate decision making. The Applicants disagree with the Officer's conclusion with respect to how the child's best interests factor into the H&C decision. As the Federal Court of Appeal held in *Hawthorne*, above:

> [5] … living in Canada can offer a child many opportunities and that, as a general rule, a child living in Canada with her parent is better off than a child living in Canada without her parent.
>
> [6] To simply require that the officer determine whether the child's best interests favour non-removal is somewhat artificial - such a finding will be a given in all but a very few, unusual cases…

(CRC, Article 3; *Baker*, above).

[30] The Federal Court of Appeal in *Hawthorne* went on to reaffirm the principle confirmed in *Legault*, above, that the best interests of the child are an important factor but not a determinative one. As noted in *Legault*:

> [11] In *Suresh*, the Supreme Court clearly indicates that *Baker* did not depart from the traditional view that the weighing of relevant factors is the responsibility of the Minister or his delegate. It is certain, with *Baker*, that the interests of the children are one factor that an immigration officer must examine with a great deal of attention. It is equally certain, with *Suresh*, that it is up to the immigration officer to determine the appropriate weight to be accorded to this factor in the circumstances of the case. It is not the role of the courts to reexamine the weight given to the different factors by the officers.
>
> [12] ... It is not because the interests of the children favour the fact that a parent residing illegally in Canada should remain in Canada (which, as justly stated by Justice Nadon, will generally be the case), that the Minister must exercise his discretion in favour of said parent. Parliament has not decided, as of yet, that the presence of children in Canada constitutes in itself an impediment to any "refoulement" of a parent illegally residing in Canada (see *Langner v. Minister of Employment and Immigration* (1995), 184 N.R. 230 (F.C.A.), leave to appeal refused, SCC 24740, August 17, 1995). (Emphasis added).

(Reference is also made to *Hawthorne*, above, at para. 8).

Applicants do not benefit from non-compliance with IRPA and Regulations

[31] The Applicants were issued a conditional departure order which became a removal order thirty days after their refugee proceedings were finally determined negative, in April 2004. Thus, they were expected to return to Pakistan as they were found not to be Convention refugees or

persons in need of protection. There is no evidence on the record that they could not return or that Canada was not returning people to Pakistan (Regulations s. 224, 230 and 231).

[32] The onus is on the Applicants to ensure that they comply with the immigration laws; they cannot blame the fact that they remained in Canada without status on the fact that removal arrangements were not initiated right away. They were under removal orders. The Applicants received the appropriate consideration for their establishment in Canada; however, it was open to the Officer to note that, in the circumstances, requiring them to leave Canada and apply for permanent resident status in the normal manner would not result in unusual, undeserved or disproportionate hardship (IP 5, s. 5.21).

[33] None of the issues raised by the Applicants amount to serious issues to be tried. They have not met the first branch of the tri-partite test.

B. Irreparable Harm

[34] The onus is on the Applicant to demonstrate, through clear and convincing evidence of irreparable harm, that the extraordinary remedy of a stay of removal is warranted. Irreparable harm must constitute more than a series of possibilities and cannot be based on assertions and speculation (*Atwal v. Canada (Minister of Citizenship and Immigration)*, 2004 FCA 427, 136 A.C.W.S (3d) 109 at para. 14).

[35] The Supreme Court of Canada has held that such harm must be done to the Applicant (*R.J.R.-MacDonald Inc.*, above, at para. 58)

[36] The Federal Court jurisprudence also establishes that irreparable harm must be something more than the inherent consequences of deportation. As Justice Denis Pelletier stated, in *Melo v. Canada (Minister of Citizenship and Immigration)* (2000), 188 F.T.R. 39, 96 A.C.W.S. (3d) 278:

> [21] … if the phrase irreparable harm is to retain any meaning at all, it must refer to some prejudice beyond that which is inherent in the notion of deportation itself. To be deported is to lose your job, to be separated from familiar faces and places. It is accompanied by enforced separation and heartbreak…

[37] There is no statutory stay pending the outcome of an H&C application or an application for leave and for judicial review of such a decision. It is expected that processing, or in this case, the litigation can continue (Regulations at s. 231; *Akyol v. Canada (Minister of Citizenship and Immigration)*, 2003 FC 931, 124 A.C.W.S. (3d) 1119 at para. 11).

[38] This case can be distinguished from *Owusu v. Canada (Minister of Citizenship and Immigration)*, 2003 FCA 470, 139 A.C.W.S. (3d) 915); in that case, the irreparable harm stemmed from the fact that employment in Canada was necessary to support his children who were not living here. That is not the case at bar where, in fact, there is insufficient evidence to conclude that the Applicants, some of whom are highly educated, cannot find employment in Pakistan.

