Date: 20080318

Docket: IMM-2542-07

Citation: 2008 FC 363

Ottawa, Ontario, March 18, 2008

PRESENT: The Honourable Orville Frenette

BETWEEN:

SIRGUN BUDAKH

Applicant

and

MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The applicant, Mr. Sirgun Budakh, was found to be a danger to the public in Canada pursuant to paragraph 101(2)(b) of the *Immigration and Refugee Protection Act* (the "Act") and therefore ineligible to have his claim for refugee protection referred to the Refugee Protection Division. Mr. Budakh challenges the reasonableness of the decision of the Minister's Delegate and the adequacy of the reasons provided. He asks that this Court set aside the decision and refer the matter back for redetermination. I find the decision of the Minister's Delegate to be reasonable, the reasons provided adequate, and therefore must dismiss this application for the following reasons. For convenience, relevant sections of the Act are set out in the Annex.

I. Factual Background

[2] What follows is an overview and much summarized version of the facts and detailed narratives before the Minister's Delegate.

[3] On March 30, 1999, Mr. Budakh pled guilty to one count of Aggravated Sexual Assault in Cook County, Illinois. He was convicted and received a sentence of 7 years imprisonment. This is the applicant's only criminal conviction. He was in pre-trial custody for a year then released on bail for nine months. He was then reincarcerated for two years and three months and released on parole in July 2001. He was 23 years old at the time of the offence.

[4] The offence arose from the events of an outing on November 8, 1997. After purchasing Gamma-Hydroxybutyric Acid (GHB), a controlled substance, Mr. Budakh and his friends returned to his apartment where he mixed the drug with vodka and orange juice. Everyone who drank the concoction got very sick, including two 16 year old girls, who both passed out on Mr. Budakh's bed. At some point in the evening, while the girls were immobilized on his bed, Mr. Budakh disrobed and unsuccessfully attempted to have intercourse with one of the girls. Mr. Budakh then penetrated the other young girl from behind. Following this, the girl went into an unconscious state and was hospitalized, where she slipped into a coma and was transferred to the Intensive Care Unit.

[5] On or about October 24, 2005, Mr. Budakh entered Canada at a port of entry near Windsor, Ontario. On November 18, 2005, he claimed refugee status at CIC Etobicoke, alleging persecution

in Iraq. On the same day, he was reported under section 44 of the Act for intending to establish permanent residence in Canada and for not having the visa required under the Regulations in order to do so. He was arrested by immigration officials and further reported under section 44 of the Act, because of his criminal conviction in the USA, which he admitted to, and which is the equivalent to serious criminality in Canada. On November 22, 2005, he was issued a deportation order. On December 21, 2005, the US Embassy in Ottawa informed the Canada Border Services Agency ("CBSA") that Mr. Budakh was not subject to the Reciprocal Agreement, was no longer a lawful permanent resident of the USA, and could not be returned to the USA.

[6] On January 18, 2006, Mr. Budakh was released from detention on a cash bond. He was issued a Work Permit on February 16, 2006, and has since been employed by The Airport Strip Club in Mississauga, Ontario.

[7] Mr. Budakh received a notice of intention to seek the opinion of the Minister pursuant to paragraph 101(2)(b) of the Act. As part of the process, he was provided with a copy of the Danger Opinion Narrative Report and the Request for the Minister's opinion, and he was invited to make final representations, arguments or to submit evidence.

[8] In Mr. Budakh's responding material, which included that policy guidelines discussed below, he argued that a single conviction rarely sustains a danger finding and only where the conviction clearly demonstrates that the offender poses a present or future risk of danger to the public as evidenced by the nature and circumstances of the offence. Mr. Budakh argued that this

consideration promotes a finding that he does not pose a danger to the public. The most significant and relevant evidence he put forward was a report by Dr. Gojer, a psychiatrist. Dr. Gojer stated that in the first instance, Mr. Budakh said the sex was consensual, however, a year later Mr. Budakh accepted responsibility for his assault. Dr. Gojer stated that Mr. Budakh has no problems relating to alcohol or drugs, has no prior or subsequent history of sexual violence and, most importantly, that Mr. Budakh is at a low risk to reoffend.

