Federal Court  Cour fédérale

Date: 20090922

Docket: IMM-1134-09

Citation: 2009 FC 942

Ottawa, Ontario, September 22, 2009

PRESENT: The Honourable Mr. Justice Beaudry

BETWEEN:

MIKHAIL LENNIKOV

Applicant

and

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application for judicial review pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the Act), of a decision of the Minister of Public Safety and Emergency Preparedness dated February 24, 2009, where Mikhail Lennikov was denied Ministerial relief.

FACTUAL BACKGROUND

[2] Mikhail Lennikov (the Applicant), born July 6, 1960, is a citizen of Russia. The Applicant attended the Far Eastern State University in the former U.S.S.R. where he studied Japanese language. While attending university, the Applicant was the leader of a communist youth league called Kom So Mol.

[3] The Applicant travelled to Japan in October 1981 as part of Kom So Mol. It was shortly before this trip that the Applicant was approached by an agent of the *Komitet gosudarstvennoy bezopasnosti* (KGB). The KGB agent asked the Applicant to provide character references for students in his class. The Applicant says that providing such information was part of his role as Kom So Mol leader. The KGB agent also asked him to keep an eye out for anything of note during his trip to Japan. Upon his return, the Applicant met with the KGB agent and handed over business cards he had collected in Japan. The Applicant also answered some of the KGB agent's questions about Japanese police activity around the Kom So Mol boat and about a Japanese Parliamentary member he had met.

[4] The KGB agent contacted the Applicant once he had graduated from university and advised him that a request had been made to have him work for the KGB. The Applicant was hired by the KGB in August 1982. The Applicant says that, although, he did not wish to work for the KGB, he accepted out of fear that his career possibilities and ability to travel overseas would be compromised if he refused.

[5] Initially, the Applicant worked for the First Department of the KGB in the Japanese Section in the Vladivostock office. His work included translating documents, assessing prospective Japanese informants' credibility and continuing contact with some student informants from Far Eastern State University. The Applicant rose through the ranks in the KGB despite his alleged attempts to transfer to different departments and be reassigned. Finally, in November 1988, after sending a report outlining why he was not suited for employment with the KGB, the Applicant was dismissed on the grounds that he was incapable of service. After leaving the KGB, the Applicant worked in a variety of positions before finally leaving for Japan in 1995.

[6] The Applicant entered Canada in 1997 on a study permit. Accompanied by his wife and son, who are also Russian citizens, he moved to Vancouver and studied at the University of British Columbia. In April 1999, the family filed an application for permanent residence. This led to an interview with an immigration officer who determined that the Applicant was inadmissible by reason of his employment with the KGB.

[7] That determination led to a series of proceedings. On October 28, 2004, a report under subsection 44(1) of the Act was referred to the Immigration and Refugee Board (the Board) for an admissibility hearing. The Board determined that the Applicant was inadmissible to Canada on security grounds pursuant to paragraph 34(1)(*f*) of the Act and a deportation order was made against him. A judicial review of that decision was dismissed on January 16, 2007 (*Lennikov v. Canada (Minister of Citizenship and Immigration*, 2007 FC 43, [2007] F.C.J. No. 67 (QL)). The Applicant also requested a Pre-Removal Risk Assessment which was refused in August 20, 2008. A request

for a humanitarian and compassionate exemption under section 25 of the Act made by the Applicant was denied on May 13, 2009 and leave to appeal was not granted.

[8] The Applicant also sought Ministerial relief under subsection 34(2) of the Act. Throughout that process, the Applicant made a variety of submissions. Ministerial relief was denied on February 24, 2009, based on the conclusion that it would be detrimental to the national interest to permit the Applicant to continue to remain in Canada. The Applicant now seeks judicial review of that decision.

IMPUGNED DECISION

[9] In a letter dated February 24, 2009, signed by the Minister of Public Safety and Emergency Preparedness (the Respondent), the request for Ministerial relief was denied. The reasons given in the letter were as follows:

> I have reviewed and considered the material and evidence submitted in its entirety and specifically considered the following:
>
> - The applicant's account of his KGB career does not provide a satisfactory level of evidence that his presence in Canada is not detrimental to the national interest.
>
> - The applicant admits to having reported directly to the department of the KGB directly responsible for foreign intelligence and espionage.
>
> - The applicant admits to having contributed to foreign intelligence functions as well as recruitment activities for the KGB.
>
> - The applicant acknowledges that he was aware of the nature of the KGB's activities during his admitted involvement with [the] organization.

