

Federal Court



Cour fédérale

**Date: 20190621**

**Docket: IMM-3822-19**

**Citation: 2019 FC 848**

**Montréal, Quebec, June 21, 2019**

**PRESENT: The Honourable Mr. Justice Shore**

**BETWEEN:**

**SHAO WU ZHU**

**Applicant**

**and**

**THE MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS**

**Respondent**

**ORDER AND REASONS**

[1] Recognizing that the Applicant is without contradiction, definitely inadmissible to Canada for serious criminality, nevertheless, the Court orders the matter adjourned until the Applicant is able to fly without endangering the traveling public due to testing positive to tuberculosis.

[2] As said by Dr. Daniel Wong, in his letter, in this specific regard, in the case at bar:

It would be my recommendation that it is most prudent for Mr. Zhu and in the interest of the public, i.e. the other people who will travel on the same plane, and possibly others, that Mr. Zhu postpone his travel to China **until we have obtained two consecutive negative sputum-culture results, as recommended on page 9 of the World Health Organization publication *Tuberculosis and air travel, Guidelines for prevention and control, Third Edition:***

People with infectious or potentially infectious TB should not travel by commercial air transportation on a flight of any duration. People known to have infectious or potentially infectious TB should be advised not to travel on commercial aircraft until there is no longer a risk of transmitting infection to others, i.e. until they become non-infectious.

Physicians should inform all patients with infectious or potentially infectious TB that they pose a risk of infection for others, particularly those with whom they are in close contact for prolonged periods of time. Physicians should advise patients that they must not travel by any public air transportation, or by other public transportation, as long as they are considered infectious or potentially infectious according to the above criteria. Patients being investigated for potentially infectious TB should follow the physician's advice on whether to travel. Physicians should advise these patients not to plan to travel until the diagnosis and infectious status have been confirmed.

The physician and/or public health authority must give clear advice or instruction on whether travel may or may not be undertaken. Patients intending to travel against this advice should be reported to the appropriate public health authority for any necessary action to be taken, potentially together with the airline, in accordance with national legislation.

**ORDER in IMM-3822-19**

**THIS COURT ORDERS** that the case be adjourned until the Applicant is medically-declared able to travel without endangering himself and others.

"Michel M.J. Shore"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-3822-19

**STYLE OF CAUSE:** SHAO WU ZHU v THE MINISTER OF PUBLIC  
SAFETY AND EMERGENCY PREPAREDNESS

**MOTION HELD VIA TELECONFERENCE ON JUNE 21, 2019, FROM MONTRÉAL,  
QUEBEC AND TORONTO, ONTARIO**

**ORDER AND REASONS:** SHORE J.

**DATED:** JUNE 21, 2019

**ORAL AND WRITTEN REPRESENTATIONS BY:**

Wennie Lee FOR THE APPLICANT

Jocelyn Espejo Clarke FOR THE RESPONDENT

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