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F I L E D	FEDERAL COURT COUR FÉDÉRALE
	May 19, 2026 19 mai 2026
	Justin DeSousa
MTL	13

## FEDERAL COURT OF CANADA

## MOTION RECORD

(of the Applicants)

*Motion in writing under Rule 369 of the Federal Courts Rules,  
for urgent interim orders under section 18.2 of the Federal Courts Act*

**Applicants:** [REDACTED] and [REDACTED] a  
minor

**Respondents:** The Minister of Citizenship and Immigration; The Minister of Public Safety and  
Emergency Preparedness

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FEDERAL COURT OF CANADA

BETWEEN:

████████████████████ on her own behalf  
and as litigation guardian of the minor

████████████████████  
a minor

*Applicants*

— and —

(1) THE MINISTER OF CITIZENSHIP AND IMMIGRATION  
(2) THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

*Respondents*

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NOTICE OF MOTION

(Form 359)

*Motion in writing under Rule 369 of the Federal Courts Rules,  
for urgent interim orders under section 18.2 of the Federal Courts Act,  
directed at operationally facilitating the physical return of the Applicants to Canada,  
pending the final disposition of the Application for Leave and Judicial Review  
under subsection 72(1) of the Immigration and Refugee Protection Act*

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**TAKE NOTICE THAT** the Applicant ██████████ on her own behalf and as litigation guardian of the minor ██████████ both presently in the United States as the direct consequence of the events of 21–22 March 2026, acting as a self-represented party, brings this motion in writing under Rule 369 of the *Federal Courts Rules*, SOR/98-106.

**AND TAKE FURTHER NOTICE THAT** the Applicants invite this Honourable Court, should it consider that the urgency of the relief sought warrants oral hearing on short notice, to direct that this motion be heard on such expedited basis as the Court may deem appropriate under paragraph 362(2)(b) of the *Federal Courts Rules*.

THE APPLICANT WILL ASK THIS HONOURABLE COURT FOR THE FOLLOWING RELIEF:

**(a)** An order under section 18.2 of the *Federal Courts Act*, RSC 1985, c F-7, directing the Respondents to take, jointly and severally and through their officers, Minister’s Delegates and authorized agents, all operational steps necessary to enable the physical return of the Applicants from ██████████ to Canada *forthwith and at the first practicable opportunity in accordance with law*, having regard to the fact that the forced departure of the Applicants from Canadian territory was already executed on 22 March 2026, that **fifty-three (53) days** have elapsed since such departure, and that no commercial carrier may board them without the administrative enablement that only the Respondents are in a position to provide, pending the final disposition of the underlying Application for Leave and Judicial Review, including without limitation the operational steps described in sub-paragraphs (b) to (e) below;

**(b)** An order directing the Respondents to enable the *boarding without delay* of the Applicants on the first available commercial flight to Canada, by such administrative instrument as the Respondents may deem appropriate and as this Honourable Court considers just, having regard to the *situation of risk* in which the Applicants find themselves on ██████████ territory and to the documented **medical urgency** of the minor Applicant (Chiari II malformation, panmedullary hydrosyringomyelia, ventriculomegaly, ventriculo-peritoneal shunt — Exhibit «R-6»); this step being strictly facilitative and without substantive pronouncement on the underlying refugee protection claims;

(c) An order providing that any consular or diplomatic coordination strictly necessary to effect the return of the Applicants shall be conducted in a manner that is *minimal, confidential and non-substantive*, without disclosing the factual or legal basis of the underlying refugee claim, without disclosing any imputation made by the Applicants against ████████ authorities, and without generating alerts, notations or communications that could expose, obstruct or place the Applicants at risk;

(d) An order directing the Canada Border Services Agency at Montréal–Pierre Elliott Trudeau International Airport, upon the Applicants' arrival:

- i. to receive the Applicants *without delay*, having regard to the documented **medical** condition of the minor Applicant;
- ii. not to issue, in respect of either Applicant, any “Allowed to Leave Canada” authorization, removal order, departure instructions, or any other administrative measure resulting in the Applicants' exit from Canada, without prior authorization of this Honourable Court;
- iii. to designate, prior to or contemporaneously with any referral of the minor Applicant's claim to the Refugee Protection Division, a Designated Representative for the minor under subsection 167(2) of the *IRPA*, having regard to his age (eight years) and his documented severe **disability**;
- iv. to process the entry and the refugee protection claims of the Applicants upon arrival at YUL **without detaining them to re-assess their eligibility**, given that such eligibility **has already been resolved** by the Respondents themselves before 21 March 2026: the Applicants **passed the full case examination** and **were assessed as eligible for the “One-Touch Refugee Processing” stream** as lower administrative-risk claimants, processing that was *in progress* at the moment of withdrawal; and the Respondents themselves recognize, in their Rule 9 Record (page 6), that the Applicants “*could, in theory, make a future asylum claim in Canada and would not be ineligible to have their claim referred to the IRB under any paragraph under section 101 of the Immigration and Refugee Protection Act*”. The concrete administrative form of giving effect to this resumption — whether by reactivating the prior claims, by opening new files based on the eligibility status already recognized, or by any other procedurally equivalent mechanism — is for the Respondents; what this Honourable Court is asked to order is that **the Applicants not be detained or delayed upon arrival** to re-open eligibility questions already resolved by the Crown itself, having particular regard to the documented **medical** condition of the minor Applicant (Exhibit «R-6») which requires uninterrupted **neurosurgical** continuity;
- v. to provide reasonable accommodation for the **disability** of the minor Applicant throughout any admission and procedural step required by law upon the Applicants' arrival;

(e) An order directing the Respondents to **communicate in a timely manner to the selected commercial carrier** and to the relevant border-control authorities, by such administrative channel as the Respondents may deem appropriate and as this Honourable Court considers just, that the boarding and the entry of the Applicants into Canada **present no administrative impediment** on the part of the Canadian State, in keeping with the Respondents' own representations in their Rule 9 Record (page 6) regarding the non-eligibility of the Applicants under section 101 *IRPA*; this communication being strictly facilitative and without substantive pronouncement on the underlying refugee protection claims;

- (f) An order under Rule 385 of the *Federal Courts Rules* providing that the present Application for Leave and Judicial Review be subject to case management on an expedited basis *once the Applicants are physically present in Canada*;
- (g) Costs of this motion in any event of the cause or, alternatively, no order as to costs (following the practice recognized by this Honourable Court in *Gnanapragasam v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 1735, Order, paragraph 2(g)); and such further and other relief as this Honourable Court may consider just.

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## GROUNDS FOR THE MOTION

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1. **Jurisdiction** of this Honourable Court — section 18.2 of the *Federal Courts Act*, ancillary to the underlying Application for Leave and Judicial Review under subsection 72(1) *IRPA*.
2. **Serious issue to be tried and delimitation of the present motion.** The present interlocutory motion under section 18.2 of the *Federal Courts Act* **does not seek, nor is it sought thereby, that this Honourable Court determine the merits of the underlying Application for Leave and Judicial Review under subsection 72(1) IRPA.** The present motion has a **strictly operational and urgent** purpose: the facilitation of the physical return of the Applicants to Canada as a precautionary measure for safety and documented **medical** urgency (Exhibits «R-6» and «R-7»). For the purposes of this motion, it suffices that there is a serious issue to be tried in the underlying Application. The Applicants remain at the disposal of this Honourable Court so that the underlying Application may continue its natural procedural course.
3. **Irreparable harm.** The Applicants will suffer irreparable harm if the relief is denied, in operational convergence among the following elements — **any one of which, on its own, suffices to engage it:**
  - (i) **Risk of harm, reprisal or adverse measure by State or private actors** within the territory of the ████████ State, given that such State has been formally notified by the Inter-American Commission on Human Rights with respect to petition ████████ (Exhibit «R-7»), without there being on ████████ territory any institutional alternative outside the State or federal reach of the same notified State;
  - (ii) **Risk of emergency neurosurgical decompensation** of the minor Applicant, whose documented conditions (Chiari II malformation, panmedullary hydrosyringomyelia, ventriculomegaly, ventriculoperitoneal shunt — Exhibit «R-6») **do not constitute a merely progressive future deterioration but rather a risk of potentially imminent neurological collapse**, with no effective institutional alternative in the sense of subparagraph (i) above;
  - (iii) **Continued family separation** of the minor Applicant from his father; and
  - (iv) **Absence of effective operational remedy** after **fifty-three (53) days** from the removal of 22 March 2026, evidencing that the ordinary administrative avenues, on their own, are insufficient to generate remedy within the time-frame compatible with the risks described in subparagraphs (i) and (ii) above.
4. **Balance of convenience.** The balance favours the Applicants decisively. The Respondents' own representations (Rule 9 Record, page 6) acknowledge non-eligibility under section 101 *IRPA*. **The passage of fifty-three (53) days without operational materialization of that theoretical possibility demonstrates that the ordinary administrative avenues are insufficient** — to require their further exhaustion would perpetuate both the risk described in subparagraph 3(i) above and the **medical** risk described in subparagraph 3(ii) above, without offering effective remedy. The public interest is served by the coherence between the Crown's administrative representations and its subsequent operational conduct.
5. **Effective remedy, not theoretical.** An effective remedy must be real, not theoretical — *Doucet-Boudreau v Nova Scotia (Minister of Education)*, 2003 SCC 62, paragraphs 55–58. Without an operational order from this Court, the Crown's theoretical admission does not translate into physical return, given that no commercial carrier will board the Applicants without valid travel documentation.
6. **Interlocutory nature of the present motion.** This motion is strictly interlocutory in character under section 18.2 of the *Federal Courts Act* and does not seek resolution of the merits of the underlying Application, in accordance with paragraph 2 above.
7. **Best interests of the child.** *Baker v Canada (MCI)*, [1999] 2 SCR 817, paragraphs 74–75; *Kanthasamy v Canada (CI)*, 2015 SCC 61, paragraphs 33–39; paragraphs 3(1)(d) and 3(3)(d) *IRPA*; *Convention on the Rights of the Child*, ratified by Canada on 13 December 1991, Articles 3(1) and 23.
8. Such further grounds as the Applicants may advance.

