

Federal Court



Cour fédérale

Date: 20211223

Docket: T-1570-20

Citation: 2021 FC 1466

Ottawa, Ontario, December 23, 2021

PRESENT: Madam Justice Pallotta

BETWEEN:

THE ATTORNEY GENERAL OF CANADA

Applicant

and

CHINEDU G. UBAH

Respondent

JUDGMENT AND REASONS

I. **Overview**

[1] The applicant, the Attorney General of Canada (AGC), brings this application under section 40 of the *Federal Courts Act*, RSC 1985, c F-7 [Act] for an order declaring the respondent Mr. Ubah to be a vexatious litigant. The AGC asks for terms that would prohibit Mr. Ubah from instituting or continuing litigation in the Federal Court without leave, among other terms.

[2] The AGC submits that Mr. Ubah has instituted meritless and repetitive proceedings before this Court and the Alberta Courts. He was declared a vexatious litigant by the Alberta Court of Queen's Bench (ABQB) and prohibited from bringing or continuing proceedings before the Alberta Courts without leave. Since then, the AGC asserts that Mr. Ubah's activity in this Court has increased.

[3] The AGC alleges that Mr. Ubah's vexatious behaviour includes making unsubstantiated allegations of impropriety, mischaracterizing Court findings, routinely seeking reconsideration, making unnecessary motions, ignoring the *Federal Courts Rules*, SOR/98-106 [*Rules*], and incoherently framing pleadings. The AGC submits that Mr. Ubah, who is not a lawyer, drafts documents for other litigants before this Court, contrary to Rule 119 of the *Rules* regarding representation.

[4] Mr. Ubah opposes the AGC's application. He argues that his involvement in other applicants' files is consistent with the *Rules*. Mr. Ubah submits that the proceedings that he and others have commenced in the Federal Court have merit, and he contends that the litigation history underlying this application by the AGC to have him declared a vexatious litigant reveals bias, and a conspiracy against him.

[5] For the reasons set out below, I find that Mr. Ubah has conducted proceedings in a vexatious manner. I find that Mr. Ubah should be prohibited from instituting or continuing litigation in this Court except with leave, and that Mr. Ubah's conduct warrants other

restrictions. Most importantly, Mr. Ubah's involvement in the proceedings of other litigants must be restricted.

II. **Facts**

[6] The AGC filed its consent to this application on December 23, 2020, which is a condition of seeking relief under section 40 of the *Act*.

[7] Mr. Ubah was declared a vexatious litigant based on a history of activity in the Alberta Courts, and he is subject to court access restrictions in those Courts: *Ubah v Canadian Natural Resources Limited*, 2019 ABQB 692 at para 183 [*Ubah ABQB*]. Mr. Ubah's litigation history in the Alberta Courts is summarized in *Ubah ABQB*.

[8] Mr. Ubah appealed the order in *Ubah ABQB*, and the Alberta Court of Appeal deleted two court access restrictions from the order: (i) commencing, attempting to commence, or continuing any appeal, action, application or proceeding in courts outside of Alberta (including in the Federal Court), and (ii) conducting or continuing any proceeding before any Canadian administrative tribunal: *Ubah v Canadian Natural Resources Limited*, 2021 ABCA 5 [*Ubah ABCA*].

[9] Mr. Ubah alleges that the Alberta Court of Appeal misunderstood his argument, assuming that he was only interested in varying the order in *Ubah ABQB*. On June 25, 2021 Mr. Ubah filed an application for leave to appeal the decision to the Supreme Court of Canada (file no. 39757).

[10] Turning to Mr. Ubah's litigation history before this Court, according to two affidavits of Charlotte Harper, a Paralegal at the Edmonton Regional Office of the Department of Justice Canada, her office has responded to 18 Federal Court proceedings that involve or appear to involve Mr. Ubah.

[11] Mr. Ubah was a named plaintiff or applicant in 7 proceedings. In the other 11 proceedings, Mr. Ubah was not a named party, but his address is the initiating parties' address for service in Canada and Mr. Ubah has sworn supporting affidavits in the proceedings. The initiating parties are members of Mr. Ubah's extended family and the proceedings relate to the family members' applications for Canadian visas. In 4 of the 11 proceedings, Mr. Ubah sought leave to represent the applicants, which was denied.

[12] Mr. Ubah states that he has extended job offers to three of his family members and he has sponsored other family members to study in Canada or to visit Canada. He has also acted as the authorized Immigration, Refugees and Citizenship Canada (IRCC) representative for his family members. Mr. Ubah alleges that almost all of the applicants who have appointed him as their IRCC representative "have had their visas delayed unreasonably [so] that they have to seek recourse in the court and within days IRCC will decide their application", that "[m]ost of [the applicants] have had their application refused" except his mother and mother-in-law, and that six applicants "chose to exercise their rights to ask the Federal Court of Canada to review immigration decisions made against them" through applications for leave and judicial review.

[13] Most of the 18 proceedings referred to in Ms. Harper's affidavits are no longer active, as they were discontinued after Mr. Ubah's family members obtained authorization to enter Canada or the proceedings were otherwise resolved. The remaining 6 proceedings that were not discontinued or otherwise resolved have been stayed pending the determination of the present application. These are:

- i. IMM-6798-19, *Kelechi B. Agbai v Minister of Citizenship and Immigration*: This is an application filed by Mr. Ubah's sister, seeking judicial review of a November 11, 2019 decision that refused her second application to become a permanent resident (PR) of Canada as a skilled worker, and finding Ms. Agbai inadmissible to Canada for a period of 5 years due to a misrepresentation about her work experience. Ms. Agbai's PR application was based on an offer of employment from Mr. Ubah's company, Gideon Energy Services Inc. In a prior judicial review proceeding, Ms. Agbai challenged a visa officer's September 6, 2018 decision that refused her first PR application. The application for judicial review was dismissed on July 3, 2019 (IMM-4636-18, *Agbai v Canada (Minister of Citizenship and Immigration)*, 2019 FC 886). Ms. Agbai sought an extension of time to file a motion for reconsideration of the decision in IMM-4636-18, which was also dismissed. Prior to that proceeding, Mr. Ubah and Ms. Agbai had filed an application for a writ of *mandamus* to compel the Minister to render an immediate decision on Ms. Agbai's PR application (IMM-4275-18).
- ii. IMM-1996-20, *Kelechi Agbai v Minister of Citizenship and Immigration*: This application, filed on March 18, 2020, seeks an order of *mandamus* to compel the Minister to render a decision on Ms. Agbai's request for reconsideration of the September 6, 2018 decision that refused her first PR application (which was the subject of judicial review in IMM-4636-18). Since the request for reconsideration was refused on July 30, 2020, the Minister's position in IMM-1996-20 is that the *mandamus* application is moot and an abuse of the Court's process. The Minister argues this was Ms. Agbai's third request for reconsideration of the September 6, 2018 decision—two previous requests were refused on September 13, 2018 and November 30, 2018—and she made the third request after this Court had dismissed her application for judicial review in IMM-4636-18.
- iii. T-1538-20, *Kelechi Agbai v Her Majesty the Queen*: Ms. Agbai filed a statement of claim against the Crown, seeking damages and an injunction for defamation, conspiracy, negligence and other causes of action related to the refusal of her PR applications.
- iv. IMM-1925-19, *Ngozi Joy Uba v Minister of Citizenship and Immigration*: This is an application by Mr. Ubah's sister-in-law, for leave and judicial review of a March 19, 2019 decision refusing her work permit application, based on an offer of employment to be a nanny for Mr. Ubah's children, and a temporary resident

