

FEDERAL COURT OF APPEAL

BETWEEN:

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
FILED	SEP 24 2020
REBECCA DUONG	
TORONTO, ON	

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

Appellant

and

ABEL NAHUSENAY YIHDEGO

Respondent

NOTICE OF APPEAL

THE APPELLANT, The Minister of Public Safety and Emergency Preparedness, appeals from the judgment of the Honourable Mr. Justice James W. O'Reilly of the Federal Court, dated August 18, 2020, allowing Abel Nahusenay Yihdego's application for judicial review of the decision of the Immigration Division of the Immigration and Refugee Board of Canada, dated May 22, 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 O'Reilly 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 s 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 22, 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 September 24, 2020, at Toronto, Ontario.



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