

Federal Court



Cour fédérale

**Date: 20211019**

**Docket: IMM-648-20**

**Ottawa, Ontario, October 19, 2021**

**PRESENT: The Honourable Mr. Justice Shore**

**BETWEEN:**

**LEYLA HAJIYEVA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**ORDER**

**UPON APPLICATION** for leave of the Court to commence an application for judicial review of the decision of the Canada Border Services Agency dated January 22, 2020;

**AND UPON READING** the material filed;

**THIS COURT ORDERS that:**

1. The style of cause is amended to name the Minister of Citizenship and Immigration as the proper respondent.
2. The application for leave is granted and the application for judicial review is deemed to have been commenced.
3. The hearing of the application for judicial review shall take place before this Court by videoconference using the Zoom platform, on Monday, January 17, 2021, to commence at 1:00 p.m. (Eastern Time), for a duration not exceeding ninety (90) minutes.
4. The hearing shall be conducted in the English language, unless one of the parties notifies the Registry of the Court otherwise.
5. Within fifteen (15) days of receipt of this Order, the parties shall consider the possibility of settling the application, and if both agree that it is appropriate, they shall engage in settlement discussions, and the respondent shall file a statement of the outcome, and
  - a. If settlement is reached, the parties shall then take necessary steps to discontinue the application or request a judgment on consent; or
  - b. If no settlement is reached, the parties may advise the Court that settlement is a reasonable possibility, and may request the Court's assistance in facilitating settlement. The Court will consider providing such assistance when settlement discussions are at an advanced stage and there is some reasonable prospect of

achieving a settlement. In such cases, the Court may provide one session of judicially-assisted mediation that will not delay the scheduled hearing. Court mediation is contingent on available judicial resources.

6. All materials to be filed by either party – including those filed prior to leave being granted – must be compliant with the features for electronic documents as set out in paragraph 10 of this Court’s *Practice Direction (COVID-19): Update #7 (January 18, 2021)*, available at [Practice Direction \(COVID-19\): Update #7 \(January 18, 2021\) \(fct-cf.gc.ca\)](#). These include: (a) page numbering and pinpoint references; (b) bookmarking; (c) optical character recognition [OCR] information; and (d) special procedures for confidential documents.
7. Further affidavits, if any, shall be served and filed by the applicant on or before November 15, 2021.
8. Further affidavits, if any, shall be served and filed by the respondent on or before November 23, 2021.
9. Cross-examinations on affidavits, if any, shall be completed on or before December 3, 2021.
10. The applicant’s further memorandum of argument, if any, shall replace the applicant’s memorandum of argument filed pursuant to Rule 10 and reply memorandum (if any) filed pursuant to Rule 13, and shall be served and filed on or before December 13, 2021.

11. The respondent's further memorandum of argument, if any, shall replace the respondent's memorandum (if any) filed pursuant to Rule 11, and shall be served and filed on or before December 23, 2021.
12. The transcript of cross-examinations on affidavits, if any, shall be filed on or before December 23, 2021.
13. Notwithstanding the above, parties may consent to an alternate time line for completing the steps in paragraphs 7 and 8 (further affidavits), 9 (cross-examinations), 10 and 11 (further memoranda for applicant and respondent), and 12 (transcript of cross-examinations on affidavits), in which case a joint amended schedule shall be filed with the Registry. All steps shall be completed no later than the date set under paragraph 12 for submission of the transcript of cross-examinations, if any.
14. Books of Authorities shall be filed no later than end of day on the Friday preceding the hearing, pursuant to the Chief Justice's Notice dated May 7, 2013, available at [notice-avis-7may2013.pdf \(fct-cf.gc.ca\)](https://www.fct-cf.gc.ca/avis-7may2013.pdf).

“Michel M.J. Shore”

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Judge