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Docket: A-164-06

A-187-06

A-188-06

A-196-06

A-197-06

A-198-06

A-199-06

A-200-06

Citation: 2007 FCA 199

CORAM: **DÉCARY J.A.**

EVANS J.A.

SHARLOW J.A.

A-164-06

BETWEEN:

JORGE LUIS RESTREPO BENITEZ

Appellant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

and

THE IMMIGRATION AND REFUGEE BOARD

Intervener

A-187-06

BETWEEN:

EDWIN ERNESTO CARRILLO MEJIA

Appellant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

A-188-06

BETWEEN:

JUVINNY BALMORE FLORES GOMEZ

YANETH BEATRIZ CASTILLO CAMPOS

KONNY BEATRIZ FLORES CASTILLO

Appellants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

A-196-06

BETWEEN:

MAJID REZA YONGE SAVAGOLI

Appellant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

A-197-06

BETWEEN:

GERARDO MARTIN ROSALES RINCON

ERLIS BEATRIZ DELGADO OCANDO

GERLY JOANNY ROSALES DELGADO

WANDA SOFIA ROSALES DELGADO

Appellants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

A-198-06

BETWEEN:

MENA GUIRGUIS, MARIE GOORGY

MONICA GUIRGUIS, MALAK GUIRGUIS

Appellants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

A-199-06

BETWEEN:

AFUA GYANKOMA

Appellant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

A-200-06

BETWEEN:

INTHIKHAB HUSSAIN MATHEEN

Appellant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

Heard at Toronto, Ontario, on April 17, 2007.

Judgment delivered at Ottawa, Ontario, on May 25, 2007.

REASONS FOR JUDGMENT BY:
EVANS J.A.

CONCURRED IN BY:
DÉCARY J.A.

CONCURRING REASONS BY:
SHARLOW J.A.

REASONS FOR JUDGMENT

EVANS J.A.

A. INTRODUCTION

[1] These are consolidated appeals from decisions of the Federal Court dismissing the appellants' applications for judicial review to set aside decisions by the Immigration and Refugee Board ("the Board") rejecting their claims for refugee protection in Canada.

[2] The procedural history of this matter is somewhat unusual. The Federal Court consolidated a number of applications for judicial review impugning the validity of Guideline 7. Guideline 7 was issued by the Chairperson of the Board in 2003, pursuant to the power conferred by paragraph 159(1)(*h*) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 ("IRPA"), to issue guidelines to assist members of the Board in carrying out their duties ("the Guideline 7 issue").

[3] Guideline 7 provides that the standard order of questioning at a refugee protection hearing by the Refugee Protection Division ("RPD") of the Board will be that the claimant is questioned first by the Refugee Protection Officer ("RPO") and/or by the RPD member conducting the hearing. However, in exceptional cases, members may permit claimants to be questioned first by their own counsel.

[4] These consolidated applications for judicial review were heard in the Federal Court on the Guideline 7 issue by Justice Mosley, who held that Guideline 7 is valid: *Benitez v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 461, [2007] 1 F.C. R. 107. He certified the following seven questions for appeal pursuant to IRPA, paragraph 74(*d*).

1. Does Guideline 7, issued under the authority of the Chairperson of the Immigration and Refugee Board, violate the principles of fundamental justice under section 7 of the *Canadian Charter of Rights and Freedoms* by unduly interfering with claimants' right to be heard and right to counsel?

2. Does the implementation of paragraphs 19 and 23 of the Chairperson's Guideline 7 violate principles of natural justice?

3. Has the implementation of Guideline 7 led to fettering of Refugee Protection Division members' discretion?

4. Does a finding that Guideline 7 fetters a Refugee Protection Division member's discretion necessarily mean that the application for judicial review must be granted, without regard to whether or not the applicant was otherwise afforded procedural fairness in the particular case or whether there was an alternate basis for rejecting the claim?

5. Does the role of Refugee Protection Division members in questioning refugee claimants, as contemplated by Guideline 7, give rise to a reasonable apprehension of bias?

6. Is Guideline 7 unlawful because it is *ultra vires* the guideline-making authority of the Chairperson under paragraph 159(1)(*h*) of the *Immigration and Refugee Protection Act*?

