

Federal Court of Appeal



Cour d'appel fédérale

Date: 20070816

Docket: A-307-07

Citation: 2007 FCA 267

**CORAM: NOËL J.A.
NADON J.A.
EVANS J.A.**

BETWEEN:

MUSTAPHA MAGTOUF

Appellant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

Motion dealt with in writing without appearance of parties.

Order delivered at Ottawa, Ontario, on August 16, 2007.

REASONS FOR ORDER:

NADON J.A.

CONCURRED IN BY:

**NOËL J.A.
EVANS J.A.**

Federal Court of Appeal



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REASONS FOR ORDER

NADON J.A.

[1] Despite the fact that Justice Blais refused to certify that the matter involved a serious question of general importance, as required by paragraph 74(d) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, as subsequently amended, the appellant maintains that he is entitled to appeal the judgment rendered on May 3, 2007. More particularly, the appellant argues that the judge failed to exercise his jurisdiction in refusing to certify the question submitted to him for certification.

[2] In my view, the appellant's claim has no merit. It is clear from Justice Blais's reasons that he considered the question submitted by the appellant for certification and concluded that it was not a question of general importance that ought to be certified.

[3] Accordingly, it is not open to the appellant to claim, as he does, that the judge refused to exercise his jurisdiction.

[4] For these reasons, the respondent's motion will be allowed and the appellant's notice of appeal will be struck, with costs.

“M. Nadon”

J.A.

“I agree.
Marc Noël J.A.”

“I agree.
John M. Evans J.A.”

Certified true translation
Erich Klein



FEDERAL COURT OF APPEAL

SOLICITORS OF RECORD

DOCKET: A-307-07

STYLE OF CAUSE: MUSTAPHA MAGTOUF v. THE
MINISTER OF CITIZENSHIP AND
IMMIGRATION

MOTION DEALT WITH IN WRITING WITHOUT APPEARANCE OF PARTIES

REASONS FOR ORDER BY: NADON J.A.

CONCURRED IN BY: NOËL J.A.
EVANS J.A.

DATED: August 16, 2007

WRITTEN REPRESENTATIONS BY:

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Normand Lemyre FOR THE RESPONDENT

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