visa application for Ms. Uba's daughter as an accompanying minor (her sons were sponsored by Mr. Ubah and are studying in Canada). Although Ms. Uba had discontinued IMM-1925-19 after the Minister agreed to have the matter redetermined by a different officer (who refused the work permit application on November 21, 2019), she seeks to reopen IMM-1925-19. Ms. Uba filed a motion to set aside the notice of discontinuance, alleging that the Minister made a fraudulent agreement and breached its terms. She alleges that it was a term of the settlement agreement that the officer who refused the work permit application in March 2019 "will not touch my application again". Ms. Uba sought reconsideration of the November 21, 2019 redetermination decision, and the officer who refused the reconsideration request was the same officer who had refused Ms. Uba's work permit application in March 2019. Ms. Uba has also commenced an application for leave and judicial review to challenge the refusal of reconsideration dated November 19, 2020 (see IMM-6148-20, below).

- v. IMM-3944-20, *Ngozi Uba v Minister of Citizenship and Immigration*: This is an application seeking a writ of *mandamus* to compel the Minister to render a decision on Ms. Uba's request for a reconsideration of the November 21, 2019 redetermination decision that refused her work permit application. This Court had already denied leave to challenge the November 21, 2019 redetermination decision (IMM-7263-19), and dismissed Ms. Uba's motion seeking a reconsideration of the Court's decision denying leave.
- vi. IMM-6148-20, *Ngozi Uba v Minister of Citizenship and Immigration*: This application seeks judicial review of the November 19, 2020 decision "that refused Ms. Uba's work permit application". More specifically, as noted above, the November 19, 2020 decision refused Ms. Uba's October 15, 2020 request for reconsideration of the November 21, 2019 redetermination decision. Also as noted above, the officer who refused Ms. Uba's reconsideration request is the same officer who refused Ms. Uba's work permit application in March 2019.

[14] A table that is appended as Schedule A to this Judgment and Reasons lists the above proceedings as well as the other proceedings that are referred to in Ms. Harper's affidavits, and provides a summary of some of the steps in the proceedings. The table is not exhaustive and does not include many points that I have considered in making my findings, based on my review of the voluminous record of close to 5,000 pages in this application.

[15] In addition to the 18 proceedings referred to in Ms. Harper's affidavits, I have added 2 proceedings to the table appended as Schedule A: T-627-21, *Chinedu Ubah v Royal Canadian*

Mounted Police and T-991-21, *Chinedu G. Ubah v The Canadian Judicial Council*. I added these proceedings because they were commenced after Ms. Harper swore her affidavits, and both have been stayed pending the determination of this application.

III. Preliminary Issues

[16] Mr. Ubah raises two preliminary issues. First, Mr. Ubah submits that I should not have regard to the ABQB's decision in *Ubah ABQB* in deciding whether to impose court access restrictions because Justice Peter Annis has already ruled that the issue of whether the ABQB's decision warrants similar access restrictions in this Court is moot, and the Court cannot "un-moot" a moot issue. Second, Mr. Ubah submits that the affidavits of Charlotte Harper filed by the AGC to support this application are inadmissible, on the basis that she has committed perjury.

[17] With respect to the first preliminary issue, on December 14, 2020, Justice Annis issued a direction in IMM-6798-19, *Kelechi B. Agbai v Minister of Citizenship and Immigration*, seeking the parties' submissions on whether the decision in *Ubah ABQB* and the evidence from IMM-6798-19 warrant court access restrictions against Mr. Ubah in the Federal Court. Although not a named party, it appeared that Mr. Ubah was directing the litigation in IMM-6798-19.

[18] On December 24, 2020, the AGC filed the notice of application that commenced this application under section 40 of the *Act*. As a result, Justice Annis declared his direction moot, and stayed the proceeding in IMM-6798-19 pending the determination of this application.

[19] Justice Annis declared his direction was moot because the matter was being addressed in a different proceeding. Justice Annis did not rule the question posed by his direction—whether the ABQB’s determination warrants similar access restrictions in this Court—is moot.

[20] In *Canada v Olumide*, 2017 FCA 42 at paragraphs 37-38 [*Olumide*] and *Simon v Canada (Attorney General)*, 2019 FCA 28 at paragraphs 20 and 25 [*Simon*], the Federal Court of Appeal held that a vexatious litigant order from another court may be given significant weight in an application before this Court for a similar order. The weight to be given to the ABQB’s order is something that I must decide. Justice Annis’ ruling regarding his previous direction did not decide this issue or foreclose its consideration in this application.

[21] Turning to the second preliminary issue, Mr. Ubah alleges that Ms. Harper submitted untruthful affidavits based on a statement in one of her affidavits on this application that he contends to be a “clear departure” from her affidavit in the ABQB proceeding. In the ABQB affidavit, Ms. Harper stated that Mr. Ubah commenced 8 applications in the Federal Court on behalf of various family members, whereas in her affidavit filed in support of this application, she states that the Federal Court files “involve or appear to involve Mr. Ubah”, suggesting she is uncertain about the extent of Mr. Ubah’s involvement. I disagree.

[22] No evidence has been presented that Ms. Harper sought to embellish the record before the ABQB through the use of language which may not fit the facts. The statements are not inconsistent, Mr. Ubah did not cross-examine Ms. Harper, and he has not presented a valid reason to doubt the truthfulness of her affidavits.

IV. **Issues**

[23] The issues on this application are whether Mr. Ubah should be declared a vexatious litigant, and if so, what restrictions are appropriate.

V. **Analysis**

A. *Is Mr. Ubah is a vexatious litigant?*

[24] The rationale underlying section 40 of the *Act* is that the Federal Courts are community property that exists to serve everyone, not a private resource that can be commandeered in damaging ways to advance the interests of one: *Olumide* at paras 17-19; *Simon* at para 9. Section 40 of the *Act* enables the Court to create an extra layer of regulation where necessary to prevent one litigant from squandering judicial resources by duplicative proceedings, pointless litigation, the style or manner of their litigation, their motivations, intentions, attitudes and capabilities while litigating, or any combination of these things: *Simon* at paras 15-16.