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EVIDENCE IN SUPPORT OF THE MOTION

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The Affidavit of [REDACTED] sworn (or affirmed) at [place], together with the exhibits thereto identified as Exhibits «R-1» to «R-7» inclusive; the Rule 9 Record certified by the Canada Border Services Agency on 11 May 2026 (already in the Court file); and such further evidence as the Applicants may adduce with leave of this Honourable Court.

**DATED** at the City of [REDACTED] State of [REDACTED] this 14 May 2026.

[REDACTED]

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[REDACTED]

*Self-represented Applicant, on her own behalf  
and as litigation  
guardian of the minor Applicant [REDACTED]*

[REDACTED]

**TO:** The Respondents, c/o Department of Justice Canada, Quebec Regional Office, 200, boul. René-Lévesque West, 9th Floor, East Tower, Guy-Favreau Complex, Montréal, Quebec H2Z 1X4.

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STATEMENT REGARDING THE USE OF ARTIFICIAL INTELLIGENCE

*Pursuant to the Notice to the Profession and to the Parties of the Federal Court dated 7 May 2024 — The Use of Artificial Intelligence in Court Proceedings*

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1. The Applicant is self-represented and has used generative artificial intelligence (AI) tools to assist in the preparation of this Notice of Motion, the supporting Affidavit, the Schedule of Exhibits and the Memorandum of Fact and Law (Written Representations), including translation between Spanish and English, structural drafting under the *Federal Courts Rules*, and the location of Canadian jurisprudence and statutory provisions.
2. Each citation, paragraph reference, statutory section and verbatim quotation contained in this motion has been **independently verified** by the Applicant against primary sources (the *Federal Courts Rules*, SOR/98-106; the *Federal Courts Act*, RSC 1985, c F-7; the *Immigration and Refugee Protection Act*, SC 2001, c 27; and the published decisions of the Supreme Court of Canada, the Federal Court of Appeal, and the Federal Court). No citation, verbatim quotation or legal proposition in this motion is included on the basis of AI output alone.
3. The factual content of the Affidavit reflects the personal knowledge of the deponent and is sworn (or affirmed) as such. The AI tools were used solely for translation and structural drafting of the Affidavit, not for the generation of facts.

## AFFIDAVIT OF [REDACTED]

*Form 80A — Rules 80 and 81 of the Federal Courts Rules*

I, [REDACTED] presently of the City of [REDACTED] State of [REDACTED] United [REDACTED] States, a [REDACTED] citizen, SWEAR (or solemnly AFFIRM) AND DECLARE THAT:

**PART I — IDENTITY AND CAPACITY**

1. I am the Applicant in the present motion, on my own behalf and as litigation guardian of the minor Applicant [REDACTED] my son, born on 27 March 2018, a [REDACTED] citizen, UCI [REDACTED] I have personal knowledge of the facts deposed to herein, save where stated to be on information and belief, in which case I so indicate and verify the basis of the belief.
2. The minor Applicant presents severe and documented **neurological** conditions: **Chiari II malformation, panmedullary hydrosyringomyelia, ventriculomegaly, and bearer of a ventriculo-peritoneal shunt**, conditions which have given rise to **severe psychomotor disability formally documented**. His **neurosurgical** follow-up requires uninterrupted continuity. The MRI of the brain and full spine of 10 September 2024 is attached as Exhibit «**R-6**».

**PART II — THE EVENTS OF 20–22 MARCH 2026 AT YUL**

1. On 20 March 2026 the minor Applicant, Victor Manuel Gutierrez Verduzco (father of the minor Applicant) and I arrived at Montréal–Pierre Elliott Trudeau International Airport (“YUL”) and presented ourselves as refugee protection claimants. We were issued Forms **BSF536** (Entry for Further Examination or Admissibility Hearing) which recorded the appointment hour as **13:00**. Such forms are attached as Exhibit «**R-3**».
2. On 21 March 2026 the Applicants returned to YUL for the appointment recorded in the BSF536, having previously been admitted to the simplified refugee processing stream (“**One-Touch Refugee Processing**”) — an administrative procedure applicable to claimants assessed as lower administrative risk.
3. On 22 March 2026, the minor Applicant and I were physically placed by the Respondents’ agents on a flight to [REDACTED] City and removed from Canadian territory. The forms and administrative records relating to the events of 20–22 March 2026 are reflected in the Rule 9 Record certified by the Canada Border Services Agency on 11 May 2026 (already in the Court file). The Forms IMM 5317 and the cancellation records of the electronic travel authorizations (eTAs) numbers [REDACTED] and [REDACTED] are attached respectively as Exhibits «**R-4**» and «**R-5**» for the purpose of documentary identification.

### **PART III — CROWN'S ADMISSION IN THE RULE 9 RECORD**

1. The Rule 9 Record certified by the Canada Border Services Agency on 11 May 2026 contains, at its **page 6**, the following representations of the Crown itself: (i) that the deponent “**is able to return to Canada without delay since she was allowed to withdraw her application to enter Canada**”; and (ii) that the Applicants “**could, in theory, make a future asylum claim in Canada and would not be ineligible to have their claim referred to the IRB under any paragraph under section 101 of the Immigration and Refugee Protection Act**”. The relevant excerpt of the Rule 9 Record is attached as Exhibit «**R-1**».

### **PART IV — CURRENT SITUATION OF THE APPLICANTS**

1. At the moment of swearing this affidavit, the Applicants find ourselves physically on ████████ territory, having elapsed fifty-three (53) days since the deportation of 22 March 2026. The minor Applicant remains separated from his father, who is in Canada.
2. Petition ████████ was received by the Executive Secretariat of the Inter-American Commission on Human Rights on 25 February 2024 and transmitted to the ████████ State on 15 January 2026 pursuant to Article 30(3) of its Rules of Procedure (Exhibit «**R-7**»). Transmittal to the ████████ State entails that such State is *formally notified* of the existence of the Applicants and of the underlying matter. Each additional day of forced presence of the Applicants on ████████ territory **increases the risk of reprisals or adverse measures** that could derive from such formal notification, a risk that ceases only with their return to Canada.
3. Without the administrative enablement that only the Respondents are in a position to provide, **no commercial airline** will board the Applicants to Canada. The theoretical admission contained at page 6 of the Rule 9 Record does not translate into physical return without an operational order from this Honourable Court directing boarding without delay by such means as the Respondents may deem appropriate and this Court considers just.

### **PART V — RELIEF SOUGHT**

1. I ask this Honourable Court to grant the relief described in the Notice of Motion to which this Affidavit is attached.
2. I make this Affidavit honestly and bona fide, in support of the said motion.

