

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20150917**

**Docket: A-461-14**

**Citation: 2015 FCA 202**

**CORAM: NADON J.A.  
PELLETIER J.A.  
GAUTHIER J.A.**

**BETWEEN:**

**JEAN-PIERRE KENGURUKA**

**Appellant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

Heard at Montréal, Quebec, on September 17, 2015.

Judgment delivered from the bench at Montréal, Quebec, on September 17, 2015.

**REASONS FOR JUDGMENT OF THE  
COURT BY:**

**PELLETIER J.A.**

Federal Court of Appeal



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Appellant

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**REASONS FOR JUDGMENT OF THE COURT**  
(Delivered from the bench at Montréal, Quebec, on September 17, 2015.)

**PELLETIER J.A.**

[1] We are all of the view that the question certified by the Federal Court judge does not meet the requirements of section 74 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

[2] The trial judge did not consider the certified question in his reasons. He simply stated the question and referred to the standard of review. He did not analyze the legal principles relating to the question he certified that are to be found in the Act and the case law. Upon reading his reasons, we cannot discern which legal principles (apart from the standard of review) led him to conclude that the decision was reasonable and correct. This does not meet the criteria laid down in *Zazai v. Canada (Minister of Citizenship and Immigration)*, 2004 FCA 89, [2004] F.C.J. No. 389, *Varela v. Canada (Minister of Citizenship and Immigration)*, 2009 FCA 145, [2010] 1 F.C.R. 129, *Lai v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2015 FCA 21, [2015] F.C.J. No. 125. Thus there is no right of appeal, and the appeal will therefore be dismissed.

[3] Once again, it should be noted that the certification of a question plays an important part in the administration of the Act: see *Varela*, above, at paragraphs 22 to 29. It is not a favour that a trial judge may grant as he or she sees fit. Certifying a question without dealing with it in the reasons for judgment serves only to give appellants false hope.

“J.D. Denis Pelletier”

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J.A.

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-461-14  
**STYLE OF CAUSE:** JEAN-PIERRE KENGURUKA v.  
THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** MONTRÉAL, QUEBEC

**DATE OF HEARING:** SEPTEMBER 17, 2015

**REASONS FOR JUDGMENT OF THE COURT BY:** NADON J.A.  
PELLETIER J.A.  
GAUTHIER J.A.

**DELIVERED FROM THE BENCH BY:** PELLETIER J.A.

**APPEARANCES:**

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