Federal Court



Cour fédérale

Date: 20170222

Docket: IMM-2802-16

Citation: 2017 FC 213

Toronto, Ontario, February 22, 2017

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

ABDULKADIR YUSUF ALI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

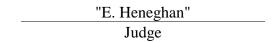
[1] Mr. Abdulkadir Yusuf Ali (the "Applicant") seeks judicial review of the decision made by the Immigration and Refugee Board, Refugee Protection Division (the "Board") denying his claim to be found a Convention refugee or a person in need of protection pursuant to section 96 and subsection 97(1), respectively, of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the "Act").

- [2] The application is allowed because the record of the hearing before the Board is incomplete, that is the Compact Disc for the first hearing date of March 4, 2016, does not record the proceedings of that day and the written transcript consists of three and a half pages, including the cover page.
- [3] It is impossible to determine what evidence was heard on March 4, 2106.
- [4] Accordingly, the application for judicial review is allowed, the decision of the Board is set aside and the matter remitted for re-hearing before a different Member of the Board.
- [5] There is no question for certification arsing.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is allowed, the decision of the Immigration and Refugee Board, Refugee Protection Division is set aside and the matter remitted for re-hearing before a different Member of the Refugee Protection Division.

There is no question for certification arsing.



FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-2802-16

STYLE OF CAUSE: ABDULKADIR YUSUF ALI V MCI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: FEBRUARY 22, 2017

JUDGMENT AND REASONS: HENEGHAN J.

DATED: FEBRUARY 22, 2017

APPEARANCES:

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Meva Motwani FOR THE RESPONDENT

SOLICITORS OF RECORD:

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Canada