

Federal Court



Cour fédérale

Date: 20100309

Docket: IMM-20-09

Citation: 2010 FC 268

Toronto, Ontario, March 9, 2010

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

**HARRY NARAIN PUJAI and
SHEILA PUJAI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION and
THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS**

Respondents

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application for judicial review of a decision of a PRRA Officer rejecting the Applicants' application that they not be removed from Canada to Guyana.

[2] The only substantive ground raised by the Applicants is that there were additional materials in the nature of newspaper articles and the like and two letters from persons residing in their native village in Guyana that they gave to a former, unidentified, lawyer who for unexplained reasons, is

said to have failed or neglected to put them to the PRRA Officer for consideration. It is alleged that such materials might have influenced the Officer to come to a different conclusion.

[3] I do not have any evidence from or on behalf of the former lawyer as to what transpired or if or why such documents were not submitted. There is ample jurisprudence to state that apparent failure or neglect by a former legal representative without more is insufficient ground for setting aside a decision upon a judicial review.

[4] In any event I have looked at the material alleged to not have been submitted, it is not so persuasive as to lead to a conclusion that it would have been probable that the PRRA Officer's decision would have been favourable to the application.

[5] Simply to allege neglect of a former lawyer and submit material of the kind before me said to have been overlooked is insufficient ground for judicial review.

[6] No party requested certification.

JUDGMENT

FOR THE REASONS PROVIDED:

THIS COURT ORDERS AND ADJUDGES that;

1. The application is dismissed;
2. There is no question for certification;
3. No Order as to costs.

“Roger T. Hughes”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-20-09

STYLE OF CAUSE: HARRY NARAIN PUJAI and SHEILA PUJAI v.
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION and THE MINISTER OF PUBLIC
SAFETY AND EMERGENCY PREPAREDNESS

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: March 9, 2010

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

DATED: March 9, 2010

APPEARANCES:

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Neal Samson FOR THE RESPONDENTS

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