

Federal Court



Cour fédérale

**Date: 20190829**

**Docket: IMM-259-19**

**Citation: 2019 FC 1115**

**Ottawa, Ontario, August 29, 2019**

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

**BETWEEN:**

**FERDOUS, QUAZI MOHAMMED**

**Applicant**

**and**

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

**Respondent**

**JUDGMENT AND REASONS**

[1] The Court has before it an application for judicial review of a decision of the Immigration Division [ID] of the Immigration and Refugee Board of Canada [Board].

[2] The ID found the Applicant to be inadmissible to Canada as per paragraph 34(1)(f) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[3] The Applicant is a citizen of Bangladesh who joined the Bangladesh Nationalist Party [BNP] in 1992. As a member, the Applicant became a social welfare secretary and vice-president of a Dhaka city branch, maintaining his position until he left Bangladesh; the Applicant reinstated his membership in a BNP branch in Canada.

[4] Subsequent to an admissibility hearing, the Board rendered an inadmissibility decision on December 20, 2018, based on paragraph 34(1)(f) of the IRPA. Thus, a deportation order was issued. (*Suresh v Canada (Minister of Citizenship and Immigration)*, 2002 SCC 1 at para 98.)

[5] The evidence on file, such as that of Amnesty International and Human Rights Watch, points at and clearly supports that the BNP as an organization engaged in terrorism. The refusal to accept further evidence by the Board after the evidence was said to be closed, was not contrary to its duty to act fairly, as per how the events in respect of the Board unfolded. (Reference is made to the Board's decision in the Applicant's Record, pages 8, 9 and 18, and specifically paragraph 76.)

[6] As this case is so similar to a previous judgment by the undersigned on the basis of a position of an Applicant and also membership in the BNP in very similar circumstances; reference is made with explanations of legislation and jurisprudence *mutatis mutandis* to *Khan v Canada (Citizenship and Immigration)*, 2019 FC 899 [*Khan*], in respect of acts of a similarly held position of a member of the BNP and in the framework of the BNP (in addition, reference is also made to *Gazi v Canada (Citizenship and Immigration)*, 2017 FC 94; *Kamal v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 480; and, *S.A. v Canada (Public Safety and*

*Emergency Preparedness*), 2017 FC 494 at para 19. Key reference is also made to *Rana v Canada (Public Safety and Emergency Preparedness)*, 2018 FC 1080 at paras 46, 47, 59, 65 and 66; and, *M.N. v Canada (Public Safety and Emergency Preparedness)*, 2019 FC 796 at paras 9 and 11; also, *Saleheen v Canada (Public Safety and Emergency Preparedness)*, 2019 FC 145 at para 47).

[7] The reasons in the above cases reflect the same acts in situation, context and circumstances as the *Khan* case (on reading the judgments, the similarities echo each other as to positions, acts and outcome). Therefore, the judicial review is dismissed.

**JUDGMENT in IMM-259-19**

**THIS COURT'S JUDGMENT is that** the application for judicial review be dismissed.

There is no serious question of general importance to be certified.

"Michel M.J. Shore"

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Judge

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

**DOCKET:** IMM-259-19

**STYLE OF CAUSE:** FERDOUS, QUAZI MOHAMMED v THE MINISTER  
OF PUBLIC SAFETY  
AND EMERGENCY PREPAREDNESS

**PLACE OF HEARING:** MONTRÉAL, QUEBEC

**DATE OF HEARING:** AUGUST 22, 2019

**JUDGMENT AND REASONS:** SHORE J.

**DATED:** AUGUST 29, 2019

**APPEARANCES:**

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