

Registry No. IMM-7743-26

FEDERAL COURT

BETWEEN:

[REDACTED]
[REDACTED] (MINOR)

Applicant,

and

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND
THE MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS**

Respondents.

**RESPONDENTS' MOTION RECORD
(RESPONDING TO APPLICANTS' MOTION FOR ORDER THAT
RESPONDENTS FACILITATE THEIR RETURN TO CANADA)**

ATTORNEY GENERAL OF CANADA

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FEDERAL COURT

BETWEEN:

[REDACTED] (MINOR)

Applicant,

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND
THE MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

Respondents.

RESPONDENTS' MOTION RECORD

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FEDERAL COURT

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[REDACTED] (MINOR)

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AFFIDAVIT OF SCOTT LUCIER

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Registry No. IMM-7743-26

FEDERAL COURT

BETWEEN:

[REDACTED]
[REDACTED] (MINOR)

Applicant,

and

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND
THE MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS**

Respondents.

AFFIDAVIT OF SCOTT LUCIER

I, **SCOTT LUCIER**, of the City of Montreal, in the Province of Québec,

AFFIRM THAT:

1. I am employed as a Border Services Officer with the Canada Border Services Agency (“CBSA”) at the Montreal-Pierre Elliott Trudeau airport. As such I have personal knowledge of the matters hereinafter deposed to by me, except where they are stated to be based upon information and belief, in which case I believe them to be true.
2. On March 21, 2026, I interviewed and assisted with the processing of the Applicants after they arrived in Canada the day before. Attached as Exhibit “A” to this my affidavit is a copy of a statutory declaration that I swore, outlining the circumstances of my interactions with the Applicants. I hereby confirm that, to the best

of my knowledge and recollection, the facts as stated in my statutory declaration are true and correct.

3. Attached as Exhibit "B" to this my affidavit are copies of "Withdrawal of a claim for refugee protection prior to referral to the refugee protection division" for each of the Applicants. I was present when the Applicant [REDACTED] signed these two documents on both of the Applicants' behalfs on March 21, 2026 and witnessed same.

4. I make this affidavit in good faith and for no improper purpose in support of the Respondent's response to the Applicants' motion seeking an order that the Respondent facilitate their return to Canada, and the proposed intervener's motion to intervene in this proceeding, both filed on May 19, 2026.

AFFIRMED before me by)
 videoconference on this 27th day of)
 May, 2026, at which time I saw and)
 heard the affiant affirm this document)
 and sign it. The affiant proved her
 identity by means of producing a piece
 of current government-issued photo ID.

On 27th day of May, 2026, having
 received this originally executed
 document, I signed it.



A Barrister-at-Law in and for
 the Province of Manitoba.



SCOTT LUCIER

This is Exhibit "A" referred to in the affidavit of **Scott Lucier** affirmed before me by videoconferencing, this 27th day of May, 2026.



A Barrister-at-Law in and for
the Province of Manitoba



Protected B when completed

Statutory Declaration

Client ID/UCI #: [REDACTED]

CANADA
Province of Quebec
City of Dorval

In the matter of the *Immigration and Refugee Protection Act* and in the matter of [REDACTED] I, Scott LUCIER, employed as Border Services Officer with the Canada Border Services Agency, make this solemn declaration:

In the course of my duties, on 20 March 2026, I interviewed [REDACTED] at the port of entry located at 975 boul. Roméo-Vachon N, Dorval, QC H4Y 1H1.

Subject : [REDACTED]
DOB: [REDACTED]
UCI: [REDACTED]
Citizenship: [REDACTED]

All interactions with the passengers/subjects were conducted with the help of an accredited interpreter in the Spanish language. Two interpreters were used due to availabilities of the interpreters; M. VEGA for the first part of the examination and V.P. CELIS LLERENA was used for the end of the examination.

Upon arrival to my shift, I was assigned to process a family from [REDACTED] refugee claim via full-case by my superintendent C. HOTTE. The family had arrived the night prior and was adjourned to the following morning by officer J. ESTRADA as the subject's husband was a former police officer in [REDACTED] and stated that he had been arrested in the past. The family was free to enter Canada and spend the night and they were instructed to return to the airport to finish the processing of their asylum claim.