[9] Mr. Budakh also stressed that he has pled guilty to the offence and therefore publicly accepted responsibility for his actions. He also noted that he has continually complied with the conditions of his parole and bail, has completed a number of College courses, continues to own a condo, has found gainful employment, has family and community support in Canada, and continues to have a legitimate fear of persecution as a Christian if returned to Iraq. In short, Mr. Budakh stressed that he is now 30 years old and leads a law abiding life.

A. Danger Opinion

[10] After giving an overview and summary of the facts regarding Mr. Budakh's conviction and subsequent events, the Minister's Delegate extensively reviewed and summarized Mr. Budakh's submissions. Mr. Budakh's submission that a single conviction rarely results in a danger opinion and that he is not a danger to the public was clearly restated. The Minister's Delegate paid particular attention to the report of Dr. Gojer and clearly restated the doctor's findings and conclusions.

[11] The Minister's Delegate found that a positive consideration weighing in Mr. Budakh's favour was that the offence he committed was his first and only conviction. However, she found that the narratives revealed that in committing this act, Mr. Budakh acted in a cold and predatory manner against two minor victims who had been rendered helpless by a drug he had placed in their drinks. Further, Mr. Budakh's offence involved a violation of the bonds of trust, friendship and decency that had existed between him and his victims. Notwithstanding the fact that a single conviction may rarely sustain a danger finding, the factual events reported in the police occurrence reports alone supported, on balance, a finding that Mr. Budakh potentially poses a danger to Canadian women. While the Minister's Delegate acknowledged Dr. Gojer's opinion, she found that the manner in which he committed the offence, particularly his actions in breaching his minor victim's trust and friendship in committing the sexual assault, led her to conclude that he is likely to commit a similar assault in Canada.

[12] The Minister's delegate also found that while Humanitarian and Compassionate grounds for allowing Mr. Budakh to remain in Canada exist, they do not outweigh the seriousness of the crime he committed. Finally, the Minister's delegate noted that the Act provides for opportunities to have an assessment of the possible risk of removal considered under alternative applications under the Act and therefore did not take such factors into consideration when rendering her decision.

B. Adequate Reasons

[13] Recently, the Federal Court of Appeal stated the following in considering the adequacy of reasons for danger opinions in *Ragupathy v. Canada (Minister of Citizenship and Immigration)* [2006] F.C.J. No. 564 (F.C.A.) (QL):

> **13** It was common ground that a delegate must provide reasons for an opinion given under subsection 115(2). The disputed issue is whether the reasons given in this case were adequate to discharge that duty or were otherwise legally erroneous. In *Suresh v. Canada (Minister of Citizenship and Immigration)*, [2002] 1 S.C.R. 3, 2002 SCC 1, where the danger concerned state security, the Court said (at para. 126):
>
> > The reasons must also articulate why, ... the Minister believes the individual to be a danger to the security of Canada as required by the Act.
>
> **14** Whether reasons provide an adequate explanation of a decision can be tested by referring to the functions performed by a reasons requirement. Of the functions identified by Sexton J.A. in *VIA Rail Canada Inc. v. National Transportation Agency*, [2001] 2 F.C. 25 (C.A.), two are particularly pertinent to the present case. First, reasons help to ensure that the decision-maker has focused on the factors that must be considered in the decision-making process (at para. 17). Second, they enable the parties to exercise their right to judicial review (at para. 19) and the court to conduct a meaningful review of the decision.
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> **15** Although trite, it is also important to emphasize that a reviewing court should be realistic in determining if a tribunal's reasons meet the legal standard of adequacy. Reasons should be read in their entirety, not parsed closely, clause by clause, for possible errors or omissions; they should be read with a view to understanding, not to puzzling over every possible inconsistency, ambiguity or infelicity of expression.

[14] I find that the reasons of the Minister’s Delegate demonstrated that she focused on the factors to be considered in the decision-making process while enabling Mr. Budakh to exercise his

right to judicial review. In particular, the Minister's Delegate set out her findings of fact and the principal evidence upon which those findings were based; addressed the major points in issue; restated and considered the submissions and evidence of Mr. Budakh, and set out a reasoning process that reflected consideration of the main relevant factors.

[15] Because I find the reasons adequate, only one issue remains to be assessed in the present application.

II. Issue

[16] Did the Minister's Delegate err in determining that Mr. Budakh constitutes a danger to the public in Canada pursuant to paragraph 101(2)(d) of the Act?