7. When must an applicant raise an objection to Guideline 7 in order to be able to raise it upon judicial review?

[5] We heard the appeals from Justice Mosley's decision immediately after hearing an appeal from a decision of Justice Blanchard of the Federal Court, who found that Guideline 7 unlawfully fettered the discretion of members to determine the procedure to be followed at a refugee protection hearing: *Thamotharem v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 16, [2006] 3 F.C.R. 168.

[6] Although not unanimous in its reasons, this Court unanimously allowed the Minister's appeal in *Thamotharem*, and dismissed Mr Thamotharem's cross-appeal against Justice Blanchard's conclusion that Guideline 7 does not mandate a breach of the duty of fairness. The decision of this Court is reported as *Thamotharem v. Canada (Minister of Citizenship and Immigration)*, 2007 FCA 198.

[7] All the issues in dispute in *Thamotharem* also arose in the consolidated appeals, and should be decided in the same manner and for the reasons given by the majority in *Thamotharem*. That is to say, Guideline 7 does not breach the duty of fairness by either denying claimants an effective opportunity to make representations or so distorting the role of the member of the RPD hearing the claim as to give rise to a reasonable apprehension of bias. Nor is it is an unlawful fetter on members' discretion, and it was not legally required to have been issued under the Chairperson's statutory power to issue rules of procedure, subject to Cabinet approval.

[8] It is unnecessary in these reasons to canvass these issues again. Arguments made by counsel in the consolidated appeals in respect of those issues were taken into account in the preparation of the reasons in *Thamotharem*. The present reasons deal with the issues raised in the consolidated appeals about the validity of Guideline 7 which were not raised in *Thamotharem*.

[9] In addition to the Guideline 7 issue, some of the applicants in the consolidated applications for judicial review raised non-Guideline 7 issues for challenging the Board's denial of their claims for refugee protection. The applications were heard on these issues by Justices Gibson and Snider of the Federal Court, who dismissed them. Some of the appellants in the consolidated appeals appealed the dismissal of their applications for judicial review on non-Guideline 7 issues.

[10] In my opinion, all the consolidated appeals should be dismissed. I am not satisfied that the Applications Judges made any material error on either the Guideline 7 issue or the non-Guideline 7 issues.

B. ANALYSIS

1. Guideline 7

(i) ***Section 7 of the Charter***

(a) Participatory rights

[11] Counsel argue that section 7 of the Charter applies to refugee protection hearings by the RPD, and that Guideline 7 is not in accordance with the principles of fundamental justice, because it denies those with the burden of proof (that is, the claimants) of the right to be questioned first by their counsel whenever they so choose.

[12] In support of this argument, counsel rely on the difficulty faced by vulnerable claimants in telling their story coherently after the RPO has already covered much of the ground through questioning and focussing on the weaknesses of the claim for refugee protection. Because of the relationship of trust that claimants establish with their counsel, who have knowledge of their case, they are likely to present their claim more effectively if questioned first by their own counsel.

[13] There is no legal authority for the proposition that the principles of fundamental justice require that parties with the burden of proof have the right to go first in proceedings to determine their rights. However, counsel says that the recent decision of the Supreme Court of Canada in *Charkaoui v. Canada (Minister of Citizenship and Immigration),* 2007 SCC 9, states that the content of the principles of fundamental justice depends on the individual rights at stake. In the present case, the appellants say that the interests which may be affected by the outcome of RPD hearings are of the greatest importance: the potential deportation to countries where claimants fear for their lives, personal liberty, and bodily integrity.

[14] In my view, this is not quite correct. Although the individual rights at stake in an administative proceeding are important in determining the procedural content of the principles of fundamental justice, the broader decision-making context from which the issue arises must also be considered. Thus, McLachlin C.J. said in *Charkaoui* (at para. 20):

> Section 7 of the Charter requires no particular type of process, but a fair process <u>having regard to the nature of the proceedings and the interests at stake</u>. … The procedure required to meet the demands of fundamental justice depend on the context. … [Emphasis added]

[15] In my opinion, the inquisitorial nature of refugee protection hearings before the RPD must be taken into account as part of "the nature of the proceedings". Further, while most adjudication in Canada is conducted on the basis of an adversarial procedural model, I cannot agree that the inquisitorial procedural model, in and of itself, is contrary to the principles of fundamental justice.

