

Federal Court



Cour fédérale

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TO / DESTINATAIRE(S) :1. Name / Nom : **Mr. Nikolay Y. Chsherbinin**Facsimile / Télécopieur : **416-907-2586**

Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocal2. Name / Nom : **Ms. Aleksandra Lipska**Facsimile / Télécopieur : **416-954-8982**

Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocal3. Name / Nom : **Backlog Reduction Unit c/o Ms. Laura Terry**Facsimile / Télécopieur : **604-666-4835**

Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocal**FROM / EXPÉDITEUR : Abigail Grimes****DATE : July 26, 2012****Telephone / Téléphone : 416-973-5168****TIME / HEURE : 3:41 PM****Facsimile / Télécopieur : 416-973-2154**Total number of pages (including this page) /
Nombre de pages (incluant cette page) : + 1**SUBJECT / OBJET :**Court File No. / N° du dossier de la Cour: **IMM-8164-11**Between / entre: **ARKADIY KHODOV v. MCI**Enclosed is a true copy of the Order / **Judgment** / Reasons of : // Vous trouverez ci-joint une copie conforme de l'ordonnance / jugement / motifs de: **Justice Hughes** dated / daté du **26-JUL-2012****COMMENTS / REMARQUES :**

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Federal Court



Cour fédérale

Date: 20120726

Docket: IMM-8163-11

Toronto, Ontario, July 26, 2012

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

ARKADIY KHODOV

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT

UPON this Application made before me to set aside a decision of Inland Enforcement Officer dated 4 November, 2011 wherein the Officer refused to defer the Applicant's removal from Canada.

AND UPON reading the materials filed by each of the parties, including the Certified Tribunal Record.

AND UPON hearing Counsel for each of the parties.

AND UPON determining that the Officer's decision was unreasonable in the particular circumstances of this case in that:

- It failed to give proper weight to the Applicant's outstanding spousal application.
- It failed to give proper weight to the hardship that would be suffered by the Applicant and his wife if the Applicant would have to make an application from outside Canada.
- It failed to give proper weight to the circumstances of the wife, a convalescent, if she were to be abandoned in Canada.

THIS COURT'S JUDGMENT is that

1. The Application is allowed.
2. The decision is set aside.
3. No question is certified.
4. No Order as to costs.

"Roger T. Hughes"

Judge

I HEREBY CERTIFY that the above document is a true copy of the original issued out of / filed in the Court on the 26th

day of July A.D. 20 12

Dated this 26th day of July 2012


**ABIGAIL GRIMES
REGISTRY OFFICER
AGENT DU GREFFE**