

CANADA / JUDGMENT

MA4-06166

COURT

Refugee Protection Division

DECIDED

14 December 2006

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Immigration and Refugee Board Refugee Protection Division Commission de l'immigration et du statut de réfugié Section de la protection des réfugiés RPD File # / No. dossier SPR : MA4-06166 Private Proceeding Huis clos Claimant(s) Demandeur(e)s d'asile XXXXX XXXXX Date(s) of Hearing Date(s) de l'audience October 19th, 2004 / August 24th, 2006 Place of Hearing Lieu de l'audience Montréal, Québec Date of decision Date de la décision December 14th, 2006 Panel Tribunal Jeannine Beaubien-Duque Claimant's Counsel Conseil du demandeur d'asile Me Mitchell Goldberg Refugee Protection Officer Agent de la protection des réfugiés Normand Leduc Designated representative Représentant désigné N/A Minister's Counsel Conseil du ministre Claude Léveillé You can obtain the translation of these reasons for decision in the other official language by writing to the Editing and Translation Services Directorate of the IRB at the following address: 344 Slater Street, 14th Floor, Ottawa, Ontario K1A 0K1, by e-mail to translation@irb.gc.ca or by facsimile at (613) 947-3213. La Direction des services de révision et de traduction de la CISR peut vous procurer les présents motifs de décision dans l'autre langue officielle. Vous n'avez qu'à en faire la demande par écrit à l'adresse suivante : 344, rue Slater, 14e étage, Ottawa (Ontario) K1A 0K1, par courriel à traduction@cisr.gc.ca ou par télécopie au (613) 947-3213. REQUEST Request by the Minister's representative, Mr. Claude Léveillé, for a postponement of the hearings in the case of XXXXX XXXXX, MA4-06166 scheduled for December 5th, and 7th, 2006, in Montreal. DECISION The request was granted in accordance with section 48 of the Refugee Protection Division rules, in particular subsections (4) (e) and (4) (k).

REASONS

On December 1st last, the tribunal received a request by the Minister's representative to postpone the above mentioned hearings. Mr. Léveillé based his request on several issues. He submits that he was unable to complete the evaluation of the security report he received in or around August 2006 because of the failure of other partners whose assistance was needed to comply with the three and one half month delay granted by the tribunal in August. Also, Mr. Léveillé submits that an important package had recently been sent by the Canadian Embassy in Washington but not yet delivered to his office. The tribunal understands that the Minister's representative considered it was necessary for him to evaluate this new information but lacked time to do so prior to the upcoming December 5th hearing. It is hoped that this additional delay will enable him to disclose said information as soon as possible so as to allow all parties to better understand the motives

behind the sixth request for a postponement on his part. The tribunal believes that the information could be important and that an injustice could be caused by proceeding without it. At this time, and given the nature and complexity of the matter to be heard, this factor outweighs the other factors to be considered in rule 48. The tribunal, therefore, requests that the Minister inform the tribunal before the end of December of the nature of this new information and of his intentions regarding its disclosure. The tribunal would also like to reiterate that, in compliance with the previous decision issued on November 30th last, the Minister is to submit as soon as possible a detailed list of documents contained in the claimant's immigration file for the consideration of the tribunal, in order to enable the tribunal to review it and establish which documents are necessary before making a provisional order of disclosure. The tribunal would like to emphasize the fact that this delay is not an additional three month delay granted to the Minister. It is granted to allow sufficient time to receive the above mentioned package from the Canadian authorities in the U.S. and to assess its contents. Due to my own calendar of hearings across Canada in the up-coming months, it would have been impossible for me to reschedule a new hearing before the 19th of March, 2007. The tribunal, therefore, orders that two full days be scheduled between March 19th and April 14th for the hearing of this case. The hearings are peremptory. Jeannine Beaubien-Duque Jeannine Beaubien-Duque December 14th, 2006 Date /gl REFUGEE PROTECTION DIVISION / APPLICATION / POSTPONEMENT / MINISTER / PRODUCTION OF DOCUMENTS / NEW EVIDENCE / FUNDAMENTAL JUSTICE / MALE / ALLOWED / UZBEKISTAN RPD File # / No. dossier SPR : MA4-06166 2

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