

Date: 20071030

Docket: T-1853-06

Citation: 2007 FC 1118

Ottawa, Ontario, October 30, 2007

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

FEIYAN CHEN

Applicant

and

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

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The facts of this judicial review are largely set out in the Reasons for Judgment in *Haiyan Lyew v. The Minister of Public Safety and Emergency Preparedness (Lyew)* (T-1852-06).

[2] The only material distinction between Lyew's circumstances and those of Chen are that Chen was carrying more funds, that these included three cheques payable to herself in the amount of

\$20,000 (U.S.) each and that these cheques, along with the amount declared upon entry into Canada, were returned to her.

[3] For the Reasons given in *Lyew*, this judicial review will be granted and the Adjudicator's decision is quashed.

[4] The matter is remitted to the Minister to be reviewed *de novo* by a different official. The Minister is not required to remit the balance of the seized funds until and unless the final determination of the new review of this matter makes it necessary.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that the application for judicial review is granted and the Adjudicator's decision is quashed. The matter is to be remitted to the Minister to be reviewed *de novo* by a different official. The Minister is not required to remit the balance of the seized funds until and unless the final determination of the new review of this matter so requires.

“Michael L. Phelan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1853-06

STYLE OF CAUSE: FEIYAN CHEN

and

THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: September 21, 2007

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

DATED: October 30, 2007

APPEARANCES:

Ms. Wennie Lee FOR THE APPLICANT

Mr. Michael Roach FOR THE RESPONDENT

SOLICITORS OF RECORD:

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