

Pushpanathan v. Canada (Minister of Citizenship and Immigration), [1998] 1 S.C.R.
1222

Velupillai Pushpanathan (Pushpanathan Velupillai) *Appellant*

v.

The Minister of Citizenship and Immigration *Respondent*

and

The Canadian Council for Refugees *Intervener*

Indexed as: Pushpanathan v. Canada (Minister of Citizenship and Immigration)

File No.: 25173.

1998: September 17.

Present: L'Heureux-Dubé, Gonthier, Cory, McLachlin, Major and Bastarache JJ.

rehearing

*Judgments and orders -- Rehearing -- Reasons for judgment and order
amended.*

JUDGMENT

A rehearing is ordered. The reasons of Bastarache J., in which judgment was rendered on June 4, 1998, [1998] 1 S.C.R. 982, are modified at para. 77 as follows:

I would allow the appeal and return the matter to the Convention Refugee Determination Division for redetermination of the applicant's refugee claim in a manner consistent with this decision. The respondent may choose to proceed with its powers under ss. 19 and 53 of the *Immigration Act*.

The order of the Court is modified as follows:

The appeal is allowed and the matter is returned to the Convention Refugee Determination Division for redetermination of the applicant's refugee claim in a manner consistent with this decision. The respondent may choose to proceed with its powers under ss. 19 and 53 of the *Immigration Act*. Cory and Major JJ. are dissenting.

Judgment accordingly.

Solicitors for the appellant: Waldman & Associates, Toronto.

Solicitor for the respondent: Justice Canada, Toronto.

Solicitor for the intervener: David Matas, Winnipeg.