

Federal Court



Cour fédérale

Date: 20250401

Docket: IMM-656-25

Citation: 2025 FC 604

Ottawa, Ontario, April 1, 2025

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

MOHAMMED ALI MOHAMED

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

ORDER

UPON MOTION under Rule 369 of the *Federal Courts Rules*, SOR/98-106 brought by the Applicant for:

1. An order requiring the visa office to provide the complete written reasons of the visa officer who rendered the decision in this matter, pursuant to *Rule 9* of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, including the interview notes.

2. An order that the timelines for next steps shall run from the date that the complete written reasons are received pursuant to *Rule 9*.
3. In the alternative, if the Court concludes that the complete written reasons have been provided, an extension of time within which to file their Application Record, in particular an order that they shall file their Application Record within 30 days from the date of this order (or such other time deemed appropriate by the Court).
4. Such further and other relief as Counsel may advise and this Honourable Court may permit.

AND UPON which motion is brought on the grounds that:

1. The visa office has not provided the complete written reasons pursuant to *Rule 9* of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*.
The interview notes are missing.
2. The Applicant has a continuing intention to pursue this judicial review, there is a reasonable explanation for the request for an extension of time – if required – and the matter has merit.

AND UPON reviewing the record and determining that the Respondent, pursuant to the Court's request under *Rule 9* of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 as amended [*Rules*], provided the Court (and parties) with a letter from IRCC to the Applicant dated November 12, 2024 setting out the nature of the application then under consideration, including the Respondent's decision, in respect of which judicial

review is sought (foreign national in need of refugee protection as a member of Convention refugee abroad class, the country of asylum class or the source country class), and the Respondent also provided the Court and parties with an extract of notes from the Global Case Management System [GCMS] setting out the officer's reasons, which are respectively referred to in the *Rule 9* response as the "decision and written reasons for decision";

AND UPON considering the letter decision and the reasons for decision refer to the Applicant having been interviewed by the officer, and noting the Applicant now wishes to have the officer's notes of the interview, but noting *Rule 9* makes no such provision:

9 (1) If an application for leave sets out that the applicant has not received the written reasons of the tribunal, the Registry shall, without delay, send the tribunal a request in Form IR-3 as set out in the schedule.

(2) After receiving the request the tribunal shall, without delay,

(a) send a copy of the decision or order at issue and the written reasons for it, duly certified by an appropriate officer to be correct, to each of the parties, and two copies to the Registry;

[Emphasis added]

AND UPON having considered the submissions of the parties and jurisprudence cited including that cited by the Applicant: (*Sedoh v Canada (Citizenship and Immigration)*, 2021 FC 1431; *Ghirmatsion v Canada (Citizenship and Immigration)*, 2011 FC 519; *Hungbeke v Canada (Citizenship and Immigration)*, 2020 FC 955; *Ezou v Canada (Citizenship and Immigration)*, 2021 FC 1146) and cited by the Respondent (*Kaur et al v Canada (Public Safety and Emergency Preparedness)* (17 December 2024), IMM-17994-24 (FC); *Kajangu et al v Canada (Citizenship and Immigration)* (20 November 2023), IMM-11710-23 (FC); *Haghshenas v Canada*

(*Citizenship and Immigration*), 2023 FC 454) and being satisfied that the Applicant is *prima facie* not entitled to more than what has been provided namely the “decision” (being the letter dated November 12, 2024) and “written reasons” for the same (being the extract from the GCMS notes setting out detailed written reasons), have regard to what I respectfully consider the clear unambiguous wording of *Rule 9(2)(a)*, such that this motion should be dismissed except insofar as the extension of time which will be granted.

THIS COURT ORDERS that:

1. The motion related to *Rule 9* is dismissed.
2. The Applicant shall file their Application Record within 30 days from the date of this Order.
3. The whole without costs.

"Henry S. Brown"

Judge