*The notarial identification of the deponent, pursuant to Rule 80(3) of the Federal Courts Rules, is attached separately to the present Motion Record.*

FEDERAL COURT

IDENTIFICATION BY THE COMMISSIONER

(Rule 80(3) of the Federal Courts Rules)

I, the Commissioner for Taking Affidavits (or Consular Officer authorized under the *Canada Evidence Act*, RSC 1985, c C-5) before whom the foregoing Affidavit of [REDACTED] was sworn (or affirmed), hereby identify the exhibits listed below as the documentary evidence referred to in that Affidavit, in compliance with Rule 80(3) of the *Federal Courts Rules*:

Exhibits "R-1" to "R-7"

Identified before me at the City of [REDACTED] this 14th day of May, 2026.

[REDACTED]  
Commissioner for Taking Affidavits  
(or Consular Officer authorized  
under the *Canada Evidence Act*)

Capacity: Notary Public

[REDACTED]

Deponent — self-represented Applicant

Seal / Stamp


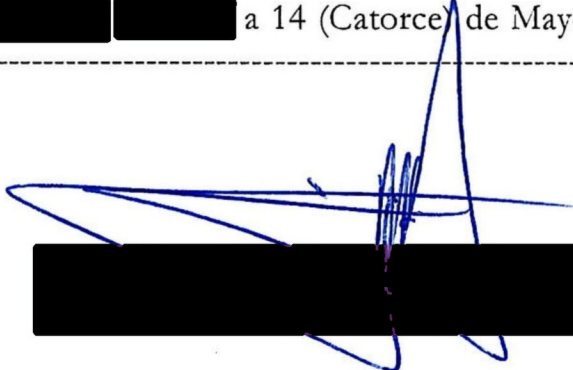


**\*\*\*\*\* CERTIFICACIÓN NOTARIAL \*\*\*\*\***

--- Con fundamento en el artículo 46 (Cuarenta y seis) de la Ley del Notariado vigente para el Estado de [REDACTED] el LICENCIADO [REDACTED] Titular de la Notaría Pública [REDACTED] (cincuenta y siete) **CERTIFICA** que el texto del presente documento constante de 01 (UNA) hoja (s) útil (es) tamaño carta que concuerdan Fiel, Literal y Exactamente con su **ORIGINAL** que tuve a la vista, habiendo quedado registrada esta CERTIFICACION en el LIBRO DE REGISTRO DE COTEJOS de esta Notaria, bajo el número 102/2026 C. ---

--- [REDACTED] a 14 (Catorce) de Mayo del año 2026 (dos mil veintiséis). -----

[REDACTED]



--- LIC. [REDACTED] Notario Público [REDACTED] con ejercicio y residencia en la Demarcación Notarial del Distrito Judicial, de [REDACTED]

**CERTIFICA Y HACE CONSTAR:** -----

--- Que la firma que calzan el presente **DOCUMENTO** fue puesta en mi presencia por [REDACTED] quien manifiesta bajo protesta de decir verdad y advertido de las penas en que incurrir quienes declaran con falsedad conforme lo dispone el artículo 205 (doscientos cinco) del Código Penal para el Estado de [REDACTED] que: *“RATIFICA como suya la FIRMA y el CONTENIDO del DOCUMENTO, que constante de UNA (1) hoja tamaño carta, misma firma que usa habitualmente en todos sus actos jurídicos, firma que junto con el contenido RATIFICA en todos sus términos para todos los efectos legales a que haya lugar”*; por sus generales dijo ser: [REDACTED] [REDACTED] por nacimiento,


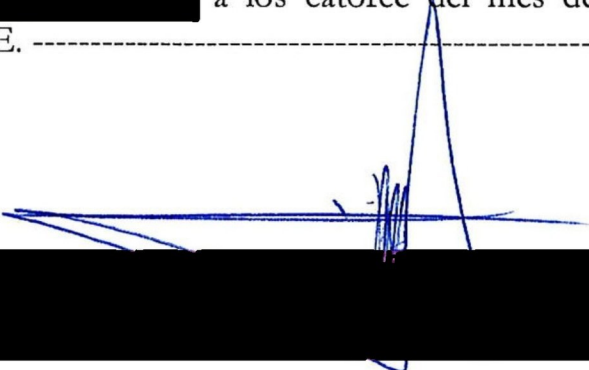
soltera, ama de casa, nacido en [REDACTED] donde nació el [REDACTED] con domicilio en [REDACTED]

[REDACTED] de la ciudad [REDACTED] quien se identifica con credencial para votar con Clave de elector número: [REDACTED] y quien tiene la Clave Única de Registro de Población es: [REDACTED], la cual fue verificada en la página del Registro Nacional de Población.-----

--- Por último, Doy Fe y hago constar que la firmante en mi concepto es hábil para contratar y obligarse sin constarme nada en contrario. - DOY FE. -----

--- A solicitud de la parte interesada y para los efectos que estime convenientes, extendo la presente RATIFICACION, misma que se encuentra registrada en el Libro de Cotejo correspondiente de esta Notaria Pública bajo el número 92/2026 R en su orden, en la ciudad de [REDACTED] a los catorce del mes de mayo del año dos mil veintiséis. - DOY FE. -----

[REDACTED]



## SCHEDULE A — LIST OF EXHIBITS

*Referred to in the Affidavit of [REDACTED]  
Rule 80(3) of the Federal Courts Rules*

Exhibit	Document description	Page
R-1	Page 6 of the Rule 9 Record certified by the CBSA on 11 May 2026, containing the Crown’s admission (“could in theory return”; “would not be ineligible under any paragraph of section 101 IRPA”)	13
R-2	Form IR-1 — Application for Leave and Judicial Review, court-stamped by the Federal Court Registry, evidencing the request for urgent measures from the inception of the proceeding	15
R-3	Forms BSF536 (20 March 2026) — recording 13:00 PM as the appointment hour	18
R-4	Forms IMM 5317 (21 March 2026) — Withdrawal of Claim for Refugee Protection	22
R-5	eTA cancellation records [REDACTED]	25
R-6	MRI of brain and full spine of the minor Applicant (10 September 2024)	28
R-7	Letter of transmittal of petition [REDACTED] to the [REDACTED] State before the IACHR (15 January 2026) — antecedent international human-rights process	31

## FEDERAL COURT

## EXHIBIT «R-1»

RULE 9 RECORD — PAGE 6  
THE “IN THEORY” STATEMENT

*Certified by the Canada Border Services Agency on 11 May 2026*

DOCUMENT TYPE	Excerpt from Rule 9 Record — solemn declaration
SOURCE / ISSUER	Canada Border Services Agency, certified by Helena Silva, Assistant Director’s Office Team
DOCUMENT DATE	11 May 2026 (certification)
PAGES	1 page extract (page 6 of 15)

*The actual photographic copy of page 6 of the Rule 9 Record is appended hereto on the following page.*



I am also of the opinion that the wellbeing of the child would be better served if he were to remain with his mother and to ultimately return to [REDACTED] with his mother

The subject was then presented with the Withdrawal of a Claim for Refugee Protection Prior to the Referral to the Refugee Protection Division (form # IMM5317). The subject was explained, while using the services of the accredited Spanish interpreter CELIS LLERENA, V. P., what this document was. The subject was explained that Withdrawing her Refugee Claim at this stage of the process would lead to an inadmissibility under sections A41(a) + A20(1)(a) + R6 for wanting to come live permanently in Canada without having the proper documentation to do so. The subject was also explained that her Refugee Claim would no longer be considered and would not longer be referred to the IRB. The subject was also informed that withdrawing her claim was her decision to make and that this was a voluntary decision she must make

The subject stated that she understood and continued to insist that she wanted to return to [REDACTED] and did not want to apply for Refugee Protection in Canada

The subject was then met by BSO LUCIER who acted as the Ministers Delegate in their case. The subject again confirmed that she wanted to voluntarily withdraw her Refugee Claim and wanted to voluntarily return to [REDACTED] on the next available flight.

I was present during the interaction between BSO LUCIER and the subject

BSO LUCIER found the A44 Inadmissibility Report founded in fact and in law and proceeded to allow the subject and her son to leave Canada (Allowed to Leave)

To note, the subject is able to return to Canada without delay since she was allowed to withdraw her application to enter Canada. Also to note, the subject withdrew her claim prior to the referral of the claim to the IRB. The subject could, in theory, make a future asylum claim in Canada and would not be ineligible to have their claim referred to the IRB under any paragraph under section 101 of the Immigration and Refugee Protection Act.