III. Standard of review

[17] Paragraph 101(1)(f) of the Act has the effect of excluding from refugee protection determination procedures persons who have been convicted of serious criminal offences outside of Canada who have been certified by the Minister as constituting a danger to the public. This phrasing is similar to the phrasing found in section 115 of the Act, dealing with the deportation of persons who have been granted refugee protection. The dicta of the Supreme Court of Canada in *Suresh v. Canada (Minister of Citizenship and Immigration)*, [2002] S.C.J. No. 3 [*Suresh*] is therefore applicable to this certification procedure; although there is no requirement for an oral hearing, the

certification procedure requires that the Minister or a delegate act fairly, provide reasons, and provide proper disclosure of the recommendation to the claimant.

[18] It was well established in the jurisprudence that decisions of Ministerial Delegates under section 115 of the Act were entitled to an important degree of deference and that as such, the determination that an individual constitutes a danger to the security of Canada is to be reviewed against the standard of patent unreasonableness (see *Krishnan v. Canada (Minister of Citizenship and Immigration),* [2007] F.C.J. No. 1106 (QL) at para. 9). With respect to the Minister's Delegate's decision that a person constitutes a danger to security in Canada, the Supreme Court has stated that a reviewing court should adopt a deferential approach to this question and should set aside the Minister's discretionary decision if it is patently unreasonable in the sense that it was made arbitrarily or in bad faith, it cannot be supported on the evidence, or the Minister failed to consider the appropriate factors (*Suresh* at para. 29). The court should not reweigh the factors or interfere merely because it would have come to a different conclusion (*ibid.*). Further, the weighing of relevant factors is not the function of a court reviewing the exercise of ministerial discretion (see, for instance, *Pezim v. British Columbia (Superintendent of Brokers),* [1994] 2 S.C.R. 557, at p. 607, where Iacobucci J. explained that a reviewing court should not disturb a decision based on a "broad discretion" unless the tribunal has "made some error in principle in exercising its discretion or has exercised its discretion in a capricious or vexatious manner"). In a *Ahani v. Canada (Minister of Citizenship and Immigration),* [2002] 1 S.C.R. 72, a decision issued concurrently with *Suresh*, the Supreme Court stated:

> [16] For the reasons discussed in *Suresh*, the standard of review on the first decision is whether the decision is patently unreasonable in

> the sense that it was made arbitrarily or in bad faith, cannot be supported on the evidence, or did not take into account the appropriate factors. A reviewing court should not reweigh the factors or interfere merely because it would have come to a different conclusion. Applying the functional and pragmatic approach mandated by *Pushpanathan v. Canada (Minister of Citizenship and Immigration),* [1998] 1 S.C.R. 982 , we conclude that the Parliament intended to grant the Minister a broad discretion in issuing a s. 53(1)(b) opinion, reviewable only where the Minister makes a patently unreasonable decision.

C. The effect of the recent Supreme Court decision in Dunsmuir v. New Brunswick, 2008 SCC 9 [Dunsmuir]

[19] The Supreme Court has now reduced the standards of review of administrative tribunal decisions to two standards; correctness in respect of jurisdictional and some other questions of law and reasonableness simpliciter for other matters leaving a deferential standard when legislative choices are left to the experience and expertise of administration tribunals.

[20] In the latter case, the following factors are to be applied to see if this decision maker should be given deference and a reasonableness test applied:

1. The privative clause;
2. A special administrative scheme where the decision maker has special expertise;
3. The nature of the question of law where special expertise is invoked, a correctness standard applies, on other questions of law it may be decided on the basis of reasonableness.

(See paras. 55-56 of *Dunsmuir*)

[21] In summary, the patent unreasonableness standard has been discarded and replaced with a simple unreasonableness standard; courts must not intervene unless the decision cannot be sustained on a rational interpretation of the facts. See paragraph 47 of *Dunsmuir*:

> Reasonableness is a deferential standard animated by the principle that underlies the development of the two previous standards of reasonableness: certain questions that come before administrative tribunals do not lend themselves to one specific, particular result. Instead, they may give rise to a number of possible, reasonable conclusions. Tribunals have a margin of appreciation within the range of acceptable and rational solutions. A court conducting a review for reasonableness inquires into the qualities that make a decision reasonable, referring both to the process of articulating the reasons and to outcomes. In judicial review, reasonableness is concerned mostly with the existence of justification, transparency and intelligibility within the decision-making process. But it is also concerned with whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law.

