

**Date: 20070625**

**Docket: A-485-06**

**Citation: 2007 FCA 248**

**CORAM: SEXTON J.A.  
SHARLOW J.A.  
RYER J.A.**

**BETWEEN:**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND  
HER MAJESTY THE QUEEN**

**Appellants**

**and**

**HASSAN SAMIMIFAR**

**Respondent**

Heard at Toronto, Ontario, on June 25, 2007.

Judgment delivered from the Bench at Toronto, Ontario on June 25, 2007.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**RYER J.A**

**Date: 20070625**

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**REASONS FOR JUDGMENT OF THE COURT**  
**(Delivered from the Bench at Toronto, Ontario, on June 25, 2007)**

**RYER J.A.**

[1] This is an appeal from a decision of Justice Snider (2006 FC 1301) dismissing a motion by the Crown for summary judgment to dismiss a claim for damages that the respondent allegedly suffered as a result of a delay on the part of Citizenship and Immigration Canada in processing his application for permanent residence in Canada.

[2] Justice Snider determined that the test for summary judgment was whether there was a genuine issue for trial. Having reviewed the evidence, the extensive caselaw that she was directed to and the detailed arguments of counsel, she determined that even though there were many difficulties with the respondent's case, it had not been established that his case was so doubtful that it did not deserve to be heard by the trial court. Accordingly, she concluded that there was a genuine issue for trial and dismissed the Crown's motion.

[3] We are unable to discern any error of law or any palpable and overriding factual error on the part of Justice Snider in reaching her decision and accordingly, without commenting upon the merits of the claim, we will dismiss the appeal with costs.

“C. Michael Ryer”

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J.A

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-485-06

An appeal to the Federal Court of Appeal, from the Order of Madam Justice Snider, dated October 30, 2006, from file IMM-6468-03, whereby the Appellants' motion for summary judgment of the action, was dismissed, in part.

**STYLE OF CAUSE:** THE MINISTER OF CITIZENSHIP AND IMMIGRATION ET AL  
Appellants  
and  
HASSAN SAMIMIFAR  
Respondent

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JUNE 25, 2007

**REASONS FOR JUDGMENT OF THE COURT BY:** (SEXTON, SHARLOW & RYER JJ.A.)

**DELIVERED FROM THE BENCH BY:** RYER J.A.

**APPEARANCES:**

Marina Stefanovic FOR THE APPELLANT  
Margherita Braccio  
Lorne Waldman FOR THE RESPONDENT  
Tanya Tokar

**SOLICITORS OF RECORD:**

John H. Sims, Q.C. FOR THE APPELLANT  
Deputy Attorney General of Canada  
Waldman & Associates FOR THE RESPONDENT  
Toronto, Ontario

**Date: 20070625**

**Docket: A-485-06**

**Toronto, Ontario, June 25, 2007**

**CORAM: SEXTON J.A.  
SHARLOW J.A.  
RYER J.A.**

**BETWEEN:**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND**

**HER MAJESTY THE QUEEN**

**Appellant**

**and**

**HASSAN SAMIMIFAR**

**Respondent**

**JUDGMENT**

The appeal is dismissed with cost.

**“J. Edgar Sexton ”**

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**J.A.**