[16] Substantially for the reasons given by Justice Mosley (at paras. 47-67) for finding that there is no constitutional right for claimants to be questioned first by their own counsel, as well as for the reasons given in our decision in *Thamotharem* (at paras. 34-51) for concluding that Guideline 7 does not prescribe a procedure which is in breach of the duty of fairness, it is my opinion that Guideline 7 does not violate

claimants' right to participate at an RPD hearing conducted in accordance with the principles of fundamental justice.

(b) Bias and lack of independence

[17] It is argued that the principles of fundamental justice also require that members of a tribunal, such as the RPD, which determines rights protected by section 7 of the Charter must be, and must be seen to be, impartial and independent, both individually and institutionally. Guideline 7 thrusts RPD members hearing refugee protection claims "into the fray", especially when no RPO is present, by requiring them, in all but exceptional cases, to question claimants first. The initial questioning of claimants by members is liable to give rise in the mind of the reasonable person, who is informed of the facts and has thought the matter through in a practical manner, to an apprehension that members hearing refugee claims are not impartial.

[18] I cannot agree. As I have already noted, a determination of the content of the principles of fundamental justice must take into account the decision-making context from which the dispute arises. In the present appeals, the context includes the inquisitorial procedural model established for hearings of the RPD. A consideration of context is as relevant for determining what constitutes disqualifying bias as for determining the extent of a person's right to participate in the decision-making process: compare *Newfoundland Telephone Co. v. Newfoundland (Board of Commissioners of Public Utilities)*, [1992] 1 S.C.R. 623 at 638 (common law duty of impartiality).

[19] I explained in *Thamotharem* (at paras. 45-48) why, in my opinion, Guideline 7 does not give rise to a reasonable apprehension of bias at common law. For the same reasons, I would conclude that Guideline 7 does not infringe section 7 of the Charter by creating a reasonable apprehension of bias, whether individual or institutional. The independence of RPD members is dealt with at paras. 83-88 of the reasons in *Thamotharem*.

(ii) *Costs*

[20] Costs are not awarded in applications for judicial review or appeals brought under the *Federal Courts Immigration and Refugee Protection Rules*, SOR/93-22, unless the Court orders a costs award "for special reasons": rule 22. In my opinion, "special reasons" do not exist in this case.

[21] First, no undue delays in the conduct of the litigation, or any other errors or misconduct, are attributable to the Minister. Second, while the appellants' challenge to the validity of Guideline 7 raises issues which may affect the RPD's conduct of refugee hearings across the country, the disposition of the appeals is based on the application of familiar existing legal principles. Third, although the consolidation of the proceedings and the unusual procedural step of bifurcating the Guideline 7 issues from the others may have given rise to a degree of complexity in the management of the litigation, they do not warrant the exercise of the Court's residual discretion to award costs in immigration and refugee proceedings.

[22] Finally, I note that costs were not awarded by the Federal Court, and seem not to have been requested. On appeal, costs were specifically requested in only two of the memoranda of fact and law.

2. Non-Guideline 7 Issues

[23] None of the non-Guideline 7 questions raised in the consolidated appeals was certified by the Applications Judge pursuant to IRPA, paragraph 74(*d*). This Court was not satisfied that there was merit in any of them, and did not find it necessary to call on counsel for the Minister to reply at the hearing. Nonetheless, I shall deal briefly in these reasons with the arguments made in the appeals which raised non-Guideline 7 issues.

(i) *Benitez* (A-164-06)

[24] In a decision rendered on November 9, 2004, the RPD rejected Mr Benitez' claim, on the ground that there was no credible evidence that he would be the subject of persecution if returned to Colombia. In particular, the RPD was concerned about unexplained discrepancies on significant factual issues between Mr Benitez' Personal Information Form and his oral testimony. Dismissing Mr Benitez' application for judicial review, Justice Gibson of the Federal Court held that the RPD's finding of non-credibility was not patently unreasonable: *Benitez v. Canada (Minister of Citizenship and Immigration),* 2006 FC 391.

[25] In my view, there is no basis for disturbing Justice Gibson's decision. Findings of fact are peculiarly within the expertise of the RPD, whether the finding is based on the claimant's demeanour when testifying or on the way in which the claimant answered questions at the hearing, or on the implausibility of the evidence, which is typically an inference of fact. I would dismiss this appeal.