The subject proceeded to sign the A44 Inadmissibility Report and proceeded to sign the Allowed to Leave. The subject stated that she did not have any further questions nor concerns and that she understood everything that was happening.

The subject was then rebooked on the next available flight towards [REDACTED] along with her son.

End of my interaction with the subject

End of report

## FEDERAL COURT

## EXHIBIT «R-2»

FORM IR-1 — APPLICATION FOR LEAVE  
AND FOR JUDICIAL REVIEW — COURT-STAMPED*Requesting urgent measures from the inception of the proceedings*

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DOCUMENT TYPE	Federal Court Form IR-1, court-stamped by the Registry
SOURCE / ISSUER	Federal Court of Canada Registry, filed by the Applicants
DOCUMENT DATE	6 April 2026 (court stamp)
PAGES	Extract showing the urgency request

*The actual photographic copy of the court-stamped Form IR-1 extract is appended hereto on the following page.*

s:document-é IMM-7743-26 JD 1

F	FEDERAL COURT	D
I	COUR FÉDÉRALE	É
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	April 06, 2026	É
	06 avril 2026	
	Gheorghe Grosu	
MTL		1

**Form IR-1 (Rule 5)**

Court File No.

FEDERAL COURT

Between:

[REDACTED] (minor)

Applicants

and

(1) The Minister of Citizenship and Immigration; and (2) The Minister of Public Safety and  
Emergency Preparedness

Respondents

**Application for Leave and for Judicial Review**

TO THE RESPONDENT(S)

AN APPLICATION FOR LEAVE TO COMMENCE AN APPLICATION FOR JUDICIAL REVIEW has  
been commenced by the applicant(s) under

- SUBSECTION 22.1(1) OF THE [CITIZENSHIP ACT](#); or
- SUBSECTION 72(1) OF THE [IMMIGRATION AND REFUGEE PROTECTION ACT](#).

UNLESS A JUDGE OTHERWISE DIRECTS, THIS APPLICATION FOR LEAVE will be disposed of  
without personal appearance by the parties, in accordance with paragraph 22.1(2)(c) of the  
[Citizenship Act](#) or paragraph 72(2)(d) of the [Immigration and Refugee Protection Act](#), as the  
case may be.

IF YOU WISH TO OPPOSE THIS APPLICATION FOR LEAVE, you or a solicitor authorized to  
practise in Canada and acting for you must prepare a Notice of Appearance in Form IR-2  
prescribed by the [Federal Courts Citizenship, Immigration and Refugee Protection Rules](#), serve  
it on the tribunal and each applicant's solicitor or, in the case where an applicant does not  
have a solicitor, serve it on the applicant, and file it, with proof after service, in the Registry,  
within 10 days after the day on which this application for leave is served.

- **Note:**  
Copies of the relevant Rules of Court and other necessary information may be obtained  
from any Federal Court office or from the main Registry office in Ottawa (telephone:  
613-992-4238).

**The applicant seeks leave of the Court to commence an application for judicial review of:**

**Name of tribunal:** Canada Border Services Agency

**Decision maker(s):** L. BEDROS (badge 6M93)

Officer "A.J." (identity not recorded in available documents)

**Address:** Montreal Pierre Elliott Trudeau International Airport POE, Dorval, QC

**Phone number:** Not known

**Date of decision:** March 21, 2026

**Date decision was communicated:** March 21, 2026

**Type of Proceeding:** Purported voluntary withdrawal of refugee protection claims and consequential departure decisions (PT17)

**Principal Applicant:** [REDACTED]

**Tribunal File Number:** [REDACTED]

**Applicant #2:** [REDACTED] (minor)

**Tribunal File Number:** [REDACTED]

**Relationship to principal applicant:** Son of the principal Applicant

**Clearly explain the common factual or legal basis for submitting a joint Application for Leave and Judicial Review:**

**COMMON FACTUAL BASIS:**

Both Applicants arrived together as a family unit at Montreal Pierre Elliott Trudeau International Airport on March 20, 2026, seeking refugee protection. Both refugee claims were processed and purportedly withdrawn in the same compressed sequence, on the same day (March 21, 2026), by the same CBSA officer (L. BEDROS, badge 6M93). Both Applicants were removed from Canada the following day as a direct consequence of the same impugned decisions. The minor Applicant's claim was withdrawn through his mother, as he is a 7-year-old child incapable of consenting independently. The grounds for judicial review arise from the same set of facts, the same decisions, and the same decisional chain, and are common to both Applicants.

**LEGAL BASIS FOR JOINT APPLICATION:**

- Special Order (Annex C, June 2025): authorizes family applications where multiple applicants share a common factual and legal basis
- Section 121 of the Federal Courts Rules: permits a party who is not a solicitor to act on behalf of a minor in proceedings before the Court
- Federal Courts Citizenship, Immigration and Refugee Protection Rules, SOR/93-22: the IR-1 form expressly provides for family applications where the decisions under review arise from the same facts and the same decisional process
- Section 167(2) of the IRPA: the withdrawal before referral prevented the minor Applicant from accessing the designated representative protections that the statutory scheme provides for minors subject to immigration proceedings
- [REDACTED] acts as designated representative of the minor Applicant pursuant to the Special Order (Annex C, June 2025) and section 121 of the Federal Courts Rules

## FEDERAL COURT

## EXHIBIT «R-3»

FORMS BSF536 — ENTRY FOR FURTHER EXAMINATION  
DOCUMENTING 13:00 PM AS THE APPOINTMENT HOUR

Issued on 20 March 2026 to [REDACTED] and Victor Manuel Gutierrez Verduzco

DOCUMENT TYPE	CBSA Form BSF536 (Entry for Further Examination or Admissibility Hearing)
SOURCE / ISSUER	Canada Border Services Agency — signed by Officer ESTRADA (badge 55091) and Officer Patel (badge 61612)
DOCUMENT DATE	20 March 2026
PAGES	2

*The actual photographic copies of the BSF536 forms are appended on the following page.*



## ENTRY FOR FURTHER EXAMINATION OR ADMISSIBILITY HEARING CONTRÔLE COMPLÉMENTAIRE OU ENQUÊTE

Surname - Nom de famille <b>GUTIERREZ VERDUZCO</b>		Given name(s) - Prénom(s) <b>VICTOR MANUEL</b>		Client ID - No du client [REDACTED]
Date of birth Date de naissance	[REDACTED]	Country of birth - Pays de naissance	[REDACTED]	Country of citizenship - Pays de citoyenneté [REDACTED]
Address in Canada - Adresse au Canada +52 [REDACTED] / + Child UCI [REDACTED]				

In accordance with section 23 of the *Immigration and Refugee Protection Act* you are authorized to enter Canada for:

Conformément à la section 23 de la *Loi sur l'immigration et la protection des réfugiés* l'entrée au Canada peut être autorisée en vue :

- further examination.
- an admissibility hearing.

- d'un contrôle complémentaire.
- d'une enquête.

The following conditions are imposed on your entry:

Les conditions suivantes sont imposées à votre entrée :

You are required to report for further examination or your admissibility hearing as specified below.

L'obligation de se présenter en personne aux date, heure et lieu indiqués pour que soit effectué ou complété le contrôle ou l'enquête, le cas échéant

You may not engage in any work in Canada.

L'interdiction d'occuper un emploi au Canada.

You may not attend any educational institution in Canada.

L'interdiction de fréquenter un établissement d'enseignement au Canada.

You must report in person to an officer at a port of entry if you withdraw your application to enter Canada.

L'obligation de se présenter à un agent à un point d'entrée, si cette personne retire sa demande d'entrée au Canada.

You must comply with all requirements imposed on you by an order or regulation made under the *Emergencies Act* or the *Quarantine Act*.

L'obligation de se conformer à toute obligation imposée sur vous par un décret ou un règlement pris en vertu de la *Loi sur les mesures d'urgences* ou de la *Loi sur la mise en quarantaine*

Date D - J M Y - A 2   1   0   3   2   0   2   6	Time - Heure Hours 1   3   :   0   0   PM Heures	Location - Endroit <b>P-E-Trudeau Airport Arrivals BlackPhones "G" 514-633-5236 Y38</b>	<input checked="" type="checkbox"/> Report in person Vous présenter en personne	<input type="checkbox"/> Submit documents by mail Envoyer les documents par la poste
--	---	--	--	---

**NOTE:** This authorization to enter Canada does not confer status. Failure to comply with the above conditions may lead to the issuance of a warrant for your arrest and the making of a removal order against you.