[25] “Vexatiousness” does not have a precise meaning (*Olumide* at paragraph 31):

Vexatiousness is a concept that draws its meaning mainly from the purposes of section 40. Where regulation of the litigant’s continued access to the courts under section 40 is supported by the purposes of section 40, relief should be granted. Put another way, where continued unrestricted access of a litigant to the courts undermines the purposes of section 40, relief should be granted. ...

[26] The indicia of a vexatious litigant include being admonished by other courts for vexatious behavior, instituting frivolous proceedings (motions, applications, actions, or appeals), making scandalous or unsupported allegations against opposing parties, relitigating settled issues, unsuccessfully appealing decisions, and ignoring rules, court orders, and/or cost awards:

Olumide v Canada, 2016 FC 1106 at paras 9-10, aff'd *Olumide* (FCA). These indicia are not binding but can be helpful while keeping in mind the purposes of section 40 of the *Act*: *Olumide* at paras 32 and 34.

[27] Mr. Ubah states the record demonstrates that the AGC's application is an abuse of section 40 of the *Act*. With respect to the Alberta Courts, Mr. Ubah alleges that the AGC was working secretly with the Alberta judge who imposed court access restrictions in *Ubah ABQB*. He objects to the AGC's reliance on what he sees as a questionable decision, in order to obtain a similar order in the Federal Court. Mr. Ubah submits that this Court should not rely on the vexatious litigant order made by the ABQB or the comments made by Justice Annis, as both reflect bias.

[28] In my view, it is unnecessary to address Mr. Ubah's allegations regarding the Alberta proceedings. There is no need to rely on the order in *Ubah ABQB* because the history of proceedings in this Court present sufficient indicia of vexatious conduct to warrant court access restrictions. For this reason, I have not placed any weight on Mr. Ubah's conduct before the Alberta Courts or the order in *Ubah ABQB*.

[29] Turning to Mr. Ubah's litigation history in this Court, the AGC submits that Mr. Ubah's conduct demonstrates the indicia of a vexatious litigant.

[30] The AGC submits Mr. Ubah engages in litigation by proxy. Although he is not a lawyer, he attempts to represent litigants in proceedings where he is not a party. The AGC argues that

Mr. Ubah's involvement in his family member's litigation overshadows the litigants' rights, and the indicia of vexatious conduct in those proceedings can be attributed to him.

[31] The AGC submits that the indicia of vexatious conduct include an inability to frame pleadings in a coherent manner, a tendency to advance the same grounds and issues from one proceeding to another, ignoring rules or directions of the Court, bringing motions that complicate matters unnecessarily, seeking to reverse settled decisions or have the Court reconsider unsuccessful applications, mischaracterizing the Court's findings, and making sweeping, unsubstantiated allegations of conspiracy and impropriety against the respondents, counsel, and the courts.

[32] Mr. Ubah argues that he cannot be a vexatious litigant as he was not the litigant who initiated proceedings in "14 out of the 15 Federal court files" identified by Ms. Harper in her first affidavit. This is not accurate. In addition to the actions he has commenced in his own name (T-756-20, T-627-21, and T-991-21), Mr. Ubah was, at least for a period of time, named as an applicant or as a co-applicant in 6 proceedings involving his family member's disputes. He was involved in resisting the respondents' motions to have him removed as a party, and in bringing unsuccessful motions to add himself or his company as a party to proceedings (with leave to represent his company) and to represent his family members before this Court.

[33] When Mr. Ubah was denied permission to represent them, some family members sought to have their judicial review proceeding determined on the basis of written representations only. This raises a concern about the extent of the litigants' involvement in the files, and whether they

fully understand the arguments that are being raised and the consequences of steps being taken. Ms. Agbai, for example, has been deemed inadmissible to Canada for a period of five years, and yet prefers to waive oral submissions and have her application to challenge that decision decided on the basis of written representations alone. She had brought an unsuccessful motion to have Mr. Ubah added as a party to the application, followed by an unsuccessful motion to have Mr. Ubah represent her before this Court.

[34] Mr. Ubah argues that he is a Canadian citizen who has no active files with IRCC. He states that he is an engineer, not a lawyer, and that his involvement in his family members' files was limited, and lawful: he only provided his address for service (because a Canadian address for service is required by paragraph 5(1)(k) of the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22 [*CIR Rules*]), helped to pay court filing fees, ensured that documents were served on time, and provided affidavits where he was the person with first-hand knowledge. At the same time, Mr. Ubah argues that his family members have a right to representation, that this Court has permitted representation by a relative (*Clement v Canada (Minister of Citizenship and Immigration)*, 2019 FC 703 at para 2) and that there is nothing to prevent an applicant from using “any tool in their disposal to perfect their ALJR”.

[35] Mr. Ubah is correct that applicants must use an address for service in Canada, and that they are entitled to rely on an affidavit from him if he is in a position to provide relevant evidence to support their applications. However, I find that Mr. Ubah understates his involvement in these files. I observe common patterns that are consistent with extensive involvement, and a conclusion that Mr. Ubah is providing advice and directing the proceedings—

similar procedural steps are taken, similar arguments are raised, and similar language is used, including when compared to documents that Mr. Ubah has signed. General allegations from one proceeding are repeated in other proceedings, even when they involve different family members. There are allegations of impropriety that relate to the respondents' conduct toward Mr. Ubah, rather than to the applicants themselves. In IMM-7486-19, IMM-7489-19 and IMM-1996-20, for example, the named applicants allege that the immigration authorities were engaged in bad faith conduct and deception in interactions with Mr. Ubah. Mr. Ubah appears to be involved for the duration of the proceedings.

[36] Rule 119 of the *Rules* states that an individual may act in person or be represented by a solicitor in a proceeding. The *Rules* do not state that friends or family members may represent individuals. I find Mr. Ubah is directing litigation in proceedings involving his family members, where he is not a party. It is very likely that Mr. Ubah is drafting the correspondence filed with the Court, as well as the pleadings and arguments. As a result, Mr. Ubah is contravening the *Rules* on representation. Indeed, there is evidence that suggests Mr. Ubah has sent emails from his family's email accounts. As the AGC points out, an email sent to the respondent's counsel from Ms. Agbai's Gmail account was signed "Regards, Mr. Ubah", and when counsel replied that she could not discuss the file with Mr. Ubah, the response was "Pardon the typo".