> I have considered his ties to the community, established family in this country and other factors. However, the above noted negative factors are serious and outweigh any factors in Mr. Lennikov's favour. It would be detrimental to the national interest to permit the applicant to continue to remain in Canada. Ministerial Relief is denied.

The certified copy of the decision provided by the Canada Border Services Agency (CBSA) included a copy of the aforementioned letter and a document titled Briefing Note for the Minister For Decision (the Briefing Note) signed by the President of CBSA.

[10] The Briefing Note begins by summarizing the Applicant's immigration history in Canada. It continues on by accounting for the Applicant's inadmissibility including that the Applicant admitted serving as a KGB employee and details his various tasks within the KGB.

[11] The Briefing Note then sets out the test for ministerial relief under subsection 34(2) of the Act and underlined that the burden of proof rests on the individual who is applying for relief to prove that their continued presence in Canada would not be detrimental to the national interest. It then notes that the factors defining the national interest are indicated in the Inland Processing 10 procedural manual and that all evidence submitted has been reviewed in light of those factors. It continues and notes that the consideration of national interest involves the assessment and balancing of all factors pertaining to the Applicant's admission against the stated objectives of the Act as well as against Canada's domestic and international interests and obligations.

[12] The next portion of the Briefing Note details the considerations taken into account by the President of CBSA. He notes that in interviews and declarations, the Applicant was not forthcoming and failed to provide a credible account of his service and resignation from the KGB including refusing to provide requested documents on his military service. It is also noted that the Applicant has failed to express any understanding or remorse for the espionage conducted by the KGB.

[13] It is also noted that the Applicant has always maintained that he was never directly involved in espionage and his tasks were confined to clerical, analytical and linguistic work. The Applicant also maintains that his knowledge of KGB abuses come from listening to foreign source radio. The Briefing Note then relates that open-source information confirms that the KGB was involved in various espionage activities and that the department that employed the Applicant would have reported to the central unit that coordinated all foreign intelligence activities. Also, the Applicant has acknowledged assisting in recruiting officers by collecting information on Japanese visitors and making recommendations on appropriate candidates. Based on this, it was concluded that the Applicant worked in direct support of espionage activities in Japan. Finally, it is noted that the Applicant claims that he did not knowingly recruit spies.

[14] The Briefing Note then addresses the Applicant’s claim that he was compelled to join the KGB against his will and plotted to leave at the first opportunity. However, the President of CBSA finds that this unlikely in light of the rigorous recruitment process employed by the KGB and the prestige that came along with KGB employment. It is also noted that it is unclear why the Applicant was promoted if his disillusionment was as pronounced as he claims.

[15] After relating the Applicant's employment history once he left the KGB, it is noted that there is no information indicating that the Applicant was in contact with Russian intelligence services while he lived in Japan or since arriving in Canada.

[16] The Briefing Note also notes that the Applicant claims that he fears he might be charged with treason if returned to Russia as he has revealed the names of certain KGB agents.

[17] A variety of facts about the Applicant's life in Canada were noted by the President of CBSA including his establishment in Canada, his employment as a teaching assistant and pursuit of his doctoral studies. Also, it has been submitted that both the Applicant and his wife are suffering from mental health problems attributed to the family's immigration status. The Applicant has also provided letters showing support from the community for his application to stay in Canada. It is also noted that the Applicant has expressed concerns that his Canadian educated son will incur education set backs if deported to Russia and that he could be subject to compulsory military service. It is also noted that there are possible exemptions from military service and that the government has announced plans to abolish the mandatory military service. Furthermore, these concerns were raised in the Pre-Removal Risk Assessment and discounted by the officer.

