



IMM-2192-97

SEP 02 1997

B E T W E E N:

KANTHIAH VAITHIANATHAN and
NAGAMUTHU VAITHIANATHAN

Applicants

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER AND ORDER

GILES, A.S.P.:

When an applicant's record is not filed on time and the applicant makes a motion for an extension, the applicant must excuse all of the delay and also must show that evidence exist to support an application for leave. In my view, to provide proof that evidence of an arguable case exist, it is sufficient for a knowledgeable person to file an affidavit setting forth such things as those portions of the reasons necessary to show the alleged error and detailing the evidence available to prove the error. It is not necessary or desirable to file a copy of the full reasons neither is it necessary and seldom desirable to file a draft of the applicant's record. What was needed here was some evidence as to the precise reasons for the delay. In addition, some evidence as to which statements of the panel were not born out by the evidence and why the fact the applicants could not stay in Colombo negates the availability of an internal flight alternative.

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ORDER

The motion for an extension of time to file the applicant's record is dismissed with leave to re-apply before 4:00 p.m. August 22nd, 1997, on better evidence.

"Peter A.K. Giles"

A.S.P.

Toronto, Ontario
August 7, 1997

FEDERAL COURT OF CANADA

Names of Counsel and Solicitors of Record

COURT NO: IMM-2192-97

STYLE OF CAUSE: KANTHIAH VAITHIANATHAN and
NAGAMUTHU VAITHIANATHAN

- and -

THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

CONSIDERED AT TORONTO, ONTARIO UNDER THE PROVISION OF
RULE 324.

REASONS FOR ORDER
AND ORDER BY: GILES, A.S.P.

DATED: AUGUST 7, 1997

SOLICITORS OF RECORD:

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For the Applicants

George Thomson
Deputy Attorney General
of Canada

For the Respondent

MP