

FEDERAL COURT

BETWEEN:

ATTORNEY GENERAL OF CANADA

e-document		
F I L E D	FEDERAL COURT COUR FÉDÉRALE	ID. 4
	12-Jul-2024 12-juil-2024	D E P O S E
	Carla Lessard	
Ottawa, ONT	Applicant	- 3 -

and

~~**RESPONDENT(S) TO BE NAMED BY THE COURT PURUANT TO
SUBSECTION 38.04(5) OF THE CANADA EVIDENCE ACT**~~

MAHER ALASMAR

Respondent

AMENDED NOTICE OF APPLICATION

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Ottawa.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by

the *Federal Courts Rules* and serve it on the applicant's solicitor, WITHIN 10 DAYS after being served with this notice of application.

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 APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date: _____ Issued by: _____
(Registry Officer)

Amended: _____

TO: Erica Olmstead
Edelmann and Co
207 West Hastings Street, Suite 905
Vancouver,
BC V6B 1H7

Counsel for the Respondent

APPLICATION

THIS IS AN APPLICATION under subsection 38.04(1) of the *Canada Evidence Act*, RSC, 1985, c C-5 (CEA), for an order regarding disclosure of information referred to in a notice under subsection 38.01(1) of the CEA that was provided to the Attorney General of Canada (AGC) on February 15, 2024. In the notice, Counsel for *Immigration, Refugees and Citizenship Canada* (IRCC), advised that they believed that sensitive or potentially injurious information, contained in a total of 51 documents, may be disclosed in connection with an application for judicial review filed by Mr. Alasmar in the Federal Court concerning a decision in relation to his citizenship in Court File No T-129-23 (the Underlying Proceeding). Six of the 51 documents subject to the notice were determined to contain injurious information under s. 38 of the CEA.

THE APPLICANT MAKES APPLICATION FOR:

- a) An order under s. 38.06(3) of the CEA confirming the prohibition of disclosure of the information referred to in the notice, except as previously authorized by the AGC under s. 38.03(1) of the CEA; and
- b) Such further and other relief as the Applicant may request and the Court deems just.

THE GROUNDS FOR THE APPLICATION ARE:

- a) Mr. Alasmar brought an application for leave for judicial review and a writ of *mandamus* regarding the processing of his citizenship application in Federal Court. His citizenship application was received by IRCC in March 2019, and was later suspended pursuant to s. 13.1 of the *Citizenship Act* as part of the review process in order for the Canada Border Services Agency (CBSA) to investigate his possible inadmissibility under s. 34 of the *Immigration Refugee Protection Act*. Mr. Alasmar is requesting that a decision regarding his citizenship be rendered;
- b) On February 15, 2024, counsel for IRCC provided notice to the AGC pursuant to s. 38.01(1) of the CEA that they expect to disclose sensitive or potentially injurious information in connection with the Underlying Proceeding;
- c) On May 10, 2024 the AGC, through its delegate, did not authorize the disclosure of certain information contained in six of the 51 documents that were the subject of the notice;
- d) The information that is the subject of this application that has not been authorized to be disclosed by the AGC would, if disclosed, be injurious to national security;

- e) The public interest in non-disclosure outweighs the public interest in disclosure;
- f) The AGC may receive further notices pursuant to s. 38 of the CEA covering additional documents in connection with the Underlying Proceeding that will become part of this application; and
- g) Further and other grounds as the applicant may advise and this Honourable Court may permit

**THE APPLICANT MAKES THE FOLLOWING REPRESENTATIONS
UNDER SUBSECTION 38.04(5) OF THE CEA:**

- a) Maher Alasmar is a party whose interests are affected by the information contained in the documents subject to these proceedings and must be named as Respondent;
- b) A copy of the Notice of Application, amended to include Maher Alasmar as Respondent, should be served on Mr. Alasmar or his counsel in the underlying proceeding;
- c) The Notice of Application must remain confidential until it is amended to name Maher Alasmar as the Respondent, and is served on Mr. Alasmar or his counsel in the Underlying Proceeding;
- d) A hearing pursuant to subsections 38.04(5)(a) or (a.2) is not required;
- e) A public hearing may be necessary;
- f) An *ex parte, in camera* hearing will be necessary;
- g) This application should be conducted as a specially managed proceeding; and
- h) Further and other grounds as the Applicant may advise and this Honourable Court may permit.

THIS APPLICATION WILL BE SUPPORTED BY THE FOLLOWING MATERIAL:

- a) Affidavits and other material as counsel may advise and this Honourable court may permit.

July 11, 2024

Amended: July, 2024



ATTORNEY GENERAL OF CANADA

Department of Justice Canada
National Security Group
284 Wellington Street, EMB
Ottawa, Ontario K1A 0H8

Fax number: 613-941-4064

Per: Tara Marie Andronek
Tel: 613-941-9288
E-mail : tara-marie.andronek@justice.gc.ca

Per: Michelle Lutfy
Tel: 613-957-1215
E-mail : michelle.lutfy@justice.gc.ca

Counsel for the Applicant