**NOTA:** L'autorisation à entrer au Canada ne confère aucun statut. En cas de non-respect des conditions imposées ci-dessous, vous pourriez faire l'objet d'un mandat d'arrestation et d'une mesure de renvoi.

I have read and understand the contents of this form. I accept and will comply with the conditions imposed.

J'ai lu le présent formulaire et j'en comprends le contenu. J'accepte et je vais me conformer aux conditions imposées.

*Victor Manuel Gutierrez Verduzco*  
Signed - Signé

I, **M. VEGA**  
solemnly declare that I have faithfully and accurately interpreted in the  
**SPANISH** language  
the information provided above. I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Je, \_\_\_\_\_, déclare  
solennellement avoir interprété fidèlement et exactement en  
\_\_\_\_\_ les renseignements fournis ci-dessous.  
Je fais cette déclaration solennelle croyant en conscience qu'elle est vraie et sachant qu'elle a la même force et les mêmes effets que si je l'avais faite sous serment.

By telephone  
Par téléphone

Signature of interpreter - Signature de l'interprète

Declared before me  
Déclaré devant moi **ESTRADA**

at  
à **DORVAL**

this  
ce **21**

day of  
jour de **MARCH**

of the year  
de l'an **2 | 0 | 2 | 6**

**ESTRADA**

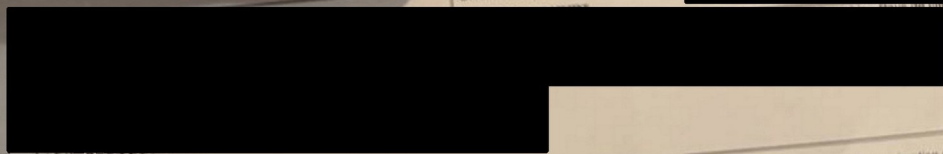
Name and signature of Officer - Nom et Signature de l'Agent

The information provided on this form is collected under the authority of the *Immigration and Refugee Protection Act*. This information is stored in Personal Information Bank CIC PPU 042 or CIC PPU 054. You have the right of access to it and to its protection under the *Privacy Act*.

Les renseignements fournis dans ce formulaire sont recueillis en vertu de la *Loi sur l'immigration et la protection des réfugiés*. Ces renseignements sont conservés dans les fichiers de renseignements personnels CIC PPU 042 ou CIC PPU 054. Ils sont protégés et vous pouvez les consulter en application de la *Loi sur la protection des renseignements personnels*.

ENTRY EXAMINATION OR ADMISSIBILITY HEARING  
 CONTRÔLE COMPLÉMENTAIRE OU ENQUÊTE

Given name(s) - Prénom(x)



In accordance with section 23 of the Immigration and Refugee Protection Act you are authorized to enter Canada for:

further examination.  
 an admissibility hearing.

d'un contrôle complémentaire  
 d'une enquête.

The following conditions are imposed on your entry:  
 You are required to report for further examination or your admissibility hearing as specified below.  
 You may not engage in any work in Canada.  
 You may not attend any educational institution in Canada.  
 You must report in person to an officer at a port of entry if you withdraw your application to enter Canada.  
 You must comply with all requirements imposed on you by an order or regulation made under the Emergencies Act or the Quarantine Act.

Les conditions suivantes sont imposées à votre entrée :  
 L'obligation de se présenter en personne aux dates, heures et lieux indiqués pour que soit effectué ou complété le contrôle ou l'enquête, le cas échéant.  
 L'interdiction d'occuper un emploi au Canada.  
 L'interdiction de fréquenter un établissement d'enseignement au Canada.  
 L'obligation de se présenter à un agent à un point d'entrée, si cette personne retire sa demande d'entrée au Canada.  
 L'obligation de se conformer à toute obligation imposée sur vous par un décret ou un règlement pris en vertu de la Loi sur les mesures d'urgence ou de la Loi sur la mise en quarantaine.

Date: D - J M Y - A  
 2 1 0 3 2 0 2 6 1 3 : 0 0 PM

Location - Endroit

Report in person  
 Vous présenter en personne

Submit documents by mail  
 Envoyer les documents par la poste

NOTE: This authorization to enter Canada does not confer status. Failure to comply with the above conditions may lead to the issuance of a warrant for your arrest and the making of a removal order against you.

NOTA: L'autorisation à entrer au Canada ne confère aucun statut. En cas de non-respect des conditions imposées ci-dessous, vous pourriez être l'objet d'un mandat d'arrestation et d'une mesure de renvoi.

I have read and understand the contents of this form. I accept and will comply with the conditions imposed.

J'ai lu le présent formulaire et j'en comprends le contenu. J'accepte et je vais me conformer aux conditions imposées.

*Victor Manuel Estrada*  
 Signed - Signé

I, **M. VEGA**, solemnly declare that I have faithfully and accurately interpreted in the **SPANISH** language the information provided above. I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Je, \_\_\_\_\_, solennellement avoir interprété fidèlement et exactement en \_\_\_\_\_ les renseignements fournis. Je fais cette déclaration solennelle croyant en conscience qu'elle est vraie et sachant qu'elle a la même force et les mêmes effets que si je l'avais faite sous serment.

By telephone  
 Par téléphone

Signature of interpreter - Signature de l'interprète  
 at **DORVAL**

this 21  
 ce

Declared before me **ESTRADA**  
 day of **MARCH**

of the year 2 0 2 0  
 de l'an

**ESTRADA**  
 Name and signature of Officer - Nom et Signature de l'Agent

The information provided on this form is collected under the authority of the Immigration and Refugee Protection Act. This information is stored in Personal Information Bank CIC PPU 042 or CIC PPU 054. You have the right of access to it and to its protection under the Privacy Act.

Les renseignements fournis dans ce formulaire sont recueillis en vertu de la Loi sur l'immigration et la protection des réfugiés. Ces renseignements sont conservés dans les fichiers de renseignements personnels CIC PPU 054. Ils sont protégés et vous pouvez les consulter en vertu de la Loi sur la protection des renseignements personnels.

**OTHER EXAMINATION OR ADMISSIBILITY HEARING  
AUTRE EXAMEN COMPLEMENTAIRE OU ENQUETE**

**ENTRY FOR FURTHER EXAMINATION OR ADMISSIBILITY HEARING  
CONTRÔLE COMPLEMENTAIRE OU ENQUÊTE**



In accordance with section 23 of the *Immigration and Refugee Protection Act* you are authorized to enter Canada for:

Conformément à la section 23 de la *Loi sur l'immigration et la protection des réfugiés*, l'entrée au Canada peut être autorisée en vue :

further examination,  an admissibility hearing,

d'un contrôle complémentaire,  d'une enquête,

The following conditions are imposed on your entry:

Les conditions suivantes sont imposées à votre entrée :

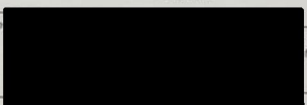
- You are required to report for further examination or your admissibility hearing as specified below.
- You may not engage in any work in Canada.
- You may not attend any educational institution in Canada.
- You must report in person to an officer at a port of entry if you withdraw your application to enter Canada.
- You must comply with all requirements imposed on you by an order or regulation made under the *Emergencies Act* or the *Quarantine Act*.

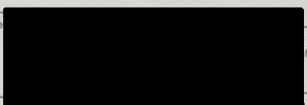
- L'obligation de se présenter en personne au date, heure et lieu indiqués pour que soit effectué ou complété le contrôle ou l'enquête, le cas échéant.
- L'interdiction d'occuper un emploi au Canada.
- L'interdiction de fréquenter un établissement d'enseignement au Canada.
- L'obligation de se présenter à un agent à un point d'entrée, si cette personne retire sa demande d'entrée au Canada.
- L'obligation de se conformer à toute obligation imposée sur vous par un décret ou un règlement pris en vertu de la *Loi sur les mesures d'urgence* ou de la *Loi sur la mise en quarantaine*.

Date D - J M Y - A 2 1 0 3   2 0 2 6	Time - Heure Hours Heures 1 3 : 0 0 P M	Location - Endroit Montreal Aéroport Niv. Arrive TelNoir "G" Y38 514-633-5236	<input checked="" type="checkbox"/> Report in person Vous présenter en personne	<input type="checkbox"/> Submit documents Envoyer les documents
--	--	--	--	--

NOTE: This authorization to enter Canada does not confer status. Failure to comply with the above conditions may lead to the issuance of a warrant for your arrest.