[22] I find these remarks equally applicable to the determinations made under the certification procedure pursuant to paragraph 101(2)(b) and therefore can only grant this application for judicial review if I find the decision of the Minister's Delegate unreasonable.

IV. Analysis

[23] In *La v. Canada (Minister of Citizenship and Immigration)*, [2003] F.C.J. No. 649 (QL), Justice Lemieux cited with approval (at para. 17) the following passage from the decision of Justice Strayer in *Williams v. Canada (Minister of Citizenship and Immigration)*, [1997] 2 F.C. 646 (C.A.):

> [29] …In the context the meaning of "public danger" is not a mystery: it must refer to the possibility that a person who has committed a serious crime in the past may seriously be thought to be a potential re-offender. It need not be proven -- indeed it cannot be proven -- that the person will reoffend. What I believe the subsection adequately focusses the Minister's mind on is consideration of whether, given what she knows about the individual and what that individual has had to say in his own behalf, she can form an opinion in good faith that he is a possible re-offender whose presence in Canada creates an unacceptable risk to the public.

The Minister's Delegate cited Justice Lemieux's decision and correctly noted that her task was to assess whether Mr. Budakh constitutes to be a "danger to the public", which has been interpreted to mean "a present or future danger to the public", and that her task, therefore, was to determine whether there was sufficient evidence on which to formulate the opinion that Mr. Budakh is a potential re-offender whose presence in Canada poses an unacceptable risk to the public.

[24] Although Justice Strayer was considering an allegation that "danger to the public" was unduly vague, his interpretation is particularly appropriate here, particularly the dicta immediately following the above quoted passage:

> I lay some stress on the word "unacceptable" because, with the impossibility of proof of future conduct, there is always a risk and the extent to which society should be prepared to accept that risk can involve political considerations not inappropriate for a minister. She may well conclude, for example, that people convicted of narcotics offences have a greater likelihood of recidivism and that trafficking represents a particular menace to Canadian society. I agree with Gibson J. in the Thompson case that "danger" must be taken to refer to a "present or future danger to the public". But I am reluctant to assert that some particular kind of material must be available to the Minister to draw a conclusion of present or future danger. I find it hard to understand why it is not open to a minister to forecast future misconduct on the basis of past misconduct, particularly having regard to the circumstances of the offences and, as in this case,

> comments made by one of the sentencing judges. A reviewing court may disagree with the Minister's forecast, or consider that more weight should have been given to certain material, but that does not mean that the statutory criterion is impermissibly vague just because it allows the Minister to reach a conclusion different from that of the Court.
>
> [Emphasis added]

In the present case, the Minister's delegate forecasted Mr. Budakh's future misconduct based on his past misconduct, having particular regard to the particulars of the offence. She noted the Mr. Budakh's offence not only violated the law, but also breached bonds of trust and friendship. She therefore determined that Mr. Budakh presents a danger to the public and, in particular, to women in Canada. While this Court may disagree with the Minister's Delegate's future forecast or with the weight given to certain material, so long as the conclusion was open to her on the materials before her, the decision cannot be found to be unreasonable.

[25] The applicant argues that the decision was reached in error in so far as it was made in a manner contrary to the directions found in CIC Enforcement Manual ENF 28, Ministerial Opinions on Danger to the Public and to the Security of Canada (the "Policy", discussed at the outset). The most relevant aspect of the Policy reads:

> a single conviction may rarely sustain a danger finding, and must clearly demonstrate that the person poses a present or future risk of danger to the public, as evidenced by the nature and circumstances of the offence. The jurisprudence indicates that it is possible to base a danger opinion on a single serious conviction when sufficient evidence exists

In this light, the applicant submits that the decision was reached in error and challenges the sufficiency of the evidence before the Minister's Delegate.

