

Court File No. IMM-2321-97

FEDERAL COURT OF CANADA
TRIAL DIVISION

BETWEEN:

KIM FONG WONG

Applicant

- and -

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

The Reasons for Judgment of the Honourable
Mr. Justice Jerome, held at the Federal Court
of Canada, 330 University Avenue, Toronto,
Ontario, on the 9th day of June, 1997.

A P P E A R A N C E S:

Mr. Charles Anipare
the Applicant

For

Mr. David Tyndale
the Respondent

For

REASONS FOR JUDGMENT

Thank you, Mr. Anipare. I'm sorry that I can't agree with your submissions on behalf of the applicant. This is not a proper case for the Court to intervene. Number 1, there is no attack on the validity of the deportation order nor is there an attack on the proceedings leading up to it with only one exception, that is, that by way of explanation for missing a hearing, the applicant says that he was in the wrong court for part of the day and then by the time he got to the proper court room, the judge had gone. All that does is explain why he didn't appear. It doesn't go in any way far enough, assuming it's credible, to discharge the onus that is on the applicant in seeking the extraordinary relief of having the court intervene so that the Minister is free to disobey the law and on regulations and to fail to deport this man who has several times in my view, beginning with the failure to disclose the conviction in the first place beginning with the hearings at immigration, the most notable of which

was a month ago, approximately.

I accept Mr. Tyndale's submission that at that hearing two things happened as an absolute minimum. The first is that it was attended by some representative of the counsel for the Republic of China. There could be no mistake, in my view, on the basis of the written material in the file that the impact and the intent of the respondent was absolutely crystal clear. It would also appear, on uncontradicted evidence, that the applicant agreed to return to China and to report and leave the country, which he didn't do. In the circumstances, this is not a proper case for me to intervene in. Your application to stay deportation is dismissed. On the endorsement, for my reasons given orally, the application is dismissed. Brief written reasons will be filed when the transcript of my reasons is available.

The foregoing is a true and accurate transcript,
to the best of my skill and ability.

W.F. Reed - Verbatim Reporter