(ii) *Guirguis* (A-198-06)

[26] In a decision rendered on January 10, 2005, the RPD rejected the claims of members of the Guirguis family, who are Coptic Christians and citizens of Egypt. The RPD found that there was insufficient trustworthy or credible evidence to discharge the claimants' burden of proving a well founded fear that, if returned to Egypt, they would be persecuted on the ground of religion.

[27] Of the incidents on which the claimants based their claim, the RPD said that one was isolated, and that the evidence respecting the others was speculative, vague, and unsupported by independent evidence, such as medical or police reports. In addition, the RPD found the principal claimant to be evasive in her answers to questions, and other aspects of the claimants' story to be implausible.

[28] Justice Gibson dismissed the appellants' applications for judicial review, on the ground that the RPD's findings of fact were not patently unreasonable and the decision was not otherwise vitiated by reviewable error: *Guirguis v. Canada (Minister of Citizenship and Immigration),* 2006 FC 413. Justice Gibson emphasized that fact-

finding is at the heart of the RPD's specialized expertise and that its reasons do not have to deal with every item of evidence adduced by a claimant.

[29] On appeal, counsel attempted, in effect, to persuade us to substitute our view of the evidence for that of the RPD. This is not the role either of the Federal Court on an application for judicial review, or of this Court on an appeal from an Applications Judge. I would dismiss the appeal.

(iii) *Gyankoma* (A-199-06)

[30] Counsel for the appellant, Afua Gyankoma, sought to raise several non-Guideline 7 issues which he had not raised before the Federal Court. The only decision rendered by the Federal Court on Ms Gyankoma's application for judicial review related to the validity of Guideline 7. When asked why he was raising other issues for the first time in this Court, counsel could only say that perhaps he had made a "tactical error" in not raising them below.

[31] An appellant may not normally raise issues for the first time on an appeal, because that would put the appellate court in the position of having to decide an issue without the benefit of the opinion of the lower court. The role of an appellate court is generally confined to examining the decision of the court below for reversible error.

[32] There are, however, exceptions. For example, in *Stumf v. Canada (Minister of Citizenship and Immigration)*, 2002 FCA 148, this Court set aside a refusal by the Convention Refugee Determination Division (as it then was) ("CRDD") to re-open an abandonment decision, on the ground that a designated representative should have been appointed for one of the refugee claimants, a minor. This issue had not been raised before either the CRDD, or the Federal Court on the application for judicial review. Speaking for this Court, Sharlow J.A. said (at para. 5):

> We have determined that it is appropriate to consider this issue at this stage, despite the fact that it has not been raised before. The record discloses all the relevant facts, and there is no suggestion that the Minister could be prejudiced if this issue is considered. On the other hand, the designation of a representative in this case could have affected the outcome.

[33] It is essential for the protection of minors, and for ensuring the fairness of the hearing, that those determining refuge protection claims discharge their statutory duty to consider the appointment of a person to represent the interests of a minor child: see now IRPA, subsection 167(2). The CRDD in *Stumf* had clearly failed to discharge its duty in this respect.

[34] No comparable reasons exist in the present case for permitting counsel to raise non-Guideline 7 issues for the first time in this Court, which he could and should have raised in the Federal Court. I would dismiss the appeal.

(iv) *Matheen* (A-200-06)

[35] Counsel for Inthikhab Hussain Matheen was unable to appear at the hearing of the appeal. However, on counsel's behalf, another lawyer directed the Court to the paragraphs of counsel's memorandum of fact and law which, she indicated, counsel regarded as particularly important. Although these did not include the paragraphs dealing with the non-Guideline 7 issues, I shall, nonetheless, address them briefly on the basis of the parties' written submissions.

[36] In a decision rendered on March 16, 2005, the RPD rejected Mr Matheen's claim for refugee protection, on the ground that he had provided no credible evidence to prove that he had a well founded fear of persecution if returned to Sri Lanka. The RPD concluded that Mr Matheen had fabricated the incidents on which he based his claim, because of the evasive and contradictory nature of the appellant's testimony on critical issues, and the absence of supporting documentary evidence which could and should have been adduced.