[18] Finally, the President of CBSA stated that CBSA had balanced all factors pertaining to the application for ministerial relief and concludes that the Applicant has not established that his

presence in Canada will not be detrimental to the national interest. This balancing is summarized in one of the closing paragraphs where the President of CBSA states that:

> Mr. Lennikov's ambiguous account of his KGB career does not provide CBSA with a satisfactory level of evidence that his presence in Canada is not detrimental to the national interest. He admits to having reported directly to the department of the KGB responsible for foreign intelligence and espionage, and further admits to having directly contributed to these functions, as well as engaging in recruitment activities. Mr. Lennikov acknowledges that he was aware of the KGB's activities and expresses no remorse over his involvement with the organization. His claims to have joined the KGB under duress prove unlikely when compared with the organization's high reputation as an employer within the Soviet Union. While Mr. Lennikov has established his family in Canada and appears to be a law-abiding resident with extensive ties to the community, the negative factors outlined above outweigh these positive factors and serve to demonstrate that his presence in Canada would be contrary to the national interest.

[19] Throughout the Briefing Note, there are references to supporting materials prepared by the Applicant and CBSA, which were submitted with the recommendation.

RELEVANT LEGISLATION

[20] The relevant statutory provisions are contained in Appendix A of this document.

ISSUES

[21] Is the Minister's decision to deny Ministerial relief unreasonable?

[22] The application for judicial review shall be dismissed for the following reasons.

STANDARD OF REVIEW

[23] Both of the parties submit that in light of the Supreme Court of Canada's decisions in *Dunsmuir v. New Brunswick*, 2008 SCC 2009, [2008] 1 S.C.R. 190 (*Dunsmuir*) and *Canada (Citizenship and Immigration) v. Khosa*, 2009 SCC 12, [2009] 1 S.C.R. 339 (*Khosa*) reasonableness is the standard of review to be applied to the question at issue. In conducting its review, the court must make "inquires into the qualities that make a decision reasonable, referring both to the process of articulating the reasons and to outcomes" (*Dunsmuir*, at paragraph 47). The Court must ask itself the question if the decision "falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law" (*Dunsmuir*, at paragraph 47). I agree with the parties that the standard of review is reasonableness.

[24] At the hearing, the Applicant brought an oral motion to amend his written arguments to add an additional argument that he had been denied procedural fairness by the failure of the Respondent to provide significant and relevant documents that were relied on in making the Minister's Brief.

[25] The Respondent objected to such a motion. After hearing counsel's oral submissions, I dismissed the motion in directing myself with the Court of Appeal's decisions in *Lanlehin v. Canada (Minister of Employment and Immigration)*, [1993] F.C.J. No. 207 (F.C.A.) (QL) and *Dag v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2008 FCA 95, [2008] F.C.J. No. 424 (QL).

ANALYSIS

Is the Minister's decision to deny Ministerial relief unreasonable?

Applicant's Arguments

[26] The Applicant submits that there are two reasons why the Minister's decision is unreasonable – the reasons fail to balance the necessary factors and they are based on erroneous findings of fact.

Failure to balance the necessary factors

[27] The Applicant submits that, notwithstanding the passages of the Briefing Note that refer to the IP 10 Processing Guidelines (the Guidelines), there was no analysis or balancing of the factors whatsoever. The Applicant alleges that there is no evidence that indicates that his presence would be offensive to Canada and that factor was not addressed in the reasons. The Applicant also submits that the question of whether or not he has severed all ties with the KGB was not clearly addressed and that, based on the evidence, the only possible answer is that he has. Nor is there any analysis of the question of whether or not the Applicant appears to be benefiting from assets obtained while he was with the KGB or if he is benefiting in any way from his previous membership. Finally, the Applicant contends that the Briefing Note does not address the question of whether or not he has adopted the values of a democratic society.

[28] He adds that the Respondent failed to balance and weigh the appropriate factors arising from these questions. Relying on *Afridi v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2008 FC 1192, 75 Imm. L.R. (3d) 291 and *Ismeal v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2008 FC 1366, 77 Imm. L.R. (3d) 310, the Applicant argues that reasons that ignore the factors and guidelines cannot withstand judicial review.

Erroneous findings of fact

[29] The Applicant also advances that the decision is unreasonable as it was based on erroneous findings of fact made in a perverse or capricious manner or without regard to the material.

[30] These erroneous findings of fact include the finding that the Applicant was not forthcoming. The Applicant argues that there is no specific reference in the Briefing Note evidencing his failure to be forthcoming and that a review of interview transcripts does not support that conclusion. Furthermore, the Applicant provided complete and detailed accounts of his history with the KGB which were never referred to in the Briefing Note.

