

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20110309

Docket: A-267-10

Citation: 2011 FCA 91

**CORAM: BLAIS C.J.
SHARLOW J.A.
STRATAS J.A.**

BETWEEN:

DANISH HAROON PEER

Appellant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

Heard at Toronto, Ontario, on March 9, 2011.

Judgment delivered from the Bench at Toronto, Ontario, on March 9, 2011.

REASONS FOR JUDGMENT OF THE COURT BY:

BLAIS C.J.

Federal Court
of Appeal



Cour d'appel
fédérale

Date: 20110309

Docket: A-267-10

Citation: 2011 FCA 91

**CORAM: BLAIS C.J.
SHARLOW J.A.
STRATAS J.A.**

BETWEEN:

DANISH HAROON PEER

Appellant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Toronto, Ontario on March 9, 2011)

BLAIS C.J.

[1] Despite the able submissions of counsel for the Appellant, we have not been persuaded that Justice Zinn erred in his interpretation of the word “espionage” in subsection 34(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27. On the contrary, we agree with his decision, substantially for the reasons he gave.

[2] The certified question is:

Is a person inadmissible to Canada for “engaging in an act of espionage ... against a democratic government, institution or process” within the meaning of subsection section 34(1)(a) of the *Immigration and Refugee Protection Act*, if the person’s activities consist of intelligence gathering activities that are legal in the country where they take place, do not violate international law and where there is no evidence of hostile intent against the persons who are being observed?

[3] We would answer yes to this question.

[4] Counsel conceded that, given that answer, there is no basis for appellate intervention.

[5] The appeal will be dismissed.

“Pierre Blais”
Chief Justice

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-267-10

(APPEAL FROM A JUDGMENT OF THE HONOURABLE MR. JUSTICE ZINN, DATED JULY 19, 2010, IN FEDERAL COURT FILE NO. IMM-5147-09)

STYLE OF CAUSE: DANISH HAROON PEER v.
THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: March 9, 2011

**REASONS FOR JUDGMENT
OF THE COURT BY:** (BLAIS C.J., SHARLOW &
STRATAS JJ.A.)

DELIVERED FROM THE BENCH BY: BLAIS C.J.

APPEARANCES:

Jacqueline Swaisland FOR THE APPELLANT

Ladan Shahrooz FOR THE RESPONDENT
Hillary Stephenson

SOLICITORS OF RECORD:

Waldman & Associates FOR THE APPELLANT

Myles J. Kirvan FOR THE RESPONDENT
Deputy Attorney General of Canada