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F I L E D	FEDERAL COURT COUR FÉDÉRALE
	December 14, 2023 14 décembre 2023
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Court File No:

FEDERAL COURT

BETWEEN

NAWAL MAMOORI

Plaintiff

And

CANADA BORDER SERVICES AGENCY

Defendant

Statement of Claim

TO THE DEFENDANT: **CANADA BORDER SERVICES AGENCY**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by Nawal Mamoori. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or a solicitor acting for you are required to prepare a statement of defence in Form 171B prescribed by the *Federal Courts Rules*, serve it on the plaintiff’s solicitor or, if the plaintiff does not have a solicitor, serve it on the plaintiff, and file it, with proof of service, at a local office of this Court

WITHIN 30 DAYS after the day on which this statement of claim is served on you, if you are served in Canada or the United States; or

WITHIN 60 DAYS after the day on which this statement of claim is served on you, if you are served outside Canada and the United States.

TEN ADDITIONAL DAYS are provided for the filing and service of the statement of defence if you or a solicitor acting for you serves and files a notice of intention to respond in Form 204.1 prescribed by the *Federal Courts Rules*.

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 DEFEND THIS PROCEEDING, judgment may be given against you in your absence and without further notice to you.

(December 12, 2023)

Issued by:

(Registry Officer)
Federal Courts Registry
180 Queen West, Suite 200
Toronto, ON M5B 3L6
Canada

TO: Recourse Directorate
333 North River Rd., Tower A, 11th Floor
Ottawa, ON K1A 0L8
Canada.

Claim

1. The Plaintiff claims:

This is a statement of claims in respect of Canada Border Service Agency “CBSA” Notice of Decision issued on September 15, 2023 by CBSA regarding enforcement actions 4971-22-0613 and 4971-22-0768.

I, the plaintiff, received the letter on September 25th, 2023 by registered mail.

Below is a summary of what transpired:

(a) ("My mother") and I, Nawal Mamoori left the country to visit our family and friends when we thought the pandemic situation gets better and now we have a chance to travel after so long.

(b) When we left Canada to visit our family in United Arab Emirates “UAE”, we as Canadian citizens carried our watches and jewellerys we already owned in Canada before leaving the country in order to attend our family weddings that we were invited. We also brought them back to Canada. Since we already owned the watches and jewellerys, we did not declare them.

(c) We had all the seized items before leaving Canada, except for item 33. Item 33 falls under the \$800 allowances for Canadian citizens. However, the exchange rate used by the appealing officer for conversion, which took place 16 months after the seizure date, was higher than the exchange rate when we purchased it. As a result, the price increased to \$818.

(d) On May 11, 2022, the primary officer Kayla Lyndon referred my mother and myself for a secondary examination due ***to concerns about our attire and to my negative responded to all her questions in a short and quick manner***, as detailed in her narrative report. It is crucial to note that, regrettably, page 29 of the report was withheld from us, which raises concerns about transparency and accountability. Consequently, on September 2, 2022, we submitted a formal complaint regarding Officer Kayla's perceived bias.

(f) The secondary examination carried out by Officer Sehdev Divjyot Singh, who not only confiscated our personal jewelry but also compelled my mother to remove her bracelet and rings. This prompted us to file a complaint on July 13, 2022, regarding Officer Sehdev's conduct and the seizure process. Additionally, we submitted another complaint on September 2 when the appeal officer shared Officer Sehdev's narrative report with us.

(g) On May 11, 2022, the initial seizure occurred, involving a total of 41 items. However, on July 4, 2022, we received a letter from the seizure unit, informing us that two additional items were missing from the first seizure. Consequently, a new seizure with number 4971-22-0768 was issued as we had submitted an appeal on May 26, 2022.

(h) While officers were inspecting our belongings, we lost two more items, which we reported to

the lost and found, as advised by the complaint unit of CBSA. In our pursuit to ascertain the whereabouts of our lost items and to substantiate the misconduct of the seizing officer and other personnel involved, we submitted a request for the video footage of our seizure on September 26th, 2022. Unfortunately, as of now, we have not received any response, although Officer Sabrina Gorden from ATIP of CBSA confirmed on December 14, 2022, that she has received the video footage and is currently working on it.

(i) On May 26th, 2022, we submitted photographs as proof of ownership for the seized items before departing Canada, in accordance with the advice provided by Superintendent Muneer Braday on the day of the seizure.

(j) On September 2, 2022, we received an overpriced appraisal for the seized items, with some being incorrectly appraised **as diamonds when they are, in fact, made of white gold with zircon**. In response to this, we filed a complaint with CBSA and also reached out to Officer Jennifer Couture, who was overseeing our appeal case. On the same day, we received a Notice of Reasons of Action (2208453-1/4971-22-061 PDF) from Officer Jennifer Couture. We promptly replied to Officer Jennifer's email on September 12, 2022.