[39] In light of the evidence about the children characterizing them as adaptable, a suggestion that the psychological effects of removal would be any more than is expected, is speculative and not irreparable harm.

[40] The disruption of the Applicants' school year does not constitute irreparable harm. The Federal Court of Appeal has addressed this issue:

> [12] I am not persuaded that the appellants have met the requirement of showing that, unless their removal is stayed pending the determination of their appeal, they will suffer irreparable harm…
>
> [13] The removal of persons who have remained in Canada without status will always disrupt the lives that they have succeeded in building here. This is likely to be particularly true of young children who have no memory of the country that they left. Nonetheless, the kinds of hardship typically occasioned by removal cannot, in my view, constitute irreparable harm for the purpose of the *Toth* rule, otherwise stays would have to be granted in most cases, provided only that there is a serious issue to be tried: *Melo v. Canada (Minister of Citizenship and Immigration)* (2000), 188 F.T.R. 29.
>
> [14] I am not persuaded that the adult appellants' success in finding employment (which they will lose on removal), their commitment to improving their vocational qualifications, and their community involvement, are sufficient to demonstrate that their situation is any different from that of most others who face removal. Similarly, their child's separation from his school and friends pending the disposition of the appeal is a routine, if painful, incident of removal.

(*Selliah v. Canada (Minister of Citizenship and Immigration)*, 2004 FCA 261, 132 A.C.W.S. (3d) 547).

[41] The Applicants have not shown that the loss of their business would result in irreparable harm. In this case, they have known for over eight months that removal was imminent. They have not provided evidence of any attempt to divest themselves of their business during this time in order

to mitigate the effects (*Akyol*, above, at para. 9; *Bajwa v. Canada (Secretary of State)* (1994), 46 A.C.W.S. (3d) 687, [1994] F.C.J. No. 232 (QL) (F.C.T.D.)).

[42] As the Applicants have failed to satisfy the test for irreparable harm, this motion should be dismissed on this basis alone.

C. Balance of Convenience

[43] Section 48 of the IRPA provides that an enforceable removal order must be enforced as soon as is reasonably practicable.

[44] The Applicants are seeking extraordinary equitable relief. The public interest must be taken into consideration when evaluating this last criterion. In order to demonstrate that the balance of convenience favours the Applicants, the latter would have to demonstrate that there is a public interest not to remove them as scheduled (*Dugonitsch v. Canada (Minister of Employment and Immigration)* 1992, 53 F.T.R. 314, 32 A.C.W.S. (3d) 1135; *R.J.R.-MacDonald Inc.*, above; *Blum v. Canada (Minister of Citizenship and Immigration)* (1994), 90 F.T.R. 54, 52 A.C.W.S. (3d) 1099).

[45] The balance of any inconvenience which the Applicants may suffer as a result of removal from Canada does not outweigh the public interest which the Respondent seeks to maintain in the application of the IRPA – specifically an interest in executing a deportation order as soon as reasonably practicable. In this case, the Applicants have had the benefit of a refugee claim, PRRA, H&C consideration, administrative deferral of removal in the appropriate situation and a judicial

stay of removal. It was understood that after the last deferral for the daughter's medical appointment that the Applicants would comply with the order and leave; they have not done so. Now, given the very thorough H&C determination which raises no serious issue, the balance favours the Minister (*Atwal*, above, at para. 19).

VI. Conclusion

[46] For all of the above reasons, the Applicants' motion for a stay of the execution of the removal is dismissed.

JUDGMENT

THIS COURT ORDERS that the Applicants' motion for a stay of the execution of the removal be dismissed.

"Michel M.J. Shore"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-2091-09
STYLE OF CAUSE:	**SYED RIZWAN HAIDER RIZVI, SAEYDA TABASSUM HAIDER, SUKAINA HAIDER RIZVI (by her litigation guardian, SEYED RIZWAN HAIDER RIZVI), SYED HIDER RAZA (by his litigation guardian, SEYED RIZWAN HAIDER RIZVI), and MASSUMA RIZVI (by her litigation guardian, SEYED RIZWAN HAIDER RIZVI)** **v.** **THE MINISTER OF CITIZENSHIP AND IMMIGRATION** **AND** **THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**
PLACE OF HEARING:	Toronto, Ontario
DATE OF HEARING:	May 4, 2009
REASONS FOR JUDGMENT AND JUDGMENT:	SHORE J.
DATED:	May 6, 2009

APPEARANCES:

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Ms. Alexis Singer	FOR THE RESPONDENTS

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