[37] Beyond breaching rules of representation, Mr. Ubah appears to use the proceedings involving his family members' visa applications in order to further his own cause, and to re-litigate allegations of impropriety against the government. Mr. Ubah's affidavit filed in this application states that his family members' visas were being refused and his family members

“were intentionally been maltreated and oppressively treated by IRCC in an indirect attack of me for being related to them, for them using me as their IRCC representative which allows me to make inquiry on their behalf, for me having children that needed to be cared for, for me operating a business as some[one] who is...a Canadian, but according to IRCC, not a real one but a naturalized one etc, including working under the table with [the] Alberta Court to have me declared vexatious”. He argues that the legal proceedings are necessary to challenge government actions and hold the government to account for what they did and are doing to him and “millions” of other naturalized Canadian citizens and visa applicants.

[38] Based on the evidence in the record, I find that Mr. Ubah is directing his family members’ litigation. Also, I find that the extent of Mr. Ubah’s involvement is significant, and the indicia of vexatious conduct in those proceedings can be attributed to him.

[39] The AGC has established a number of indicia of vexatiousness, including that Mr. Ubah makes unsubstantiated allegations of impropriety and conspiracy, he wastes judicial resources by attempting to re-litigate matters even when they are settled, and he disregards the *Rules* for representing other litigants. Some examples include:

- In file 18-T-21, Mr. Ubah sought to be relieved of paying filing fees to file an application for judicial review, on the basis that the respondent Minister’s agreement to have an immigration officer’s decision redetermined was a ploy and a delay tactic that was meant to frustrate the applicant’s efforts. Mr. Ubah made unsubstantiated allegations that the respondent Minister was ruthless, misled him, and purposefully delayed legal proceedings, in order to argue that he should be relieved of the obligation to pay filing fees to commence a second application for judicial review. These allegations did not flow from the alleged facts—that the reconsideration of a minor child’s temporary resident visa application was referred to the same office that had initially refused the application, resulting in the same error as before. The motion in 18-T-21 was dismissed in March 2018.

- Mr. Ubah repeats his allegation that the government is engaged in a conspiracy against him or his family members throughout his litigation history. In his proceeding against the Crown, T-756-20, Mr. Ubah has claimed that the IRCC is defaming and oppressing him, making “secret deals” with third parties, including a judge, “and to interfere/deter immigration processes to deny and oppress applicants and prevent them from working for [Mr. Ubah] and his company”.
- Mr. Ubah has been admonished for his conduct. Following the receipt of letters signed Maxwell Uba c/o Chinedu Ubah, a December 8, 2020 direction of Justice Shirzad Ahmed in IMM-5567-20 states: “It is inappropriate and unacceptable to accuse opposing counsel of lying or acting in bad faith. I find the Applicants’ claim that the Respondent is tampering with IRCC’s decision-making process and deceiving this Court to be troubling, as it is inappropriate for the Applicants to question the integrity of the Respondent on such grounds”. A further letter with allegations of impropriety against the respondent Minister was filed following the direction, on the same day, and incorrectly stated that in IMM-7486-19 and IMM-7489-19, the Court had found evidence of oppressive conduct which it described as “repulsive”.
- Mr. Ubah has a history of unsuccessful requests for reconsideration. Such requests were made in IMM-1206-19, IMM-3282-18, IMM-4626-18, and IMM-7263-18. Mr. Ubah has even continued to litigate matters that were resolved in the applicant’s favour. After the application for leave and judicial review was granted on consent in IMM-7486-19, a letter signed Maxwell Uba c/o Chinedu Ubah was sent to the Court, alleging that the respondent had lied. The Court issued a direction that it was no longer seized of the matter and would not entertain further correspondence. A similar letter alleging impropriety was sent after the application for leave and judicial review in file IMM-7489-19 was granted on consent.

[40] The proceedings involving Mr. Ubah or his family members demonstrate a pattern of making inaccurate and unsupported allegations, a pattern that Mr. Ubah repeats in response to this application. For example, Mr. Ubah argues that his family members have brought applications in this Court because the AGC has been illegally and oppressively influencing the decisions of visa officers abroad in a crusade to intimidate him, the AGC engages in questionable and criminal conduct to mislead the Court, there is “indisputable evidence” that the settlement offers made by the respondents in proceedings before the Court “were disingenuous/fraudulent”, that this Court has characterized the government’s conduct as oppressive or repulsive, that the

IRCC hired “rogue police” to falsely accuse Ms. Kelechi Agbai of fraud, that an immigration officer assigned to a family member’s file confessed that the AGC was amending and influencing her affidavit, and that the respondent Minister fraudulently provided different tribunal records to the Court and to Ms. Agbai in one of her proceedings, as the respondent was hoping the Court would think Ms. Agbai, who is self-represented, is delusional because the Court would not be seeing the same content as her.

[41] Mr. Ubah’s repeated, unsubstantiated allegations and mischaracterization of the facts require opposing counsel and this Court to expend resources to respond. His unsubstantiated and inaccurate allegations made in response to this application added to the already significant amount of time that was required to review the record. Mr. Ubah makes unsupported allegations of impropriety, even after this Court’s warning that they are inappropriate.

[42] The record demonstrates a pattern of repeating the same grounds and issues from one proceeding to another, bringing motions that complicate matters unnecessarily, and routinely seeking reconsideration or relitigation. In addition to a pattern of refusing to accept the finality of unfavourable decisions, there are examples in the record where Mr. Ubah has sought redress from the Court in proceedings where the outcome was favourable to the applicants. For example, in September 2020, when Mr. Ubah’s brother-in-law had already been in Canada for two years, Mr. Ubah sought to reopen IMM-3282-18 based on the respondents’ alleged “deception and misrepresentation”. The respondents had filed a letter with the Court on July 31, 2018, stating that no decision had been made when in fact the brother-in-law’s PR application had been granted four days earlier, on July 27, 2018. Mr. Ubah asked the Court to address the

deception, as the respondents “continue to engage in dubious ways to deceive this court because they keep getting away with it”.

[43] The threshold question for declaring a litigant vexatious is whether the litigant’s ungovernability or harmfulness to the court system and its participants justify a leave-granting process for any new proceedings: *Simon* at paras 14-18. Mr. Ubah’s conduct is both ungovernable and harmful, and justifies a leave-granting process for any new proceedings. Mr. Ubah’s allegations and arguments repeatedly appear before this Court, in proceedings where he or his family members are parties. I am satisfied restrictions are required to ensure that Mr. Ubah’s involvement in files is governable, and the Court can regulate his use of judicial resources. Moreover, a vexatious litigant order may assist the applicants, Mr. Ubah’s family members. They and Mr. Ubah do not seem to appreciate the negative consequences that could result from Mr. Ubah’s involvement in their litigation matters. In my view, the family members would benefit from retaining counsel to advise and represent them, but if they choose not to do so, they are entitled to represent themselves before this Court. Either way, one objective of this order is to avoid having these applicants bear the consequences of Mr. Ubah’s actions in this Court, rather than their own.

