

FEDERAL COURT OF APPEAL

BETWEEN:

**THE MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS**

Appellant

and

MEDHANIE AREGAWI WELDEMARIAM

Respondent

NOTICE OF APPEAL

THE APPELLANT, The Minister of Public Safety and Emergency Preparedness, APPEALS FROM THE JUDGMENT of the Honourable Mr. Justice Norris of the Federal Court, dated May 20, 2020, allowing Medhanie Aregwi Weldemariam's application for judicial review of the decision of the Immigration Division of the Immigration and Refugee Board of Canada, dated May 17, 2019, in which the Immigration Division found the Respondent inadmissible to Canada pursuant to paragraph 34(1)(f) of the *Immigration and Refugee Protection Act*.

Pursuant to section 74 (d) of the *Immigration and Refugee Protection Act*, Justice Norris certified the following serious question of general importance:

Is a person inadmissible to Canada pursuant to paragraph 34(1)(f) of the *Immigration and Refugee Protection Act* for being a member of an organization with respect to which there are reasonable grounds to believe it has engaged in, engages in, or will engage in acts of espionage that are "contrary to Canada's interests" within the meaning of paragraph 34(1)(a) of the Act if the organization's espionage activities take place outside Canada and target foreign nationals in a manner that is contrary to the values that underlie the *Canadian Charter of Rights and Freedoms* and the democratic character of Canada, including the fundamental freedoms guaranteed by section 2(b) of the *Charter*?

THE APPELLANT SEEKS THE FOLLOWING RELIEF on the determination of the question under section 52 of the *Federal Courts Act*, RSC 1985, CF-7:

- a) that the certified question be answered in the affirmative;
- b) that the appeal be allowed and the judgment of the Federal Court be set aside;
- c) that this Court make the order the Federal Court should have made, namely an order dismissing the Respondent's application for judicial review of the Immigration Division's May 17, 2019, decision finding him inadmissible; and,
- d) such further and other relief as counsel may seek and this Honourable Court may allow.

The Appellant requests that the appeal be heard in Toronto, Ontario, in the English language.

Dated June 12, 2020, at Toronto, Ontario.



ATTORNEY GENERAL OF CANADA
Department of Justice Canada
Ontario Regional Office
National Litigation Sector
120 Adelaide Street West
Suite 400, Toronto ON
M5H 1T1
Fax: (416) 973-8982

Per: Bernard Assan
Telephone No.: (647)-256-0881
E-mail: bernard.assan@justice.gc.ca

Solicitor/Counsel for the Appellant

TO: Paul Vander Vennen
45 St. Nicholas Street
Toronto, ON
M4Y 1W6

Solicitor/Counsel for the Respondent