[31] The Applicant also urges that the finding that he has refused to provide requested documents regarding his military service, offer of employment by the KGB and resignation is incorrect. The Applicant submits that the record shows that he disclosed his work history by filing his workbook with his application for permanent residence. He also alleges that further requested documents could not be provided as he does not have them and is uncomfortable approaching the Russian military for copies – this was communicated to the Respondent in a letter from counsel.

[32] With respect to the finding that the Applicant has failed to express any understanding or remorse for the espionage conducted by the KGB, the Applicant contends that there is no evidence in the transcripts to support this conclusion. He submits that the Respondent ignored very cogent evidence of his views on the KGB, that he has always been upfront about his reluctance to join the KGB and that the question of remorse was never put to him directly.

[33] The Applicant also argues that an error was committed in reaching the conclusion that he reported directly to the department of the KGB responsible for foreign intelligence and espionage as this is not supported by the evidence. He adds that this actually goes to the question of admissibility under paragraph 34(1)(*f*) of the Act and not of Ministerial relief which is not meant to review the soundness of the inadmissibility finding. The Applicant holds that, by relying on this point, the Respondent equated his former membership with the KGB with national interest and in doing so, was unreasonable. The Applicant relies on *Afridi* and *Ismael,* above and *Soe v. Canada (Minister of Emergency Preparedness)*, 2007 FC 461, [2007] F.C.J. No. 620 (QL).

[34] Finally, the Applicant contends that the Briefing Note suggests that his subsequent employers could have been companies utilised to mask covert political and economic intelligence activities without analyzing the question and indicating whether or not this was a positive or negative factor. Once again, the Applicant holds that, by relying on this point, the Respondent equated his former membership with the KGB with national interest and in doing so was unreasonable and relies on the above noted cases.

Respondent's Arguments

[35] The Respondent first submits that the burden rests on the Applicant to satisfy the Minister that his admission to Canada would not be detrimental to the national interest. Furthermore, the phrase "detrimental to the national interest" must be interpreted broadly and the Minister is free to take a variety of factors into account (*Miller v. Canada (Solicitor General)*, 2006 FC 912, [2007] 3 F.C.R. 438 at paragraph 73 (*Miller*); *Chogolzadeh v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2008 FC 405, 327 F.T.R. 39 at paragraphs 35-37 (*Chogolzadeh)*; *Kablawi v. Canada (Minister of Public Safety and Emergency Preparedness)*, 2008 FC 1011, 333 F.T.R. 300 at paragraph 23 (*Kablawi*)).

Failure to balance the necessary factors

[36] The Respondent contends that there is no merit to the Applicant's assertion that the Minister did not balance the relevant factors in his decision. Quite the opposite, the positive and negative factors are explicitly weighed before finding that the Applicant's continued presence in Canada would be detrimental to the national interest. The Respondent cites extracts from the Applicant's and tribunal's records to support such a proposition.

[37] The Respondent argues that there is no requirement for relief to be granted in the face of some positive factors and it is open to the Minister to give greater weight to the nature and extent of the Applicant's acts than to whether the Applicant would benefit from relief being granted (*Chogolzadeh*, at paragraphs 44-45; *Kablawi*, at paragraphs 22-23).

[38] The Respondent also contends that there is no merit to the Applicant's submission that the Minister's decision is unreasonable because it does not explicitly parrot the question listed in the Guidelines. He argues that the Applicant has mischaracterized the guidelines and that although the questions are not explicitly answered; many of the considerations in the Briefing Note correspond to sub-questions also listed in the Guidelines. Furthermore, many of the appendices referenced in the Briefing Note touched on the questions set out in the Guidelines. Moreover, the Respondent explains that the Court has rejected the argument that questions listed in guidelines must be addressed directly as this elevates form over substance (*Ramadan v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 1155, 335 F.T.R. 227 at paragraph 21). Furthermore, guidelines cannot fetter the scope of administrative discretion (*Kablawi*, at paragraph 23; *Miller*, at paragraph 73).

Erroneous findings of fact

[39] As for the Applicant's contention that there were numerous erroneous factual findings, the Respondent asserts that those findings were supported by the evidence before the Minister and as such do not establish a ground for judicial review (*Khosa*, at paragraphs 45 and 61 and *Federal Courts Act*, R.S.C. 1985, c. F-7, subsection 18.1(4)).