B. *What restrictions are appropriate?*

[44] The AGC submits that a typical restriction is to require leave from the Court to institute proceedings, under subsection 40(3) of the *Act*. The Court has the plenary jurisdiction to order additional requirements as necessary (*Olumide* at para 23) and the AGC submits further restrictions are necessary in this case.

[45] In this regard, the AGC requests an order that Mr. Ubah must seek permission to commence an application under subsection 40(3) of the *Act*, by way of a preliminary motion in writing: *Wilson v Canada (Revenue Agency)*, 2017 FC 817 at paras 64-65, 70-77 [*Wilson*].

[46] Also, the AGC requests an order that prohibits Mr. Ubah from preparing documents intended to be filed in the Federal Court for any person other than himself, and from filing or otherwise communicating with the Court except on his own behalf. The AGC submits the Registry should be instructed via the vexatious litigant order to refuse to file any document received from Mr. Ubah (including an affidavit of service) or any document submitted “care of” Mr. Ubah or that includes his mailing address unless it is for a proceeding initiated or continued on his own behalf (i.e. Mr. Ubah is a named party in the proceeding).

[47] In *Canada (Attorney General) v Fabrikant*, 2019 FCA 198 [*Fabrikant*], Justice Stratas made the following observations about the types of restrictions that may be imposed in a vexatious litigant order:

[44] Different types of vexatious litigant orders can be made. Care must be taken to craft the order carefully to preserve the vexatious litigant’s legitimate right to access the Court while protecting as much as possible the Court and litigants before it: see the purposes discussed in *Olumide* at paras. 17-34.

[45] In cases such as this, a vexatious litigant order should try to do the following:

- Bar vexatious litigants from litigating themselves, litigating through proxies, and assisting others with their litigation.
- Rule on the issue whether the vexatious litigant’s pending cases should be discontinued; if so, describe the manner in which they may be resurrected and continued.

- Prevent the Registry from spending time on unnecessary communications and worthless filings.
- Permit access to the Court by leave, and only in the narrow circumstances permitted by law where access is necessary and the respondent has respected the procedural rules and previous court orders; in such cases, ensure that interested persons have the opportunity to make submissions.
- Empower the Registry to take quick and administratively simple steps to protect itself, the Court and other litigants from vexatious behavior.
- Preserve the Court's powers to act further, when necessary, to adjust the vexatious litigant order, but only in accordance with procedural fairness.
- Ensure that other judgments, orders and directions, to the extent not inconsistent with the vexatious litigant order, remain in effect and can be enforced.

[46] Trying to accomplish these objectives in a single judgment or order can be challenging and time-consuming, especially if one is drafting from scratch. Experience shows that some vexatious litigants will do their best to get around vexatious litigant orders: see, e.g., *Virgo v. Canada (Attorney General)*, 2019 FCA 167. In its vexatious litigant order, the Court must anticipate and address every illegitimate avenue. And the Court's ability to strengthen its order when necessary and to punish non-compliance—always in accordance with procedural fairness rights—must be preserved.

[48] I am satisfied that, in addition to the usual order to prohibit Mr. Ubah from instituting or continuing proceedings in this Court without leave, further restrictions are required.

[49] In light of Mr. Ubah's tendency to relitigate matters, I find that it is reasonable to impose a preliminary procedure of obtaining permission before he will be allowed to serve and file a full application for leave under subsection 40(3) of the *Act*, similar to the procedure set out in *Wilson*.

[50] Also, I agree with the AGC that it is essential to implement restrictions to prevent Mr. Ubah from litigating by proxy—a key reason why Mr. Ubah’s conduct is harmful and ungovernable. Mr. Ubah is not a lawyer. He is not bound by rules of professional conduct or accountability. Yet his conduct in these matters resembles the conduct of a lawyer.

[51] Preventing litigation by proxy is one of the aims of a vexatious litigant order, as set out in *Fabrikant* at paragraph 45. The consequence of restrictions on Mr. Ubah’s ability to litigate by proxy is that the proceedings where this appears to be the case should not continue except with leave of the Court. Also, Mr. Ubah should be required to clearly identify his involvement, and consistently use only his full name, Chinedu Gideon Ubah, in all communications with the Court.

[52] In my view, the above restrictions should apply to all new and existing proceedings that involve Mr. Ubah, including all proceedings listed in Schedule A to this Judgment and Reasons, with the exception of file T-756-20. That proceeding is case-managed, and the AGC has already brought a motion to strike out the statement of claim. The motion was granted with leave to amend. Mr. Ubah has filed an amended statement of claim but there has been no further activity because the action was stayed. If Mr. Ubah’s amended statement of claim in T-756-20 is not struck out, and the proceeding is allowed to continue in whole or in part, then the Court can decide whether, in addition to case management, the proceeding should be subject to the terms of this order or other restrictions should be imposed, as the Court considers appropriate.

VI. **Conclusion**

[53] Mr. Ubah is a vexatious litigant. He has engaged in ungovernable and harmful conduct that may be observed in the record, including by engaging in litigation by proxy, mischaracterizing facts and making unsubstantiated allegations of impropriety, and re-litigating matters that have already been decided.

[54] The AGC proposes suitable restrictions, which I accept are justified, and they are reflected in the order that follows.

[55] The AGC requests an order of costs in the amount of \$1500. Generally, costs are awarded to the successful party. Costs are in the full discretion of the Court, and governed by Rules 400-422 of the *Rules*. The amount requested is modest and eminently reasonable. I award costs to the AGC in the amount requested.

JUDGMENT in T-1570-20

THIS COURT’S JUDGMENT is that:

1. Mr. Ubah is declared to be a vexatious litigant.
2. With the exception of Court file T-756-20, Mr. Ubah is prohibited from instituting or continuing proceedings in the Federal Court, except with leave. This includes proceedings in his own name, individually or jointly with any other person, and proceedings where he is acting directly or indirectly on behalf of others.
3. Unless expressly permitted by an order of this Court, Mr. Ubah is prohibited from preparing documents intended to be filed in the Federal Court for any person other than himself, and he is prohibited from filing or otherwise communicating with the Federal Court except on his own behalf.
4. Mr. Ubah must identify himself in all communications with the Court, using his full name, Chinedu Gideon Ubah.
5. The Federal Court Registry may deny the filing of any document that lists “care of” Mr. Ubah or his mailing address, unless it is for a proceeding initiated or continued on his own behalf.
6. Before instituting any new proceedings or continuing any previously instituted proceedings in the Federal Court in his own name (including a proceeding to vary or rescind this Judgment), Mr. Ubah shall obtain leave through an application under subsection 40(3) of the *Federal Courts Act*; however, in order to bring an application for leave under subsection 40(3), he must first obtain permission via the following procedure:

- a. Mr. Ubah shall bring a preliminary motion for permission to bring an application under subsection 40(3), outlining the merits of the proposed proceeding or the proposed step in a previously instituted proceeding, which motion shall be made in writing, and must include a copy of this Judgment;
 - b. the preliminary motion materials must comply with the *Federal Courts Rules* (including the formatting requirements), the accompanying affidavit must not exceed five pages in length, and the accompanying written representations must not exceed ten pages in length; otherwise, the materials will not be accepted for filing.
7. The proceedings in files IMM-6798-19, IMM-1996-20, T-1538-20, IMM-1925-19, IMM-3944-20, IMM-6148-20, and any proceedings of other applicants where Mr. Ubah's personal address is listed as the address of service, are stayed and require leave of the Court to continue. The following conditions apply:
 - a. The applicants must provide an address for service that is not Mr. Ubah's address;
 - b. Any application for leave must include a copy of this Judgment; and
 - c. If leave is granted, in addition to complying with any conditions that are imposed by the order granting leave, the applicants shall continue to use an address for service that is not Mr. Ubah's address unless they are expressly permitted by the leave order to use his address.