[37] Applying the patent unreasonableness standard of review, Justice Gibson found that there was ample evidence to support the Board's findings of fact, and dismissed Mr Matheen's application for judicial review: *Matheen v. Canada (Minister of Citizenship and Immigration),* 2006 FC 395. I see no reason for interfering with Justice Gibson's decision, and would dismiss the appeal.

C. CONCLUSIONS

[38] For these reasons, I would dismiss all the appeals, on both the Guideline 7 issue and the non-Guideline 7 issues. A copy of these reasons should be inserted in each of the files consolidated in these appeals. I would answer as follows the questions certified by Justice Mosley in connection with the validity of Guideline 7:

1. Does Guideline 7, issued under the authority of the Chairperson of the Immigration and Refugee Board, violate the principles of fundamental justice under section 7 of the *Canadian Charter of Rights and Freedoms* by unduly interfering with claimants' right to be heard and right to counsel?

   Answer: No.

2. Does the implementation of paragraphs 19 and 23 of the Chairperson's Guideline 7 violate principles of natural justice?

   Answer: No.

3. Has the implementation of Guideline 7 led to fettering of Refugee Protection Division members' discretion?

   Answer: No.

4. Does a finding that Guideline 7 fetters a Refugee Protection Division member's discretion necessarily mean that the application for judicial review must be granted, without regard to whether or not the applicant was otherwise

afforded procedural fairness in the particular case or whether there was an alternate basis for rejecting the claim? Answer: It is not necessary to answer this question.

5. Does the role of Refugee Protection Division members in questioning refugee claimants, as contemplated by Guideline 7, give rise to a reasonable apprehension of bias?

   Answer: No.

6. Is Guideline 7 unlawful because it is *ultra vires* the guideline-making authority of the Chairperson under paragraph 159(1)(*h*) of the *Immigration and Refugee Protection Act*? Answer: No.

7. When must an applicant raise an objection to Guideline 7 in order to be able to raise it upon judicial review?

   Answer: It is not necessary to answer this question.

"John M. Evans" J.A.

"I agree.

Robert Décary"

SHARLOW J.A. (Concurring)

[39] I agree with my colleague Justice Evans that the appeals from the decision of Justice Mosley should be dismissed, and that none of the non-Guideline 7 issues raised in *Benitez* (A-164-06), *Guirguis* (A-198-06), *Gyankoma* (A-199-06) and *Matheen* (A-200-06) justify a reversal of the decision of Justice Gibson.

[40] As for the certified questions, I would answer questions 1, 2, 3, 4, 5 and 7 as proposed by Justice Evans. I would decline to answer question 6. For the reasons set out in my concurring reasons in *The Minister of Citizenship and Immigration v. Daniel Thamotharem* (A-38-06), it is my view that although the Chairperson erred in law in using the guideline making power in paragraph 159(1)(h) of IRPA to establish a standard practice for refugee hearings, that error does not by itself justify setting aside a negative refugee determination made on the basis of a hearing in which the refugee claimant is required to submit to questioning by the RPO or the Member before presenting his or her own case.

"K. Sharlow" J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-164-06
(APPEAL FROM DECISIONS OF HON. JUSTICES MOSLEY AND GIBSON, DATED APRIL 10, 2006, IN FEDERAL COURT FILE NO. IMM-9766-04)	
STYLE OF CAUSE:	JORGE LUIS RESTREPO BENITEZ v. MCI
PLACE OF HEARING:	TORONTO, ONTARIO.
DATE OF HEARING:	APRIL 17, 2007
REASONS FOR JUDGMENT BY:	EVANS J.A.
CONCURRED IN BY:	DÉCARY J.A.
CONCURRING REASONS BY:	SHARLOW J.A.
DATED:	MAY 25, 2007

APPEARANCES:

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FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-187-06
(APPEAL FROM A DECISION OF HON. JUSTICE MOSLEY, DATED APRIL 10, 2006, IN FEDERAL COURT FILE NO. IMM-407-05)	
STYLE OF CAUSE:	**EDWIN ERNESTO CARRILLO MEJIA v. MCI**
PLACE OF HEARING:	TORONTO, ONTARIO.
DATE OF HEARING:	APRIL 17, 2007
REASONS FOR JUDGMENT BY:	EVANS J.A.
CONCURRED IN BY:	DÉCARY J.A.
CONCURRING REASONS BY:	SHARLOW J.A.
DATED:	MAY 25, 2007