[40] On the finding that the Applicant was not forthcoming about the nature of his KGB involvement, the Respondent submits that the finding was reasonably open to the Minister and was based on inconsistencies and ambiguities in the Applicant's submissions and evidence. The

Respondent also identifies various inconsistencies and ambiguities that were contained in interview transcripts and documents prepared by officers that were put to the Minister.

[41] In response to the Applicant's claim that it was unreasonable to find that he had refused to provide requested documents, the Respondent points to a series of letters between the parties where a request for documents was made and the Applicant simply stated that the did not have them without further explanation and that he was uncomfortable seeking copies of certain documents that were held by the Russian military. The Respondent alleges that, faced with these inadequate explanations, it was reasonable to infer that the Applicant has essentially refused to provide the requested documents.

[42] The Respondent also holds that, based on the evidence in the interview transcripts and documents before the Minister, it was reasonable to find that the Applicant did not express remorse, that he reported directly to the department of KGB responsible for espionage and that his involvement was voluntary. The Respondent refers to specific elements of evidence that he claims support these conclusions. The Respondent also points out that many of these findings have been previously made by both the Board and this Court (*Mikhail v. Canada (Minister of Citizenship and Immigration)*, [2006] I.D.D. No. 31 (QL); *Lennikov*, above and other decision makers involved in other applicant's applications.

Analysis

[43] Before turning to the Applicant's submission that determining factors were not weighed and analyzed by the Respondent, I wish to note that I accept the Briefing Note prepared by CBSA can serve as reasons for the decision to the extent that the Minister adopted the recommendation as his determination (*Miller*, at paragraph 62). I also determine that the burden rests on the Applicant to satisfy the Minister that his admission to Canada would not be detrimental to the national interest. I also accept that the phrase "detrimental to the national interest" must be interpreted broadly and that the Minister is free to take a variety of factors into account (*Miller*, at paragraph 73; *Chogolzadeh*, at paragraphs 35-37; *Kablawi*, at paragraph 23).

[44] With this in mind, I do not agree that there was no analysis or balancing of the factors whatsoever. The Briefing Note identifies many factors – both positive and negative - used in the analysis and the determinant factors are explicitly balanced in the Briefing Note as demonstrated in the portion reproduced at paragraph 18 of this decision. Thus, it cannot be found that the decision was unreasonable on this basis.

[45] The Applicant relies on two decisions from this Court, *Afridi* and *Ismeal*, and submits that his case is the same. In those cases, it was found that the Minister's decision was unreasonable either because it had not identified relevant factors or had expressly ignored positive factors that favoured the applicant and had not made any attempt at balancing the factors. That is not the case here. The Briefing Note identified the main positive and negative factors and weighed them accordingly. There is nothing in the record that indicates otherwise.

[46] The Briefing Note references a number of documents including a memorandum prepared by a CBSA employee which explicitly addresses the guideline questions. It also identifies the main relevant factors – many of which arise from sub-questions set out in the Guidelines and it cannot be said to be one-sided. In light of this determination, I do not find that the Minister's decision to deny Ministerial relief was unreasonable. The reasons provide are transparent and present an intelligible analysis; the decision falls within the acceptable range of outcomes.

[47] Before turning to the second allegation that the Minister's decision relied on many erroneous findings of fact, I would like to highlight the distinction made in *Khosa* between a ground of review and a standard of review. The standard of review principles set out in *Dunsmuir* will be applied in the absence of clear legislative intent otherwise. Furthermore, the grounds of review set out in the *Federal Courts Act*, R.S.C. 1985, c. F-7, subsection 18.1(4) are not to be interpreted as standards of review. In applying a reasonableness standard of review, the Court is "concerned mostly with the existence of justification, transparency and intelligibility within the decision-making process. 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" (*Dunsmuir*, at paragraph 47; *Khosa*, at paragraph 63).

[48] The findings of fact with which the Applicant takes issue are actually grounded in the evidence that was before the Minister and were findings that were open to the Minister to make. The Respondent has pointed to elements of the evidence on the record that I accept support the facts

referred to in the Briefing Note. It is clear that the evidence submitted by the Applicant was considered in the preparation of the Briefing Note as much of the information can be found in the Applicant's own submissions. I therefore find that there are no reviewable errors that warrant the Court's intervention.

[49] No questions for certification were proposed and none arise in this case.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that the application for judicial review be dismissed. No question is certified.