8. The AGC is awarded costs of the application, in the amount of \$1500.

"Christine M. Pallotta"

Judge

SCHEDULE A

Summary of Federal Court files that involve or appear to involve Mr. Ubah

* denotes files where Mr. Ubah was named as an applicant or plaintiff

‡ denotes files that were stayed pending the outcome of this application to have Mr. Ubah declared a vexatious litigant

	File Number	Style of Cause	Summary
1	* IMM-4311-17	<i>Chinedu Ubah v Minister of Immigration, Refugees and Citizenship Canada</i>	<p>On October 10, 2017 Mr. Ubah filed an application for leave and judicial review (ALJR) of an October 6, 2017 decision that refused a temporary resident visa (TRV) for his nephew David Chinedu Victor, a minor. David Chinedu Victor's father (see IMM-3282-18, below) had a pending application for permanent residence (PR).</p> <p>According to Mr. Ubah's affidavit, the background is as follows. David Chinedu Victor was in Canada between 2013-2014 with his mother. His younger sister was born in Canada during that visit. Both children were to return to Canada to attend school. The sister did not need a visa to return as she was born in Canada. Mr. Ubah completed and submitted David Chinedu Victor's application and acted as his sponsor and his representative before the IRCC. IRCC refused the application and required proof of guardianship. Mr. Ubah obtained guardianship orders from the Family Court of Alberta and a Nigerian court. However, the IRCC refused the application again, and Mr. Ubah commenced IMM-4311-17.</p> <p>IMM-4311-17 was discontinued pursuant to a consent agreement with the respondent, that the October 6, 2017 decision would be set aside and the TRV application would be reconsidered by a different officer.</p>
2	*18-T-21	<i>Chinedu Ubah v Minister of Immigration, Refugees and Citizenship Canada</i>	<p>On February 23, 2018, Mr. Ubah filed a notice of motion to dispense with the requirement to pay court filing fees to bring an ALJR to challenge a January 29, 2018 decision that refused a TRV for his nephew David Chinedu Victor, a minor. Mr. Ubah sought an order dispensing with the requirement to pay court filing fees on the basis</p>

	File Number	Style of Cause	Summary
			that the respondent's consent settlement in IMM-4311-17 was a ploy, and the officer who reconsidered the TRV application repeated the error of the prior October 6, 2017 decision. The motion was dismissed.
3	*IMM-1206-18	<i>Chinedu Ubah v Minister of Immigration, Refugees and Citizenship Canada</i>	<p>Mr. Ubah filed an ALJR of the January 29, 2018 decision that refused a TRV for his nephew David Chinedu Victor, a minor. The respondent objected to Mr. Ubah's ability to represent the minor applicant, which was put before the Judge considering the leave application. The Judge noted this issue but did not address it, because the application for leave was denied. Mr. Ubah filed a motion asking the Court to reconsider the decision to deny leave. The motion was dismissed.</p> <p>Even though leave was denied, Mr. Ubah states in his affidavit that David Chinedu Victor has been in Canada since 2018, and that this would not have been possible if not for the ALJR in the Federal Court.</p>
4	*IMM-3282-18	<i>Chinedu Ubah and Okechuku Victor Ikoro v Minister of Public Safety and Emergency Preparedness and Minister of Immigration, Refugees and Citizenship Canada</i>	<p>On July 13, 2018, Mr. Ubah and his brother-in-law Okechuku Victor Ikoro (David Chinedu Victor's father), filed an ALJR seeking a writ of <i>mandamus</i> to compel the respondents to process Mr. Ikoro's PR application. The applicants did not file an application record, and leave was denied on November 8, 2018.</p> <p>On September 2, 2020, Mr. Ubah filed a letter seeking to reopen IMM-3282-18 based on the respondents' alleged "deception and misrepresentation". Mr. Ubah alleged that the respondents had filed a letter with the Court on July 31, 2018, stating that no decision had been made when in fact Mr. Ikoro's PR application had been granted four days earlier, on July 27, 2018 (Mr. Ikoro has been in Canada since September 2018). Mr. Ubah alleged that the respondents had intentionally lied and misled the Court, to cause the Court to dismiss the application, and the</p>

	File Number	Style of Cause	Summary
			<p>respondents had also lied to a judge of the ABQB that IMM-3282-18 had been dismissed.</p> <p>The respondents argued that the July 31, 2018 letter was issued due to an administrative error, and that Mr. Ubah’s September 2, 2020 letter constituted an improper request for reconsideration.</p> <p>Mr. Ubah then filed a reply which argued, among other things, that “the excuse of administrative error is defenseless and unreasonable” and part of an arrangement with a judge of the ABQB to “paint [him] in a bad light” and have Mr. Ubah declared a vexatious litigant. Mr. Ubah asked this Court to address the respondents’ deception as “they keep getting away with it”.</p> <p>The Court considered the request to be an informal motion for reconsideration of the decision denying leave. The Court dismissed the motion on the basis that there was no error or omission in the order denying leave, and the applicants’ allegations were unfounded and without merit.</p>
5	*IMM-4275-18	<i>Chinedu Ubah and Kelechi B. Agbai v Minister of Immigration, Refugees and Citizenship Canada</i>	Mr. Ubah and his sister Ms. Agbai filed an ALJR seeking a writ of <i>mandamus</i> to compel the respondent to make a decision on Ms. Agbai’s PR application. The applicants did not file an application record. Leave was denied.
6	*IMM-4636-18	<i>Gideon Ubah and Kelechi B. Agbai v Minister of Immigration, Refugees and Citizenship Canada</i>	Gideon Ubah refers to Mr. Ubah. Mr. Ubah and Ms. Agbai filed this ALJR to challenge a September 6, 2018 decision that refused Ms. Agbai’s PR application. By order dated December 28, 2018, the Court granted the respondent’s motion to remove Mr. Ubah as a party to the proceeding. The Court dismissed a motion to have Mr. Ubah’s company, Gideon Energy Services Inc., added as a party on the basis that it