[26] It has been recognized that Ministerial Guidelines, such as the Policy, are of assistance in assessing whether a decision was an unreasonable exercise of the discretion conferred (see *Yamani v. Canada (Minister of Public Safety and Emergency Preparedness)*, [2007] F.C.J. No. 381 (QL) at para. 71, citing *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817). However, the Federal Court of Appeal has held that guidelines are of no legal force and are not binding on the Minister or her agents (see *Legault v. Canada (Minister of Citizenship and Immigration)*, 2002 FCA 125 at para. 20; *Tartchinska v. Canada (Minister of Citizenship and Immigration)*, [2000] F.C.J. No. 373 at para. 20). In any event, I do not find that the Minister's Delegate exceeded the discretion afforded to her nor do I find her to have grossly disregarded the Policy. Quite the contrary. The Minister's Delegate did not unlawfully fetter her discretion by considering the single offence to be determinative, but rather, she made clear in her reasons she considered the Policy's guidelines with respect to single convictions in arriving at her conclusion. Further, I find the narrative reports filed subsequent to Mr. Budakh's arrest that were considered in detail by the Minister's delegate and that the reasons outlined the circumstances of the offence that were found to provide insight into the level of risk Mr. Budakh may present to the public. In examining the materials before her, I find the evidence adequately provides sufficient grounds to conclude that Mr. Budakh's offence constitutes a single serious conviction.

[27] The guidelines do not propose that a single conviction can never base a danger opinion. Furthermore, case law supports the proposition that in some cases, one conviction is sufficient (see *Tran v. Canada (Minister of Citizenship and Immigration)* (1997), 132 F.T.R. 163, [1997] F.C.J. No. 760; *Thompson v. Canada (Minister of Citizenship and Immigration) (1996)*, 37 Imm. L.R. (2d) 9 at para 19, [1996] F.C.J. No. 1097).

[28] It was not unreasonable for the Minister's delegate to conclude that the risk raised by the circumstances of the offence was not sufficiently mitigated by the applicant's submissions. Therefore, on this ground, the conclusion that Mr. Budakh presents a present and continuing danger to the public must stand.

[29] The applicant further contends that the Minister's Delegate committed a palpable and perverse error in her consideration of Dr. Gojer's report, which concluded that Mr. Budakh presents only a low risk of re-offending. I agree with the respondent that the applicant is arguing, in effect, that the Minister's Delegate should have accorded more weight to the psychological report.

[30] A decision maker must be "alert and sensitive" to psychological reports, (*Krishnasamy v. Canada (Minister of Citizenship and Immigration)*, [2006] F.C.J. No. 561 (QL) at para. 23). However, a Court reviewing whether a decision maker was "alert and sensitive" often involves little more than ensuring that the decision maker did not fail to consider a relevant report, unreasonably disbelieve its contents, or simply reject it out of hand, particularly where a psychological report goes towards rehabilitating a claimant's credibility. Here, there is no question of credibility, nor is there

any question that the Minister's Delegate considered Dr. Gojer's report in extensive detail. Nonetheless, the Minister's Delegate was not satisfied that the report was enough to mitigate the circumstances of Mr. Budakh's offence and the conclusion that he will pose an unacceptable risk to the public. She saw the results of the standardized test used to determine an individual risk to the community. The applicant scored 2 in the Static-99 test, i.e. category of "medium-low risk of sexual recidivism" and in the SORAS test he was placed in the "moderate risk category to re-offend sexually". These results support her conclusion, which I reiterate, is a discretionary decision.

[31] Moreover, this Court has held in *Syed v. Canada (Minister of Citizenship and Immigration),* [2000] F.C.J. No. 597 (QL) at para. 21, that it is not for psychologists to usurp the role of fact finders. While that decision addressed psychological reports rehabilitating a claimant's credibility, I find it to be equally relevant to the present application. Put another way, so long as a decision maker reasonably considers a psychological report in light of other evidence, this Court will not disturb the decision maker's findings of fact. Although I am sure Dr. Gojer is a credible and well established psychiatrist, it is the Minister's Delegate who ultimately exercises discretion under the Act to determine whether a claimant constitutes a danger to the public. Given that the Minister's Delegate in the present application clearly considered, referenced and addressed Dr. Gojer's report in her reasons, I cannot find her decision to be unreasonable.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that for reasons stated above, this application for judicial review is dismissed. No question of general importance has been put forward by counsel and none will be certified.

"Orville Frenette"
Deputy Judge

ANNEX

Immigration and Refugee Protection Act, S.C., 2001, c. 27

Designation of officers

6. (1) The Minister may designate any persons or class of persons as officers to carry out any purpose of any provision of this Act, and shall specify the powers and duties of the officers so designated.