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FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-188-06
(APPEAL FROM A DECISION OF HON. JUSTICE MOSLEY IN THE FEDERAL COURT DATED, APRIL 10, 2006, IN COURT FILE NO. IMM-1419-05)	
STYLE OF CAUSE:	**JUVINNY BALMORE FLORES GOMEZ ET AL v. MCI**
PLACE OF HEARING:	TORONTO, ONTARIO.
DATE OF HEARING:	APRIL 17, 2007
REASONS FOR JUDGMENT BY:	EVANS J.A.
CONCURRED IN BY:	DÉCARY J.A.
CONCURRING REASONS BY:	SHARLOW J.A.
DATED:	MAY 25, 2007

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FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-196-06
(APPEAL FROM A DECISION OF HON. JUSTICE MOSLEY, DATED APRIL10, 2006, IN THE FEDERAL COURT FILE NO. IMM-934-05)	
STYLE OF CAUSE:	**MAJID REZA YONGE SAVAGOLI v. MCI**
PLACE OF HEARING:	TORONTO, ONTARIO.
DATE OF HEARING:	APRIL 17, 2007
REASONS FOR JUDGMENT BY:	EVANS J.A.
CONCURRED IN BY:	DÉCARY J.A.
CONCURRING REASONS BY:	SHARLOW J.A.
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FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-197-06
(APPEAL FROM A DECISION OF HON. JUSTICE MOSLEY, OF THE FEDERAL COURT, DATED APRIL 10, 2006, IN COURT FILE NO. IMM-353-05)	
STYLE OF CAUSE:	**GERARDO MARTIN ROSALES RINCON ET AL v. MCI**
PLACE OF HEARING:	TORONTO, ONTARIO.
DATE OF HEARING:	APRIL 17, 2007
REASONS FOR JUDGMENT BY:	EVANS J.A.
CONCURRED IN BY:	DÉCARY J.A.
CONCURRING REASONS BY:	SHARLOW J.A.
DATED:	MAY 25, 2007

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FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-198-06
APPEAL FROM DECISIONS OF HON. JUSTICES MOSLEY AND GIBSON, DATED APRIL10, 2006, IN THE FEDERAL COURT, IN COURT FILE NO. IMM-712-05	
STYLE OF CAUSE:	**MENA GUIRGUIS ET AL v. MCI**
PLACE OF HEARING:	TORONTO, ONTARIO.
DATE OF HEARING:	APRIL 17, 2007
REASONS FOR JUDGMENT BY:	EVANS J.A.
CONCURRED IN BY:	DÉCARY J.A.
CONCURRING REASONS BY:	SHARLOW J.A.
DATED:	MAY 25, 2007

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FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-199-06
AN APPEAL FROM A DECISION OF HON. JUSTICE MOSLEY, DATED APRIL10, 2006, IN THE FEDERAL COURT, IN COURT FILE NO. IMM-9766-06	
STYLE OF CAUSE:	**AFUA GYANKOMA v. MCI**
PLACE OF HEARING:	TORONTO, ONTARIO.
DATE OF HEARING:	APRIL 17, 2007
REASONS FOR JUDGMENT BY:	EVANS J.A.
CONCURRED IN BY:	DÉCARY J.A.
CONCURRING REASONS BY:	SHARLOW J.A.
DATED:	MAY 25, 2007

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FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-200-06
(APPEAL FROM DECISIONS OF HON. JUSTICES MOSLEY AND GIBSON, DATED APRIL10, 2006, IN THE FEDERAL COURT, IN COURT FILE NO. IMM-2150-05)	
STYLE OF CAUSE:	**INTHIKHAB HUSSAIN MATHEEN v. MCI**
PLACE OF HEARING:	TORONTO, ONTARIO.
DATE OF HEARING:	APRIL 17, 2007
REASONS FOR JUDGMENT BY:	EVANS J.A.
CONCURRED IN BY:	DÉCARY J.A.
CONCURRING REASONS BY:	SHARLOW J.A.
DATED:	MAY 25, 2007

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