

Federal Court



Cour fédérale

**Date: 20130130**

**Docket: IMM-10609-12**

**Citation: 2013 FC 91**

**Ottawa, Ontario, January 30, 2013**

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

**BETWEEN:**

**HUANGHUANG LIU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] This is a motion in writing by the Minister of Citizenship and Immigration (Minister) requesting that the Court resolve this application for judicial review on the basis that the matter was settled by agreement. The Minister also seeks relief in connection with 42 other applicants whose claims to judicial relief were resolved by the same agreement.

[2] The Applicant applied for a permanent resident visa under the skilled-worker class and he received a positive selection decision before March 29, 2012. On October 15, 2012, the Applicant

brought this application seeking an Order in the nature of *mandamus* to compel the Minister to finalize his visa application within one year. On October 26, 2012 the parties, through their respective counsel, executed a settlement agreement requiring the Minister to process the Applicant's visa application and 42 other stipulated visa applications "within 300 days of this offer being signed, subject to any issues concerning the applicants' admissibility to Canada or any issues beyond the Minister's control". The agreement also provided that the 43 outstanding applications for judicial review be dismissed on consent within 14 days of the execution of the agreement.

[3] Unfortunately the terms of the anticipated consent dismissal Orders were not spelled out in the settlement agreement and a disagreement has arisen as to what those Orders should contain. The Minister contends that the form of Order should mirror the language of the settlement agreement. Regrettably, I am not able to understand the concerns of counsel for the Applicant because his submission to the Court is, once again, little more than a political rant accusing the Minister and his counsel of deceitful conduct and accusing the Court of bias.

[4] There is no need to add anything to the Order to resolve this matter beyond recognizing that this proceeding was settled by agreement and will now be dismissed on that basis. Of course, if there is any default by either party in implementing the terms of settlement, it is open to the other to apply to enforce the agreement.

[5] In the expectation that parties will now agree to a form of dismissal Order consistent with these Reasons, I do not intend to extend this Order to any of the other 42 applications before the

Court. If counsel for the Applicant refuses to proceed on that basis, I will entertain another motion by the Minister to similarly resolve those cases including Orders for costs.

[6] For the foregoing Reasons, this motion is allowed and this application for judicial review is dismissed.

**ORDER**

**THIS COURT ORDERS that** this motion is allowed and this application for judicial review is dismissed.

"R.L. Barnes"

---

Judge

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

**DOCKET:** IMM-10609-12

**STYLE OF CAUSE:** LIU v MCI

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO  
RULE 369**

**REASONS FOR ORDER  
AND ORDER:** BARNES J.

**DATED:** January 30, 2013

**APPEARANCES:**

Timothy E. Leahy

FOR THE APPLICANT

Jane Stewart

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Forefront Migration Ltd.  
Toronto, ON

FOR THE APPLICANT

William F. Pentney  
Deputy Attorney General of Canada  
Toronto, ON

FOR THE RESPONDENT