Désignation des agents

6. (1) Le ministre désigne, individuellement ou par caté les personnes qu'il charge, à titre d'agent, de l'application d ou partie des dispositions de la présente loi et précise les attributions attachées à leurs fonctions.

Serious criminality

36. (1) A permanent resident or a foreign national is inadmissible on grounds of serious criminality for

(*b*) having been convicted of an offence outside Canada that, if committed in Canada, would constitute an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years;

Grande criminalité

36. (1) Emportent interdiction de territoire pour grande criminalité les faits suivants :

b) être déclaré coupable, à l'extérieur du Canada, d'une infraction qui, commise au Canada, constituerait une infraction à une loi fédérale punissable d'un emprisonnement maximal d'au moins dix ans;

Preparation of report

44. (1) An officer who is of the opinion that a permanent resident or a foreign national who is in Canada is inadmissible may prepare a report setting out the relevant facts, which report shall be transmitted to the Minister.

Rapport d'interdiction de territoire

44. (1) S'il estime que le résident permanent ou l'étranger qui se trouve au Canada est interdit de territoire, l'agent peut établir un rapport circonstancié, qu'il transmet au ministre.

Ineligibility

101. (1) A claim is ineligible to be referred to the Refugee Protection Division if

(*f*) the claimant has been determined to be inadmissible on grounds of security, violating human or international rights, serious criminality or organized criminality, except for persons who are inadmissible solely on the grounds of paragraph 35(1)(*c*).

Irrecevabilité

101. (1) La demande est irrecevable dans les cas suivants :

f) prononcé d'interdiction de territoire pour raison de sécurité ou pour atteinte aux droits humains ou internationaux — exception faite des personnes interdites de territoire au seul titre de l'alinéa 35(1)*c*) — , grande criminalité ou criminalité organisée.

Serious criminality

(2) A claim is not ineligible by reason of serious criminality under paragraph (1)(*f*) unless

(*b*) in the case of inadmissibility by reason of a conviction outside Canada, the Minister is of the opinion that the person is a danger to the public in Canada and the conviction is for an offence that, if committed in Canada, would constitute an offence

Grande criminalité

(2) L'interdiction de territoire pour grande criminalité visée à l'alinéa (1)*f*) n'emporte irrecevabilité de la demande que si elle a pour objet :

b) une déclaration de culpabilité à l'extérieur du Canada, pour une infraction qui, commise au Canada, constituerait une infraction à une loi fédérale punissable d'un emprisonnement maximal d'au

under an Act of Parliament that is punishable by a maximum term of imprisonment of at least 10 years.

moins dix ans, le ministre estimant que le demandeur constitue un danger pour le public au Canada.

Protection

115. (1) A protected person or a person who is recognized as a Convention refugee by another country to which the person may be returned shall not be removed from Canada to a country where they would be at risk of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion or at risk of torture or cruel and unusual treatment or punishment.

Principe

115. (1) Ne peut être renvoyée dans un pays où elle risque la persécution du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un groupe social ou de ses opinions politiques, la torture ou des traitements ou peines cruels et inusités, la personne protégée ou la personne dont il est statué que la qualité de réfugié lui a été reconnue par un autre pays vers lequel elle peut être renvoyée.

Exceptions

(2) Subsection (1) does not apply in the case of a person

(*a*) who is inadmissible on grounds of serious criminality and who constitutes, in the opinion of the Minister, a danger to the public in Canada; or

(*b*) who is inadmissible on grounds of security, violating human or international rights or organized criminality if, in the opinion of the Minister, the person should not be allowed to remain in Canada on the basis of the nature and severity of acts committed or of danger to the security of Canada.

Exclusion

(2) Le paragraphe (1) ne s’applique pas à l’interdit de territoire :

a) pour grande criminalité qui, selon le ministre, constitue un danger pour le public au Canada;

b) pour raison de sécurité ou pour atteinte aux droits humains ou internationaux ou criminalité organisée si, selon le ministre, il ne devrait pas être présent au Canada en raison soit de la nature et de la gravité de ses actes passés, soit du danger qu’il constitue pour la sécurité du Canada.

FEDERAL COURT

SOLICITORS OF RECORD

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