	File Number	Style of Cause	Summary
			<p>had extended a job offer to Ms. Agbai, and to allow Mr. Ubah to represent the company.</p> <p>On March 21, 2019, leave was granted. Ms. Agbai brought a motion for an order to allow Mr. Ubah to represent her in the ALJR, which was dismissed, and then a motion to have the ALJR determined solely on the basis of written representations, which was also dismissed. Ms. Agbai was ordered to make all reasonable efforts to be available for the oral hearing by telephone.</p> <p>The Court dismissed the application for judicial review. Ms. Agbai sought an extension of time to file a motion for reconsideration. The Court dismissed the request for an extension of time based on a number of findings, including that Ms. Agbai failed to establish her motion for reconsideration has merit.</p>
7	‡IMM-1925-19	<i>Ngozi Joy Uba v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah’s sister-in-law, Ngozi Joy Uba, filed an ALJR of a March 22, 2019 decision refusing her application for a work permit. The address for service is Mr. Ubah’s address. Ms. Uba brought a motion for an order allowing Mr. Ubah to represent her. The Court refused to make the requested order, but granted a request to allow the ALJR to be decided solely on the basis of the parties’ written submissions. The application was discontinued pursuant to a consent agreement with the respondent that the work permit application would be reconsidered.</p> <p>On January 8, 2021, Ms. Uba filed a motion seeking to set aside the discontinuance. The motion was not heard because IMM-1925-19 was stayed.</p>
8	IMM-3036-19	<i>Chisom R. Uba and Uchehi Uba v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah’s nephew Chisom Uba and brother-in-law Uchehi Uba (Chisom Uba’s father; named as Uchechi Uba in IMM-7489-19 below) filed an ALJR of a May 13, 2019 decision refusing Chisom Uba’s study permit application. The</p>

	File Number	Style of Cause	Summary
			<p>address for service on the ALJR is Mr. Ubah's address.</p> <p>The applicants brought a motion for an order allowing either Uchehi Uba or Mr. Ubah to represent the minor applicant. The Court ordered that Uchehi Uba could represent his son at the leave stage only, and if leave were granted, a solicitor should be retained to represent him. Leave was denied.</p>
9	‡IMM-6798-19	<i>Kelechi B. Agbai v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah's sister, Kelechi Agbai, filed an ALJR of a November 11, 2019 decision refusing a second application for PR, and finding that she is inadmissible to Canada for a period of 5 years due to misrepresentation. The address for service is Mr. Ubah's address. Mr. Ubah filed a supporting affidavit in a motion for an order to add him as a party to the proceeding. The motion was dismissed. The Court also dismissed a motion to allow Mr. Ubah to represent Ms. Agbai.</p> <p>Leave was granted.</p> <p>On December 14, 2020, Justice Annis issued a direction asking for submissions regarding whether the Federal Court can rely on the decision in <i>Ubah ABQB</i> and the evidence in IMM-6798-19 to impose court access restrictions against Mr. Ubah.</p> <p>On January 8, 2021 Justice Annis issued a further direction that his December 14, 2020 direction is moot in view of this application to have Mr. Ubah declared a vexatious litigant.</p>
10	IMM-7263-19	<i>Ngozi Joy Uba v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah's sister-in-law, Ngozi Joy Uba, filed an ALJR of a November 21, 2019 decision that refused her work permit application, and a TRV application for an accompanying minor (Ms. Uba's daughter). This was the redetermination made on consent, following the discontinuance in</p>

	File Number	Style of Cause	Summary
			<p>IMM-1925-19. The address for service listed on the ALJR is Mr. Ubah’s address.</p> <p>Leave was denied. The applicant sought reconsideration (using Mr. Ubah’s address for the motion and reply). The motion was dismissed.</p>
11	IMM-7486-19	<i>Maxwell Uba v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah’s brother, Maxwell Uba, filed an ALJR to set aside a November 14, 2019 decision that refused his TRV as well as a study permit application for an accompanying minor. The accompanying minor is Chisom Ubah (nephew of Mr. Ubah and Maxwell Uba, son of Uchechi Uba—see IMM-7489-19 and IMM-5567-20). The address for service is Mr. Ubah’s address.</p> <p>According to Mr. Ubah’s affidavit, Maxwell Uba is married to Ngozi Uba (see IMM-1925-19, IMM-3944-20 and IMM-6148-20). Their two minor sons are in Canada on study permits. Maxwell Uba seeks a TRV to visit his sons, siblings, and mother in Canada.</p> <p>The respondent consented to have the matter redetermined, but according to Mr. Ubah’s affidavit, the applicant did not wish to settle due to the respondent’s “track record”. Instead, the applicant asked the Court to make the decision or direct the officer to approve the application. The applicant also sought a cost award, based on the allegedly “oppressive and repulsive” actions of the respondent.</p> <p>On April 23, 2020, the Court remitted the matter to a different officer for redetermination. The Court refused to make the decision or to direct the officer’s decision, and refused to award costs.</p> <p>In May 2020, the applicant filed correspondence using Mr. Ubah’s address, seeking to reopen IMM-7486-19 based on a delay in redetermination. The Court refused to issue a direction.</p>

	File Number	Style of Cause	Summary
			In August and September 2020, the applicant filed further letters and made telephone calls to the Registry, again raising the issue of delay in redetermination. The Court issued an oral direction that it is no longer seized of the matter and the Registry would only entertain requests that meet the requirements of the Court’s August 25, 2017 notice regarding informal requests for interlocutory relief.
12	IMM-7489-19	<i>Chisom Uba and Uchechi Uba v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah’s nephew, Chisom Uba, and Uchechi Uba (Chisom’s father) filed an ALJR seeking to set aside a November 14, 2020 decision refusing Chisom Uba’s study permit application (referred to above in IMM-7486-19). The address for service is Mr. Ubah’s address.</p> <p>The respondent consented to have the matter redetermined, but the applicants wanted the Court to make the decision or direct the officer to approve the application. The applicants also sought costs, based on the respondent’s allegedly “oppressive and repulsive” actions.</p> <p>On April 23, 2020, the Court remitted the matter to a different officer for redetermination. The Court refused to make the decision or to direct the officer to decide in a particular manner. The Court also refused to award costs.</p> <p>In May 2020, the applicants filed correspondence using Mr. Ubah’s address, seeking to reopen IMM-7489-19 based on a delay in redetermination. The Court refused to issue a direction.</p> <p>In August and September 2020 the applicants filed further letters and called the Registry, again raising the delay in redetermination. The Court issued an oral direction on September 16, 2020 that it is no longer seized of the matter and the Registry would only entertain requests that meet the requirements of the August 25, 2017 notice</p>

