

Federal Court



Cour fédérale

Date: 20120918

Docket: T-478-12

Citation: 2012 FC 1088

Toronto, Ontario, September 18, 2012

PRESENT: The Honourable Mr. Justice Near

BETWEEN:

**MAJOR KEYVAN NOURHAGHIGHI AND
FARZAD NOUR HAGHIGHI**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] The Respondent in this matter brings a motion to strike the application filed with the Court.

[2] I have reviewed the material before the Court and considered the submissions of Counsel for the Respondent and Mr. Nourhaghighi.

[3] In my view it is clear that s.72(1) of *IRPA* applies to the decision in question, namely that of a visa officer considering a temporary visitation visa. As such the proper procedure is to bring an

application for leave under section 72 of *IRPA*. The Applicant, Mr. Nourhaghighi, incorrectly brought an application for judicial review under sections 18.1(1)(a) and 18 (4)(2) of the *Federal Courts Act*.

[4] There is no order as to costs.

ORDER

THIS COURT ORDERS that the motion to strike the application in its entirety in this matter is granted.

“D.G. Near”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-478-12

STYLE OF CAUSE: MAJOR KEYVAN NOURHAGHIGHI AND FARZAD NOURHAGHIGHI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: September 17, 2012

REASONS FOR ORDER AND ORDER BY: NEAR J.

DATED: September 18, 2012

APPEARANCES:

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|---------------------------|---|
| Major Keyvan Nourhaghighi | FOR THE APPLICANTS (ON HIS OWN BEHALF) |
| John Loncar | FOR THE RESPONDENT (Minister of Citizenship and Immigration) |
| Helen A. Daley | FOR THE RESPONDENT |
| Sean L. Gosnell | FOR THE RESPONDENT |
| Darrell Kloeze | FOR THE RESPONDENT |

SOLICITORS OF RECORD:

| | |
|--|---|
| N/A | FOR THE APPLICANTS (ON HIS OWN BEHALF) |
| Myles J. Kirvan Deputy Attorney General of Canada | FOR THE RESPONDENT (Minister of Citizenship and Immigration) |