"Michel Beaudry"
Judge

APPENDIX A

Relevant Statutory Provisions

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

Security	Sécurité
34. (1) A permanent resident or a foreign national is inadmissible on security grounds for	34. (1) Emportent interdiction de territoire pour raison de sécurité les faits suivants :
(a) engaging in an act of espionage or an act of subversion against a democratic government, institution or process as they are understood in Canada;	a) être l'auteur d'actes d'espionnage ou se livrer à la subversion contre toute institution démocratique, au sens où cette expression s'entend au Canada;
(b) engaging in or instigating the subversion by force of any government;	b) être l'instigateur ou l'auteur d'actes visant au renversement d'un gouvernement par la force;
(c) engaging in terrorism;	c) se livrer au terrorisme;
(d) being a danger to the security of Canada;	d) constituer un danger pour la sécurité du Canada;
(e) engaging in acts of violence that would or might endanger the lives or safety of persons in Canada; or	e) être l'auteur de tout acte de violence susceptible de mettre en danger la vie ou la sécurité d'autrui au Canada;
(f) being a member of an organization that there are reasonable grounds to believe engages, has engaged or will engage in acts referred to in paragraph (a), (b) or (c).	f) être membre d'une organisation dont il y a des motifs raisonnables de croire qu'elle est, a été ou sera l'auteur d'un acte visé aux alinéas a), b) ou c).
(2) The matters referred to in subsection (1) do not constitute inadmissibility in respect of a permanent resident or a foreign national who satisfies the Minister that their presence in Canada would not be detrimental to the national interest.	(2) Ces faits n'emportent pas interdiction de territoire pour le résident permanent ou l'étranger qui convainc le ministre que sa présence au Canada ne serait nullement préjudiciable à l'intérêt national.

Citizenship and Immigration Canada, IP 10
Refusal of National Security Cases / Processing of National Interest Requests
Appendix D- *Preparing the request for relief report*
(October 24, 2005) at pages 14-16.

Question	**Details**
Will the applicant's presence in Canada be offensive to the Canadian public?	Is there satisfactory evidence that the person does not represent a danger to the public? • Was the activity an isolated event? If not, over what period of time did it occur? • When did the activity occur? • Was violence involved? • Was the person personally involved or complicit in the activities of the regime/organization? • Is the regime/organization internationally recognized as one that uses violence to achieve its goals? If so, what is the degree of violence shown by the organization? • What was the length of time that the applicant was a member of the regime/organization? • Is the organization still involved in criminal or violent activities? • What was the role or position of the person within the regime/organization? • Did the person benefit from their membership or from the activities of the organization? • Is there evidence to indicate that the person was not aware of the atrocities/criminal/terrorist activities committed by the regime/organization?
Have all ties with the regime/organization been completely severed?	Has the applicant been credible, forthright, and candid concerning the activities/membership that have barred admission or has the applicant tried to minimize their role? • What evidence exists to demonstrate that ties have been severed?

	• What are the details concerning disassociation from the regime/organization? Did the applicant disassociate from the regime/organization at the first opportunity? Why? • Is the applicant currently associated with any individuals still involved in the regime/organization? • Does the applicant's lifestyle demonstrate stability or is there a pattern of activity likely associated with a criminal lifestyle?
Is there any indication that the applicant might be benefiting from assets obtained while a member of the organization?	Is the applicant's lifestyle consistent with Personal Net Worth (PNW) and current employment? • If not, provide evidence to establish that the applicant's PNW did not come from criminal activities.
Is there any indication that the applicant may be benefiting from previous membership in the regime/organization?	• Does the applicant's lifestyle demonstrate any possible benefits from former membership in the regime/organization? • Does the applicant's status in the community demonstrate any special treatment due to former membership in the regime/organization?
Has the person adopted the democratic values of Canadian society?	• What is the applicant's current attitude towards the regime/organization, their membership, and their activities on behalf of the regime/organization? • Does the applicant still share the values and lifestyle known to be associated with the organization? • Does the applicant show any remorse for their membership or activities? • What is the applicant's current attitude towards violence to achieve political

change?
• What is the applicant's attitude towards the rule of law and democratic institutions, as they are understood in Canada?

FEDERAL COURT

NAME OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	IMM-1134-09
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APPEARANCES:

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