

Federal Court



Cour fédérale

Date: 20190723

Docket: IMM-2329-18

Citation: 2019 FC 974

Ottawa, Ontario, July 23, 2019

PRESENT: Mr. Justice Norris

BETWEEN:

**SAMSON BABAFEMI BABAJIDE,
MODUPE ADETEJU BABAJIDE,
BABATOPE OLADIPUPO BABAJIDE AND
OLUWATOMIKE TEMILOLUWA BABAJIDE**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Mr. Samson Babafemi Babajide, his spouse and their dependent children are citizens of Nigeria. In April 2012, Mr. Babajide applied on his own behalf and on behalf of his immediate family for Canadian permanent residence under the Quebec Investor Immigrant Program. He submitted all the required documents and fees. He responded to all requests for further

information or documents in a timely way. In June 2014, he transferred \$220,000 to the Government of Quebec as required under the program.

[2] Despite repeated requests for a decision on the application, no decision was forthcoming. Eventually, in May 2018, the applicants brought an application for a writ of *mandamus* to compel the Immigration Section at the High Commission of Canada in Accra, Ghana, to complete the processing of their application for permanent residence. The applicants also sought related declaratory orders as well as costs.

[3] Leave to proceed with the application was granted in September 2018.

[4] The application was heard on December 19, 2018, and judgment was reserved.

[5] The evidence before the Court at the time of the hearing of the application was that the applicants' application for permanent residence "may be put into processing in 2019 depending on the Embassy's future target for Quebec economic investor applications."

[6] In response to a recent inquiry from the Court, counsel for the parties have confirmed that not only have the applications been processed, the applications were successful and the applicants have all received permanent resident visas for Canada. It appears that this happened sometime in June 2019. In view of this development, counsel for the applicant acknowledges that "no decision needs to [be] rendered by the Court."

[7] Since the applicants have not formally withdrawn their application for *mandamus* and related relief, it will be disposed of by the Court on the basis that it is now moot. There is no suggestion that there are issues that should be determined by the Court notwithstanding the mootness of the application (cf. *Borowski v Canada (Attorney General)*, [1989] 1 SCR 342 at 353-63). Nor is there any suggestion that a serious question of general importance should be certified.

JUDGMENT IN IMM-2329-18

THIS COURT'S JUDGMENT is that

1. The application is dismissed as moot.
2. No serious question of general importance is stated.
3. No costs are ordered.

"John Norris"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2329-18

STYLE OF CAUSE: SAMSON BABAFEMI BABAJIDE ET AL v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: DECEMBER 19, 2018

JUDGMENT AND REASONS: NORRIS J.

DATED: JULY 23, 2019

APPEARANCES:

Khrystyna Yankovska FOR THE APPLICANTS

Teresa Ramnarine FOR THE RESPONDENT

SOLICITORS OF RECORD:

Pace Law Professional Corporation FOR THE APPLICANTS
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT
Toronto, Ontario