NOTA: L'autorisation à entrer au Canada ne confère aucun statut. En cas de non-respect des conditions imposées ci-dessus, vous pourriez faire l'objet d'un mandat d'arrestation.

I have read and understand the contents of this form and the conditions imposed. 

Je lis et j'ai compris le contenu de ce formulaire et j'en comprends les conditions imposées. 

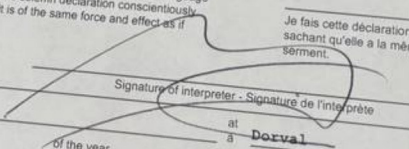
The information provided on this form is collected under the authority of the *Immigration and Refugee Protection Act*. This information is stored in Personal Information Bank CIC PPU 042 or CIC PPU 054. You have the right of access to it and to its protection under the *Privacy Act*.


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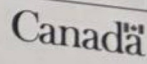
I, **J. M. Vega**, solemnly declare that I have faithfully and accurately interpreted in the **Spanish** language the information provided above. I make this solemn declaration conscientiously, believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Je, **J. M. Vega**, solennellement avoir interprété fidèlement et exactement en **espagnol** les renseignements fournis ci-dessus, sachant qu'elle a la même force et les mêmes effets que si je l'avais faite sous serment.

Declared before me / Déclaré devant moi: **Patel** at / à: **Dorval** this / ce: **21** day / jour de: **March** of the year / de l'an: **2026**

Signature of Interpreter - Signature de l'interprète: 

Name and signature of Officer - Nom et signature de l'agent: **Patel#61612** 



FEDERAL COURT

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EXHIBIT «R-4»

FORMS IMM 5317 — WITHDRAWAL OF CLAIM FOR  
REFUGEE PROTECTION

*Signed on 21 March 2026 in respect of [REDACTED] and the minor Applicant*

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DOCUMENT TYPE	Form IMM 5317 (Withdrawal of Claim for Refugee Protection)
SOURCE / ISSUER	CBSA — signed by [REDACTED]
DOCUMENT DATE	21 March 2026
PAGES	2 (one per Applicant)

*The actual photographic copies are appended on the following page.*



I am also of the opinion that the wellbeing of the child would be better served if he were to remain with his mother and to ultimately return to [REDACTED] with his mother

The subject was then presented with the Withdrawal of a Claim for Refugee Protection Prior to the Referral to the Refugee Protection Division (form # IMM5317). The subject was explained, while using the services of the accredited Spanish interpreter CELIS LLERENA, V. P., what this document was. The subject was explained that Withdrawing her Refugee Claim at this stage of the process would lead to an inadmissibility under sections A41(a) + A20(1)(a) + R6 for wanting to come live permanently in Canada without having the proper documentation to do so. The subject was also explained that her Refugee Claim would no longer be considered and would not longer be referred to the IRB. The subject was also informed that withdrawing her claim was her decision to make and that this was a voluntary decision she must make

The subject stated that she understood and continued to insist that she wanted to return to [REDACTED] and did not want to apply for Refugee Protection in Canada

The subject was then met by BSO LUCIER who acted as the Ministers Delegate in their case. The subject again confirmed that she wanted to voluntarily withdraw her Refugee Claim and wanted to voluntarily return to [REDACTED] on the next available flight.

I was present during the interaction between BSO LUCIER and the subject

BSO LUCIER found the A44 Inadmissibility Report founded in fact and in law and proceeded to allow the subject and her son to leave Canada (Allowed to Leave)

To note, the subject is able to return to Canada without delay since she was allowed to withdraw her application to enter Canada. Also to note, the subject withdrew her claim prior to the referral of the claim to the IRB. The subject could, in theory, make a future asylum claim in Canada and would not be ineligible to have their claim referred to the IRB under any paragraph under section 101 of the Immigration and Refugee Protection Act.

The subject proceeded to sign the A44 Inadmissibility Report and proceeded to sign the Allowed to Leave. The subject stated that she did not have any further questions nor concerns and that she understood everything that was happening.

The subject was then rebooked on the next available flight towards [REDACTED] along with her son.

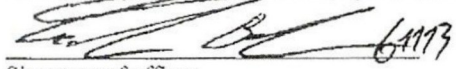
End of my interaction with the subject

End of report



And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me in DORVAL, Quebec on April 28, 2026.

 61173

Signature of officer

\_\_\_\_\_  
Signature of declarant

FEDERAL COURT

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EXHIBIT «R-5»

eTA CANCELLATION RECORDS

██████████ ██████████ and ██████████ ██████████

*Operational consequence of the withdrawal of 21 March 2026*

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DOCUMENT TYPE	Electronic Travel Authorization — cancellation records
SOURCE / ISSUER	Immigration, Refugees and Citizenship Canada (IRCC)
DOCUMENT DATE	On or about 21–22 March 2026
PAGES	2 (one per Applicant)

*The actual cancellation records are appended on the following page.*



Government of Canada

Gouvernement du Canada

# Electronic Travel Authorization (eTA) Status

**\* Check your status (required)**

I received an eTA. I want to check my file. ▼

**\* Please select one (required)**

eTA Number ▼

**\* eTA Number (required)**

This number, which begins with the letter J, can be found at the top of the email you received when your eTA was approved.

[Redacted]

Enter the following information **exactly** as you entered it on your application form:

**\* Passport number (required)**

[Redacted]

**\* Country / territory of issue (required)**

[Redacted] ▼

**\* Issue date (required)**

[Redacted] ▼

[Redacted] ▼

[Redacted] ▼

**\* Expiry date (required)**

[Redacted] ▼

[Redacted] ▼

[Redacted] ▼

Check application status Cancel

**Application status**

Where is this application?	Details
Application status	Your application was cancelled.
<b>A final decision has been reached</b>	
eTA Number	[Redacted]
Expiry date	[Redacted]
eTA document status	After reviewing your file, we've determined that you no longer meet the requirements for an Electronic Travel Authorization (eTA). Your file is now closed. You should reapply once you have addressed the reason(s) why your eTA was cancelled. You no longer hold a valid eTA. As such, you should not plan or undertake any travel to Canada.



## Estado de la Autorización Electrónica de Viaje (eTA)

**\* Verifica tu estado (obligatorio)**

Recibí una eTA. Quiero revisar mi expediente.

**\* Seleccione una opción (obligatorio)**

Número eTA

**\* Número eTA (obligatorio)**

Este número, que comienza con la letra J, se encuentra en la parte superior del correo electrónico que recibió cuando se aprobó su eTA.

[Redacted]

Introduzca la siguiente información **exactamente** como la introdujo en su formulario de solicitud:

**\* Número de pasaporte (obligatorio)**

[Redacted]

**\* País/territorio de emisión (obligatorio)**

[Redacted]

**\* Fecha de emisión (obligatoria)**

[Redacted]

[Redacted]

[Redacted]

**\* Fecha de caducidad (obligatoria)**

[Redacted]

[Redacted]

[Redacted]

Verificar el estado de la solicitud

Cancelar

**Estado de la solicitud**

¿Dónde se encuentra esta aplicación?	Detalles
<b>Estado de la solicitud</b>	Su solicitud fue cancelada.
<b>Se ha tomado una decisión final.</b>	
<b>Número eTA</b>	[Redacted]
<b>Fecha de caducidad</b>	[Redacted]
<b>estado del documento eTA</b>	Tras revisar su expediente, hemos determinado que usted ya no cumple con los requisitos para obtener una eTA. Su expediente está cerrado. Deberá volver a solicitarlo una vez que haya solucionado el/los motivo(s) de su cancelación. Ya no dispone de una autorización electrónica de viaje (eTA) válida. Por lo tanto, no debe planificar ni realizar un viaje a Canadá.

Fecha: 10 de septiembre de 2024

Nombre: [REDACTED]

Fecha de nacimiento: [REDACTED]

Edad: 6 años

Estudio: Resonancia Magnética simple de Cráneo

Técnica: Se realiza RM simple de cráneo obteniendo secuencias en los distintos planos ortogonales

Limitaciones: Ninguna.

Descripción:

Tejido blando del cuero cabelludo de morfología e intensidad de señal normal.

Cerebelo de morfología anormal, con hipoplasia del hemisferio cerebeloso izquierdo.

Puente de morfología normal, con intensidad de señal característica en las distintas secuencias.

Ganglios basales de morfología e intensidad de señal normal en las distintas secuencias. Mesencéfalo de morfología normal con intensidad de señal adecuada.

Región selar de morfología normal, con glándula hipófisis morfología y tamaño normal, con intensidad de señal adecuada en las distintas secuencias.

