

ORIGINAL

FEDERAL COURT OF CANADA
(TRIAL DIVISION)

FEDERAL COURT OF CANADA

REC'D

JUN 3 1997

REC'D

COUR FÉDÉRALE DU CANADA
TORONTO, ONT.

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B E T W E E N :

GAZI SAYED MUHAMMAD ALAMGIR,

Applicant,

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION,

Respondent.

P R O C E E D I N G S
BEFORE THE HONOURABLE MR. JUSTICE J. JEROME
Court Room No. 7
330 University Avenue, 8th Floor
on Tuesday, the 10th day of June, 1997

JUDGMENT with REASONS

R E G I S T R A R :

Stuart Ziegler

C O U N S E L :

STANLEY HERLOCH, Esq.,

for the Applicant,

ROBIN S. SHARMA, Esq.,

for the Respondent.

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I N D E X O F P R O C E E D I N G S

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JUDGMENT	4

1 ---Court proceeded from 9:00 a.m.

2 ---Judgment with reasons commenced at 9:40 a.m.

3 REASONS:

4 I think that this is a case in which even
 5 if I would have reached a different conclusion I would
 6 have to respect the process that the visa officer
 7 applied here and the conclusion that she reached and,
 8 besides that, I am far from certain that I would have
 9 reached a different conclusion.

10 In these alternative occupation cases,
 11 the evidence of record is that the visa officer, after
 12 the proper screening process, in conducting the review
 13 in June of '96, did the assessment as a zoologist
 14 according to the occupational number, because the
 15 applicant indicated that that was his intended
 16 occupation in Canada. And it was logical since his
 17 Bachelor's and Master's degrees were both in that
 18 occupation. There was no attack on that, no
 19 cross-examination, no contest of that affidavit before
 20 coming to court here today.

21 As well, there is, back in paragraph 9 of
 22 the affidavit, support of the minister that addresses
 23 this subject and indicates it would not have crossed
 24 his mind to do that because zoology was the only term
 25 or occupation, intended occupation, of this applicant.

1 And finally, in paragraph 10, there are
2 reasons for the assessment and the failure, but also in
3 the refusal letter I see as well that they returned the
4 \$700 but indicated in the second last paragraph that:

5 "If you do obtain any kind of a
6 validated job offer in any of your
7 occupations...",

8 either one I assume,

9 "...please bring it to their attention,
10 and they will do another assessment."

11 I don't know what fairer treatment they
12 could afford this person, and I do not consider it,
13 therefore, a proper case for court intervention.

14 JUDGMENT:

15 THE COURT: The application for judicial
16 review is therefore dismissed. Thank you.

17 My judgment will be that for reasons
18 given orally the application is dismissed.

19 THE REGISTRAR: The matter is concluded
20 and court stands adjourned.

21 ---Whereupon, the case was adjourned at 9:45 a.m.
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IMM-2406-96
Reasons/Judgment
June 10, 1997

The foregoing is CERTIFIED to be a true and accurate Computer-Assisted Transcription (C.A.T.) of my shorthand notes, to the best of my skill and ability.

as per: *Patrizia Generali*
PATRIZIA GENERALI, Court Reporter
(416) 482-3277
Toronto, July 2, 1997.

Quality Control Dept.: *[Signature]*



FEDERAL COURT OF CANADA
TRIAL DIVISION

NAMES OF SOLICITORS AND SOLICITORS ON THE RECORD

COURT FILE NO.: IMM-2406-96

STYLE OF CAUSE: GAZI SAYED MUHAMMAD ALAMGIR v.
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JUNE 10, 1997

REASONS FOR ORDER OF THE HONOURABLE ASSOCIATE CHIEF JUSTICE JEROME
RENDERED ORALLY FROM THE BENCH : JUNE 10, 1997

APPEARANCES:

Mr. Stanley Ehrlich

FOR THE APPLICANT

Ms. Robin Sharma

FOR THE RESPONDENT

SOLICITORS ON THE RECORD:

Mr. Stanley Ehrlich
Toronto, Ontario

FOR THE APPLICANT

Mr. George Thomson
Deputy Attorney General of Canada

FOR THE RESPONDENT

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