(k) Regrettably, on December 11th, 2022, we emailed Officer Jennifer to request an update, and on December 13th, 2022, we received a reply stating that they were still working on it and that we would receive the final decision in a few weeks. On January 26th, 2023, Officer Jennifer requested proof of the time and date of the submitted photos, which we provided on January 27, 2023.

(m) Subsequently, we contacted Officer Jennifer Couture via email on April 30, 2023, and followed up on May 23, 2023, but, unfortunately, have not received any response from her.

(n) On June 12, 2023, we took the step of filing a complaint with the office of the Ministry of Public Safety of Canada.

(o) On July 7, 2023, we received an email from Officer Jackson Mackenzie, who introduced herself as the new officer in charge of our case. She requested that we resubmit the evidence we had previously emailed to Officer Jennifer, as she was unable to open some of the files and could not locate others. Officer Jackson emphasized the importance of providing proof of an embedded date stamp and a clear indication of the image location, which we promptly provided. However, in the notice of decision we received on September 25th, 2023, all the photos were disregarded, despite our efforts to provide the requested information regarding time and location.

DAMAGES:

2. The officer who examined us and asked questions was not respectful to my 76 year old mother. He asked my mom to give him her bracelet and rings and he stated that he doesn't trust my mom. He claimed that my mother intends to sell it while nothing was proved. The way we were treated drew the other officers and attendants 'attention at the airport and they all came over to look at our items. We believe he violated my mother's section 7 of the Canadian Charter of Rights and freedoms.

3. The officer confiscated our purse and wallet, withholding them for hours without providing us the opportunity to buy food or drink. This was particularly distressing for my mother, who was already exhausted from a long trip and a recent knee surgery in Dubai. Unfortunately, this mistreatment did not end on the seizure date. Throughout our dealings with various departments of CBSA while pursuing our case, we felt immense frustration and disappointment. We documented our complaints, which outlining the lack of service and the failure to address these grievances seriously.

4. We lost two pieces of jewelries during the search conducted by the seizing officer. We requested the video footage of the seizure date to investigate the matter, but have only received a response stating that they are currently working on it and that was on December 14, 2022 "last year". They also mentioned that no one would risk his job for two items. It is concerning that the CBSA, which claims to protect Canadian citizens and borders, would dismiss the importance of two items by stating that no one would risk their job for two items. This response is unacceptable and raises questions about their commitment to their stated mission.

5. I have been flagged for six years and subjected to secondary examination, despite providing proof of ownership for the seized items before leaving Canada. This continuous action exposes me to harassment every time I return home. I filed a complaint on June 13, 2023, with the CBSA complaint unit regarding our experience the following year of the seizure date with same seizing officer.

6. The ministry of health cancelled my health card based on a letter from CBSA stating that I had been out of the country for more than six months, which is completely untrue. I submitted all necessary documents to Ontario services to prove that I hadn't exceeded the six-month limit. The behavior exhibited is unprofessional, especially considering the misleading information and biased notes in the reports from the primary and seizing officers.

We are currently pursuing an action for the following reasons:

7. Firstly, according to Part C of the declaration form, it stated that Canadian citizens absent from Canada for 7 days and their total purchases, including alcohol, tobacco, and unaccompanied goods, amounted to less than CAN \$800. We truthfully answered "No" to the Declaration card question regarding exceeding exemptions per person, as we only brought one new item worth less than \$800.

8. Secondly, the photos of us wearing the seized items were not considered in the final decision,

despite us providing the requested time and location details as requested by appeal officers Jennifer Couture and Jackson Mackenzie.

9. Thirdly, section 53 of the Customs Act has not been applied to our watches (items 19 and 20) while the residual method has applied to other listed items.

10. Lastly, The Gemologist appraisal incorrectly identified items (6,9,8 AND 35) as diamonds when they are actually white gold with clear stones, highlighting a lack of knowledge and understanding about jewelries. We raised this issue in an email sent to appeal officer Jennifer on September 2, 2022, as well as in a formal complaint submitted to the CBSA website. Recently, we came across the invoices for items 6, 9, 8, and 35, providing confirmation that the stones are not diamonds.

11. I kindly, request reconsider the decision to release the seized items without paying of the owning penalty, which is estimated at \$37,891.02. This penalty was outlined in the notice of decision issued by CBSA on September 15, 2023. Additionally, I request that the enforcement flag be removed from my name.

12. The plaintiff proposes that this action be tried in Toronto, Ontario.

Date: December 12, 2023

(Nawal Mamoori
3 Trimmingham Court
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Email: Manalmamory@yahoo.com



Signature of applicant

[SOR/2021-150, s. 12](#)