Cuerpo calloso con adelgazamiento del esplenio.

Sistema ventricular infra y supratentorial dilatado, con morfología alterada del cuerpo de los ventrículos laterales; los plexos coroideos son normales. Presencia de válvula de derivación ventricular occipital derecha.

Espacio subaracnoideo de amplitud normal, con adecuada profundidad de surcos y cisuras. Línea media central, no hay evidencia de herniaciones.


Hemisferios cerebrales de morfología normal, el parénquima presenta una adecuada diferenciación sustancia gris-blanca, con intensidad de señal adecuada en las distintas secuencias.

Estructuras vasculares del polígono de Willis de morfología normal.

Conclusión:

- Malformación de Chiari tipo II con datos de ventriculomegalia infra y supratentorial, disgenecia del esplenio del cuerpo calloso, hipoplasia del hemisferio cerebeloso izquierdo.
- Presencia de válvula de derivación ventricular occipital derecha.

Dr. Omar Ulises Plascencia Villa  
Médico Radiólogo  
Ced. Prof. 5869971  
Ced. Esp. 8129104



**Clínica del Noroeste, S.A. de C.V.**  
Juárez y Luis Donaldo Colosio S/N  
Colonia Centro, C.P. [REDACTED]

**Centro Médico del Noroeste, S.A. de C.V.**  
Luis Donaldo Colosio No. 23 Ote.  
Colonia Centro, C.P. [REDACTED]

**Centro de Diagnóstico Integral del Noroeste, S.A. de C.V.**  
Luis Donaldo Colosio No. 23 Ote.  
Colonia Centro, C.P. [REDACTED]

Fecha: 10 de septiembre de 2024

Nombre: [REDACTED]

Fecha de nacimiento: [REDACTED]

Edad: 6 años

Estudio: Resonancia Magnética de Columna total

Técnica: Se realiza RM de columna total obteniendo secuencias en los distintos planos ortogonales.

Limitaciones: Ninguna.

Descripción:

Tejido celular subcutáneo de morfología e intensidad de señal normal.

Curvatura fisiológica cervical con tendencia a la rectificación.

Curvatura fisiológica dorsal conservada.

Curvatura fisiológica lumbar conservada.

No hay evidencia de listesis de los cuerpos vertebrales.

Rotoescoliosis dorsolumbar derecha.

Discos intervertebrales de morfología normal, con intensidad de señal normal en las distintas secuencias.

Cuerpos vertebrales de morfología normal, sin evidencia de lesiones líticas o blásticas, con intensidad de señal homogénea en las distintas secuencias.

Ligamentos interespinosos con intensidad de señal normal en las distintas secuencias.

Facetas articulares de morfología normal, con márgenes íntegros, sin evidencia de alteraciones.

Médula espinal con presencia de una hiperseñal generalizada en T2 en toda la medula asociada a una aparente dilatación del canal central. Cono medular a nivel de T12-L1.

Cambios postquirúrgicos a nivel del sacro.

Canal radicular de diámetro normal, sin evidencia de estenosis.

Ligamentos amarillos de grosor normal.

Conclusión:

- Hidrosiringomielia de toda la medula.
- Curvatura fisiológica cervical con tendencia a la rectificación.
- Rotoescoliosis dorsolumbar derecha.
- Cambios postquirúrgicos a nivel del sacro.

Dr. Omar Ulises Plascencia Villa

Médico Radiólogo

Ced. Prof. 5969971

Ced. Esp. 8129104



**Clínica del Noroeste, S.A. de C.V.**  
Juárez y Luis Donaldo Colosio S/N  
Colonia Centro, C.P. [REDACTED]

**Centro Médico del Noroeste, S.A. de C.V.**  
Luis Donaldo Colosio No. 23 Ote.  
Colonia Centro, C.P. [REDACTED]

**Centro de Diagnóstico Integral del Noroeste, S.A. de C.V.**  
Luis Donaldo Colosio No. 23 Ote.  
Colonia Centro, C.P. [REDACTED]

WWW.CLINICADELNOROESTE.COM

  /CdelNoroeste

## FEDERAL COURT

## EXHIBIT «R-7»

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
 TRANSMITTAL OF PETITION ██████████ TO THE ██████████ STATE

*Antecedent international human-rights process — petition received 25 February 2024;  
 transmitted to the ██████████ State by Commission letter dated 15 January 2026*

DOCUMENT TYPE	First page of correspondence from the Inter-American Commission to the petitioners regarding transmittal of the petition to the ██████████ State (with limited redactions)
SOURCE / ISSUER	Inter-American Commission on Human Rights (Organization of American States)
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PETITION / FILE	██████████ (Petitioners v. ██████████ State); transmittal under Article 30(3) of the Commission’s Rules of Procedure
PAGES	First page only (redacted: third co-petitioner’s name; URL of normative reference)

*The redacted first page of the Commission’s correspondence is appended on the following page.*

15 de enero de 2026

REF: [REDACTED] y familia

Estimada parte peticionaria:

Tengo el agrado de dirigirme a usted en nombre de la Comisión Interamericana de Derechos Humanos con relación a la petición arriba citada, la cual fue recibida en esta Secretaría Ejecutiva el 25 de febrero de 2024.

Cumplo con informarle que mediante nota de la fecha se han remitido las partes pertinentes de su petición al Gobierno de [REDACTED] y se ha fijado un plazo de tres meses, prorrogable si fuese necesario hasta un máximo de cuatro meses, para que este presente sus observaciones, conforme al artículo 30(3) del Reglamento de la CIDH. A su vez, se le advirtió la imposibilidad de otorgar solicitudes de prórrogas que excedan el plazo arriba indicado, de conformidad con el artículo 30(3) del Reglamento de la CIDH.

En este sentido, se le informa que, transcurrido el plazo de los cuatro meses, esta Secretaría Ejecutiva verificará los criterios de la Resolución 1/16 sobre *Medidas para reducir el atraso procesal*, la cual se encuentra disponible en el siguiente enlace electrónico: [REDACTED] y, de ser el caso, la CIDH podrá notificar el diferimiento del examen de la admisibilidad hasta el debate y decisión sobre el fondo, de conformidad con el artículo 36(3) del referido Reglamento.

En este estado del proceso, no se requiere el suministro de información adicional. En consecuencia, se le solicita amablemente abstenerse de remitir información durante el transcurso del plazo arriba indicado.

Anexo encontrará un folleto con información relevante sobre las peticiones en la etapa de admisibilidad.

[REDACTED]

Victor Manuel Gutierrez  
Verduzco

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## MEMORANDUM OF FACT AND LAW

*Written Representations of the Applicants  
Rule 364 of the Federal Courts Rules*

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### PART I — OVERVIEW

1. The Applicants seek urgent interim orders under section **18.2 of the *Federal Courts Act*** directed at operationally facilitating their physical return to Canada. The Respondents *themselves* have represented, in the Rule 9 Record certified on 11 May 2026 (page 6), that the Applicants “**could, in theory, return to Canada without delay**” and that they are not ineligible under section 101 *IRPA*. This motion seeks to **convert that theoretical admission into concrete operational steps**, given that without the administrative enablement that only the Respondents are in a position to provide, no commercial carrier will board the Applicants.
2. The present motion is circumscribed to a single purpose: **operational physical return** of the Applicants to Canada as an urgent precautionary measure under section 18.2 of the *Federal Courts Act*.

### PART II — FACTS

1. The facts are fully set out in the Affidavit of the Applicant. In summary: on 22 March 2026 the Applicants were physically placed by the Respondents’ agents on a flight to ██████ City and removed from Canadian territory; the forms and administrative records relating to the events of 20–22 March 2026 are reflected in the Rule 9 Record certified on 11 May 2026 (Exhibits «R-4» and «R-5» for the purpose of documentary identification). **Fifty-three (53) days** have elapsed since such removal. The minor Applicant presents severe documented **neurological** conditions with severe **psychomotor disability** formally documented (Exhibit «R-6») which require uninterrupted **neurosurgical** continuity.
2. The Rule 9 Record contains, at its page 6, the Crown’s admission that the Applicants could, in theory, return without delay and that they are not ineligible under section 101 *IRPA*.

### PART III — ISSUE

1. Should this Honourable Court, in the exercise of its jurisdiction under section 18.2 of the *Federal Courts Act*, direct the Respondents to take the operational steps necessary to enable the physical return of the Applicants to Canada, pending the final disposition of the underlying Application?