	File Number	Style of Cause	Summary
			<p>regarding informal requests for interlocutory relief.</p> <p>The applicants attempted to file a motion on October 1, 2020, which was rejected based on the September 16, 2020 direction.</p>
13	‡IMM-1996-20	<i>Kelechi Agbai v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah’s sister, Kelechi Agbai, filed an ALJR for an order of <i>mandamus</i> to require the respondent to reconsider her PR application. The address for service is Mr. Ubah’s address. According to the respondent, the reconsideration request was Ms. Agbai’s third such request in relation to the September 6, 2018 refusal.</p> <p>The applicant was not satisfied with the respondent’s response or further response pursuant to Rule 9 of the <i>CIR Rules</i>. The applicant filed a July 30, 2020 letter with the subject “IMM-1996-20 Agbai v. MCI: Notification of Respondent’s Deception, Illegal and Oppressive Activities to Influence and Manipulate this Honorable Court”. The letter advises of “the latest attack on my application and indirectly to my representative by the Respondent to circumvent this Court and its direction of July 27, 2020”. The representative is Mr. Ubah.</p> <p>On August 10, 2020, the Court directed that the Rule 9 responses are complete.</p> <p>The Court granted the applicant’s request that the ALJR proceed by way of written representations only; however, the application has been stayed.</p>
14	*‡T-756-20	<i>Chinedu G. Ubah v Her Majesty the Queen</i>	<p>Mr. Ubah initiated a lawsuit against the Crown on July 16, 2020. The statement of claim alleges numerous acts of wrongdoing. Mr. Ubah seeks damages, an apology, and reconsideration of various applications, among other relief.</p> <p>The respondent’s motion to strike out the statement of claim was granted, with leave to</p>

	File Number	Style of Cause	Summary
			amend. Mr. Ubah has filed an amended statement of claim, however no further action was taken as T-756-20 was stayed.
15	‡IMM-3944-20	<i>Ngozi Uba v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah’s sister-in-law, Ngozi Uba, filed an ALJR for an order of <i>mandamus</i> requiring the respondent to make a decision on a request to reconsider the November 21, 2019 redetermination of her work permit application. The address for service is Mr. Ubah’s address.</p> <p>The applicant attempted to file a Rule 317 “Request for Materials from the Respondent”; the Court directed the Registry to reject the filing on the basis that Rule 317 does not apply. The applicant filed a letter requesting clarification, and the Court issued a further direction stating that no clarification is required. The applicant brought a motion for a formal order setting out the substance of the direction. The motion was dismissed on January 21, 2021 on the basis that it would serve no useful purpose, as the <i>IRPA</i> prohibits appeals from interlocutory orders. The applicant then filed a motion seeking to appeal the January 21, 2021 order.</p> <p>The application was stayed.</p>
16	IMM-5567-20	<i>Maxwell Uba and Chisom Uba v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah’s brother, Maxwell Uba, and nephew, Chisom Uba, filed an ALJR for an order of <i>mandamus</i> compelling the respondent to grant Maxwell’s PR application and Chisom’s study permit application. The address for service is Mr. Ubah’s address.</p> <p>The applicants filed letters with the Court alleging wrongdoing by the respondent and a failure to provide a complete Rule 9 response under the <i>CIR Rules</i>. Justice Ahmed issued a direction stating that until a decision is made, there is no decision to submit, and the respondent’s Rule 9 response was accurate. Justice Ahmed issued a further direction stating “I would be remiss not to mention</p>

	File Number	Style of Cause	Summary
			<p>the language used by the Applicants in their letters, both dated December 4, 2020. It is inappropriate and unacceptable to accuse opposing counsel of lying or acting in bad faith. I find the Applicants' claim that the Respondent is tampering with IRCC's decision-making process and deceiving this Court to be troubling, as it is inappropriate for the Applicants to question the integrity of the Respondent on such grounds."</p> <p>The applicants discontinued the application after they received the requested visas.</p>
17	‡IMM-6148-20	<i>Ngozi Uba v Minister of Citizenship and Immigration</i>	<p>Mr. Ubah's sister-in-law, Ngozi Uba, filed an ALJR in respect of a November 19, 2020 decision "that refused Ms. Uba's work permit application" and a TRV application for an accompanying minor. More specifically, the decision of November 19, 2020 is a refusal (with reasons) to reconsider the redetermination decision that issued a year earlier (November 21, 2019), refusing Ms. Uba's application to work in Canada as a nanny for Mr. Ubah's children, which was the subject of the underlying judicial review in IMM-7263-19. The address for service listed on the ALJR is Mr. Ubah's address.</p> <p>By order dated March 2, 2021, the application was stayed.</p>
18	‡T-1538-20	<i>Kelechi Agbai v Her Majesty the Queen</i>	<p>Mr. Ubah's sister, Kelechi Agbai, filed a statement of claim against the Crown, seeking damages and an injunction for defamation, conspiracy, negligence, and other causes of action, related to the refusal of her PR application based on an offer of employment from Mr. Ubah's company, Gideon Energy Services Inc. The address on the statement of claim is Mr. Ubah's address.</p> <p>By order dated February 23, 2021, the action was stayed pending the final determination in this</p>

	File Number	Style of Cause	Summary
			application. The applicant filed a notice of appeal on February 24, 2021.
19	*†T-627-21	<i>Chinedu Ubah v Royal Canadian Mounted Police</i>	<p>On April 15, 2021, Mr. Ubah filed an application for judicial review to quash a decision not to investigate his “reported violation and contravention of the Immigration and Refugees Protection Act by Immigration Refugees and Citizenship Canada officers”.</p> <p>The application was stayed by order dated May 6, 2021.</p>
20	*†T-991-21	<i>Chinedu G. Ubah v The Canadian Judicial Council</i>	<p>On June 18, 2021, Mr. Ubah filed an application for judicial review “in respect to the decision of the Canadian Judicial Council (CJC) not to investigate complaint by me regarding the misconducts of federally appointed judge...Honorable Mr. Justice John D. Rooke, associate Chief judge of the Alberta Court of Queen’s Bench...”.</p> <p>By order dated August 5, 2021, the application was stayed.</p>

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1570-20

STYLE OF CAUSE: THE ATTORNEY GENERAL OF CANADA v
CHINEDU G. UBAH

PLACE OF HEARING: HELD BY WAY OF VIDEOCONFERENCE

DATE OF HEARING: JULY 22, 2021

JUDGMENT AND REASONS: PALLOTTA J.

DATED: DECEMBER 23, 2021

APPEARANCES:

Mr. Aminollah Sabzevari FOR THE APPLICANT

Mr. Chinedu G. Ubah FOR THE RESPONDENT
(ON HIS OWN BEHALF)

SOLICITORS OF RECORD:

Attorney General of Canada FOR THE APPLICANT
Edmonton, Alberta