

Date: 20071023

Docket: IMM-4523-06

Citation: 2007 FC 2002

Toronto, Ontario, October 23, 2007

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

MALCOME AUGUSTUS INGRAM

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The Applicant is an adult male citizen of Jamaica. The Applicant entered Canada in 1992 as a visitor and has remained despite the expiry of his visitor status. He was resident in Canada when a deportation order dated August 1, 2006 was made in his respect finding that he was a person as described in paragraph 36(1)(a) of the *Immigration and Refugee Protection Act*, S.C. 2001, c-27 as amended (IRPA) in that he had been convicted of an offence in Canada permissible by a maximum term of imprisonment for at least 10 years, or for which a term of imprisonment of more than six months has been imposed. The Applicant seeks judicial review of that decision.

[2] The Applicant does not dispute that he has been convicted twice in respect of matters arising out of different occurrences and that those convictions would be sufficient to support a determination under section 36(1)(a) of IRPA. The Applicant's dispute arise out of a statement in the Minister's Delegate Review that the Applicant had been "convicted three (3) counts utter forged documents" whereas it appears that the Applicant, in fact, had been convicted only of two (2) charges.

[3] The two charges of which the Applicant has been convicted would, nonetheless, be sufficient to support a deportation order. While an error had been made, the error is not material to the ultimate result. There would be no point in quashing the decision and remitting the matter for a new determination as the result would be the same (see e.g. *Mobil Oil Canada Ltd. V. Canada-Newfoundland Offshore Petroleum Board*, [1994] 1 S.C.R. 202 at paras. 51-54, and *Bovina v. Canada (MCI)*, [2004] FCJ 771).

[4] The application therefore will be dismissed, there is no question for certification, and there are no costs.

JUDGMENT

For the Reasons provided;

THIS COURT AND ADJUDGES that:

1. The application is dismissed;
2. There is no question for certification;
3. There is no award of costs.

"Roger T. Hughes"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

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STYLE OF CAUSE: MALCOME AUGUSTUS INGRAM

and

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THE MINISTER OF CITIZENSHIP AND
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PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: October 23, 2007

**REASONS FOR JUDGMENT
AND JUDGMENT BY:** HUGHES J.

DATED: October 23, 2007

APPEARANCES:

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