## PART IV — REPRESENTATIONS

### A. Jurisdictional framework

1. Section 18.2 of the *Federal Courts Act* authorizes this Court to make “such interim orders as it considers appropriate pending the final disposition” of an application for judicial review. Jurisdiction is ancillary to the underlying Application under subsection 72(1) *IRPA*, already accepted for processing before this Court.
2. The applicable test is the tripartite test from *RJR-MacDonald Inc v Canada (AG)*, [1994] 1 SCR 311, modulated for mandatory orders by *R v Canadian Broadcasting Corp*, 2018 SCC 5, paragraphs 15 and 17–18 (“**strong prima facie case**” standard in lieu of the ordinary “**serious issue to be tried**” standard).

### B. Strong prima facie case

1. The strength of the Applicants’ case rests on an uncontroverted base: **the Respondents’ own representations** in the Rule 9 Record certified on 11 May 2026, page 6 (*Solemn Declaration of Officer BEDROS, sworn 28 April 2026*):
  - (a) the Applicants were processed under the simplified refugee processing stream (“**One-Touch Refugee Processing**”) as claimants assessed as lower administrative risk;
  - (b) the Applicant “**is able to return to Canada without delay since she was allowed to withdraw her application to enter Canada**”;
  - (c) the Applicants “**could, in theory, make a future asylum claim in Canada and would not be ineligible to have their claim referred to the IRB under any paragraph under section 101 of the Immigration and Refugee Protection Act**”.
1. These three admissions, on their own, amply satisfy the **strong prima facie case** threshold. The present motion **does not require** this Court to resolve any factual controversy regarding the events of 20–22 March 2026: the motion is built exclusively upon the Crown’s own representations.

### C. Irreparable harm

1. Irreparable harm manifests itself in **four converging dimensions, any one of which on its own suffices to engage it**:
  - **Medical (severity + progressivity + risk of collapse)**: the minor Applicant presents Chiari II malformation, panmedullary hydrosyringomyelia, ventriculomegaly and bearer of a ventriculo-peritoneal shunt (Exhibit «R-6»), conditions which have given rise to severe **psychomotor disability** formally documented. These conditions **do not constitute mere progressive future deterioration but rather a risk of potentially imminent neurological collapse**, deepening with each additional day without specialized **neurosurgical** continuity. Equivalent **medical** care in the [REDACTED] system **does not constitute an effective institutional alternative**, given that any **medical** institution on [REDACTED] territory — public or private — operates within the State or federal reach of the same [REDACTED] State formally notified by the Inter-American Commission on Human Rights (Exhibit «R-7»).
  - **Risk of reprisals or adverse measures**: the Applicants remain forcibly on the territory of the [REDACTED] State, the same jurisdiction whose originating risk motivated the refugee protection claim on 20–22 March 2026. Such **originating risk has not ceased** during the forced presence, and is aggravated by the formal notification of the [REDACTED] State by the IACHR with respect to petition [REDACTED] (Exhibit «R-7»), increasing with each additional day of exposure.
  - **Family**: the minor Applicant remains separated from his father, who is in Canada, in contradiction with the value of family reunification recognized in paragraph 3(1)(d) *IRPA* and in Article 9 of the Convention on the Rights of the Child.
  - **Temporal-cumulative**: **fifty-three (53) days** have elapsed since the removal of 22 March 2026, without the Crown’s theoretical admission having translated into effective operational remedy; the whole operates in a manner *cumulative, not static*, deepening the harm with each additional day.
1. The convergence of the four dimensions described in the preceding paragraph is **sufficient, on its own and without need to litigate the merits of the underlying claim at this stage**, to engage the contradictory and the interim jurisdiction of this Honourable Court under section 18.2 of the *Federal Courts Act*.

#### D. Best interests of the child (BIOC)

1. In assessing irreparable harm, this Honourable Court must be “**alert, alive and sensitive**” to the best interests of the minor Applicant, to which “**substantial weight**” must be given as “**an important factor**”: *Baker v Canada (MCI)*, [1999] 2 SCR 817, paragraph 75. That standard was reaffirmed in *Kanthasamy v Canada (CI)*, 2015 SCC 61, paragraphs 33–39, citing *Baker* at paragraphs 74–75 (in *Kanthasamy* at paragraph 38) and recognizing that the *Convention on the Rights of the Child*, Can T.S. 1992 No. 3, “**stresses the centrality of the best interests of the child**” (in *Kanthasamy* at paragraph 37). The same approach is anchored in paragraphs 3(1)(d) and 3(3)(d) *IRPA*.
2. Canada ratified the Convention on the Rights of the Child on 13 December 1991. Article 23(1) recognizes that “**a mentally or physically disabled child should enjoy a full and decent life**”. Although not directly incorporated as domestic law, the Convention informs the contextual approach to the best interests of the child: *Baker*, paragraphs 69–71. Article 9 recognizes the right of the child not to be separated from his or her parents against his or her will. **In addition, Canada ratified the Convention on the Rights of Persons with Disabilities on 11 March 2010**; Article 7 recognizes the duty of States Parties to ensure that the best interests of the child with **disabilities** shall be a primary consideration in all actions concerning him or her, and Article 25 recognizes the right of persons with **disabilities** to the highest attainable standard of health without discrimination on the basis of **disability**.

#### E. Balance of convenience

1. The balance of convenience favours the Applicants decisively. The Respondents cannot, without contradicting themselves, oppose an order which operationally materializes what they themselves have characterized as theoretically available.
2. The public interest is not prejudiced: the Crown’s admission of non-ineligibility means that the resumption of the claim does not contravene the immigration legislation.

#### F. Effective remedy, not theoretical

1. A judicial remedy must be effective in its practical operation, not merely declaratory: *Doucet-Boudreau v Nova Scotia (Minister of Education)*, 2003 SCC 62, paragraphs 55–58. The Crown’s admission at page 6 of the Rule 9 Record — that the Applicants could, in theory, return without delay — **remains inert without an operational order from this Court**, given that: (i) no commercial carrier will board passengers without the administrative enablement that only the Respondents are in a position to provide; and (ii) the choice of the concrete administrative instrument is for the Respondents; (iii) the Applicants remain forcibly on the territory of the ████████ State formally notified by the IACHR (Exhibit «R-7»), **without institutional alternative outside the State or federal reach of such State**; (iv) the minor Applicant presents conditions (Exhibit «R-6») that constitute a **risk of potentially imminent neurological collapse**; and (v) **after fifty-three (53) days without effective operational remedy, the Crown’s sole theoretical admission is shown to be insufficient**.

#### G. Interlocutory nature and delimitation of the subject-matter

1. The present motion is strictly interlocutory in character under section 18.2 of the *Federal Courts Act* and is confined to a single purpose: the facilitation of the physical return of the Applicants to Canada as an urgent precautionary measure.

## PART V — ORDER SOUGHT

1. The Applicants respectfully request the orders detailed in paragraphs (a) to (g) of the Notice of Motion.

All of which is respectfully submitted.

Dated at the City of ██████████ State of ██████████ this 14 May 2026.

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Self-represented Applicant

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## PART VI — LIST OF AUTHORITIES

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### Legislation:

- *Federal Courts Act*, RSC 1985, c F-7, ss. 18.2, 72(1)
- *Federal Courts Rules*, SOR/98-106, Rules 80, 81, 362(2)(b), 364, 369, 385
- *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22, Rules 4(1), 9
- *Immigration and Refugee Protection Act*, SC 2001, c 27, ss. 3(1)(d), 3(3)(d), 3(3)(f), 99(3), 100(3), 101, 167(2)
- *Convention on the Rights of the Child*, Can T.S. 1992 No. 3, Arts. 3(1), 9, 23
- *Convention on the Rights of Persons with Disabilities* (CRPD), 2515 UNTS 3 (Canada ratified 11 March 2010), Arts. 7, 25

### Jurisprudence:

- *RJR-MacDonald Inc v Canada (AG)*, [1994] 1 SCR 311
- *R v Canadian Broadcasting Corp*, 2018 SCC 5, ¶¶ 15, 17–18
- *Doucet-Boudreau v Nova Scotia (Minister of Education)*, 2003 SCC 62, ¶¶ 55–58
- *Baker v Canada (MCI)*, [1999] 2 SCR 817, ¶¶ 69–71, 74–75
- *Kanthasamy v Canada (CI)*, 2015 SCC 61, ¶¶ 33–39
- *Gnanapragasam v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 1735, Order ¶ 2(g)