

A-217-22

File No.: A- -22
(T-670-19)**FEDERAL COURT OF APPEAL**e-document
F
I FEDERAL COURT OF APPEAL
L COUR D'APPEL FÉDÉRALE
E
D
D
É
P
O
S
É

BETWEEN:

PARVKAR SINGH DULAI

03-OCT-2022

Modelisa Hennessy -1-

VAN
Appellant
(Appellant)

AND:

**CANADA (MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS)**Respondent
(Respondent)

NOTICE OF APPEAL*Federal Courts Rules, SOR/98-106, Rule 337*

TO THE RESPONDENT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears below.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at 701 West Georgia Street, Vancouver, BC, V7Y 1K8.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341A prescribed by the *Federal Courts Rules* and serve it on the appellant's solicitor or, if the appellant is self-represented, on the appellant, WITHIN 10 DAYS after being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341B prescribed by the *Federal Courts Rules* instead of serving and filing a notice of

appearance.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: October 3, 2022 Issued by: Original Signed by
Modelisa Hennessy
(Registry officer)

Address of local office: Courts Administration Service
P.O. Box 10065, 3rd floor
701 West Georgia Street
Vancouver, B.C. V7Y 1B6

TO: Department of Justice Canada
British Columbia Regional Office
900-840 Howe Street
Vancouver, B.C. V6Z 2S9
T: (604) 666-2061
F: (604) 775-7557

Attention: Courtney Landsiedel

APPEAL

THE APPELLANT APPEALS to the Federal Court of Appeal from the order of the Honourable Mr. Justice Noël, dated August 10, 2022, by which the appellant's appeal against the decision of the Minister of Public Safety and Emergency Preparedness (the Minister) not to remove the appellant from the list established pursuant to s. 8(1) of the *Secure Air Travel Act*, S.C. 2015, c. 20, s. 11 (*SATA*), was dismissed.

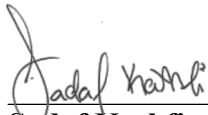
THE APPELLANT ASKS that:

1. The appeal be allowed.
2. The *SATA* be declared unconstitutional in whole or in part.
3. The appellant's name be removed from the *SATA* list.
4. In the alternative, the Minister be required not to direct that the appellant be denied boarding for domestic flights when directing air carriers to take actions pursuant to s. 9(1) of the *SATA*.
5. No costs be awarded.

THE GROUNDS OF APPEAL are as follows:

1. The Federal Court erred in failing to conclude that the *SATA* unjustifiably limits s. 7 of the *Charter* by permitting a procedurally unfair process.
2. The Federal Court erred in concluding that the appellant was not denied procedural fairness.
3. The Federal Court erred in concluding that the *SATA* does not unjustifiably limit mobility rights guaranteed by s. 6 of the *Charter*.
4. The Federal Court erred in failing to find that the Minister's decisions under ss. 8 and 15 of the *SATA* disproportionately limited the appellant's ss. 6 and 7 *Charter* rights.
5. The Federal Court erred in finding that the Minister's decision under s. 8(1)(b) of the *SATA* to place the appellant on the *SATA* list was reasonable.
6. The Federal Court erred in finding that the Minister's decision under s. 15 of the *SATA* not to remove the appellant from the *SATA* list was reasonable.
7. The Federal Court provided insufficient reasons for why the Minister's decisions were reasonable.

Date: October 3, 2022



Sadaf Kashfi


Edelmann & Company Law Offices
Counsel for the Applicant
905-207 West Hastings Street
Vancouver, BC V6B 1H7
T: (604) 646-4684
F:(604) 648-8043
Email: sadaf@edelmann.ca



Molly Joeck

Edelmann & Company Law Offices
Counsel for the Applicant
905-207 West Hastings Street
Vancouver, BC V6B 1H7
T: (604) 646-4684
F:(604) 648-8043
Email: molly@edelmann.ca

Counsel for the appellant

I HEREBY CERTIFY that the above document
is a true copy of the original *issued out of*
the Court on 03-OCT-2022
Dated 03-OCT-2022
 *Modelisa Hennessy*
Registry Officer