The following day, the subject and her family returned to the airport and officer L. BEDROS and I started processing their asylum claim. The subject was travelling with her ex-husband (discovered later in the examination that they were no longer together. However, subject's ex-husband referred to her as his wife and they presented themselves as a family. We began with subject's ex-husband as we had to interview him in detail regarding his prior arrest and time spent with the [REDACTED] police forces.

Through out the interview, subject's ex-husband became agitated, uncooperative and was exhibiting unusual behaviour, making claims the officers were trying to trick him or lie to him regarding the forms we were completing. Please see notes under the UCI: [REDACTED] for more information regarding subject's ex-husband. Subject's ex-husband was then instructed to leave the examination room and we would be interviewing subject alone.

Subject was speaking in a low manner and appeared to be uncomfortable. She then asked if her file could be separated from her ex-husband because she revealed that they were no longer together. She stated that she wanted her and her son to be separate from him because they are no longer a couple and she did not feel comfortable being with her ex-husband. At this point subject was visibly uncomfortable and very closed-off. She had difficulty speaking and began to tear up when she mentioned her ex-husband. She mentioned that she was not with her ex-husband anymore and that he was abusive towards her in recent years and his behaviour was becoming more and more paranoid stating that he said people were coming after him. Both BEDROS and I were patient and allowed subject time to collect her thoughts and speak when she was ready. Our interpreter M. VEGA was also reassuring her that she is able to speak freely and she does not need to worry about her ex-husband. We explained to her that if she needs help, there are social programs (PRAIDA, YMCA etc.) and women's shelters for her if she needs a place to stay. She asked if her husband would be accompanying her to the housing. We said we did not know, that would be their decision and their decision alone. Subject then stated that she did not feel safe with her ex-husband and she did not want him to follow her to PRAIDA. She said that she is worried about the safety of her and her son, and she just wanted to do what was best for her son.

We asked the subject if she would be able to talk a little more about the situation with her ex-husband, particularly the abuse she had previously mentioned. Subject became more emotional and was unable to elaborate further. She mentioned again that she did not feel safe with him and that she wanted what was best for her son. We told her that



her safety as well as her son's was a priority for us, and if she was asking to separate their files, we could do that, and we just wanted to gather more information regarding her and her ex-husband's situation. We explained to her again that she does not need to go to the same shelter as her husband and there were programs available to her if she needed them. Subject was still emotional and repeated that she was worried about her son.

I then re-explained the asylum process to the subject and informed her that if she wanted to continue with her asylum claim, we would prepare the documents and get her process started. They would include an inadmissibility report and a conditional removal order that is not currently in effect until a judge renders a decision on her claim. Subject understood our explanations and left her with son to wait in the immigration office while we processed her ex-husband. Subject's file and her son's were then put in the One-Touch process where her claim would be treated by another officer. BEDROS and I returned to the immigration counter to continue the paperwork for her husband. Again, please see UCI [REDACTED] for more information regarding his arrest and detention.

Some time after our initial conversation with subject, she approached another officer and stated that she wanted to return to [REDACTED]. I then called another interpreter V.P. CELIS LLERENA in order to speak to the subject and allow her to explain herself properly. With the help of an accredited interpreter, subject explained that she wanted to return to [REDACTED] and did not want to continue with her asylum claim. I asked subject again if she was certain that she wanted to return to [REDACTED] and she stated "Yes" she wanted to return to [REDACTED]. I re-explained the asylum process and what a withdrawal of a refugee claim was to her in order for her to completely understand both sides of the situation and make an informed decision. I allowed subject time to think about her decision and told her that when she was ready, she can come back to me and let me know what her decision was. Subject asked about her ex-husband, and I explained that he was being detained and in 48 hours he would be able to speak to a judge regarding his detention. Subject then asked when the earliest available flight would be to return to [REDACTED] which was the following morning. I explained that the airline company would handle the plane tickets so she did not have to worry about purchasing a flight. Subject then stated that she wanted to return to [REDACTED] with her son as she believed he would be safer there. She stated that she did not want to continue with her asylum claim and that she never really needed asylum as her husband brought them to Canada.

I believe it was in the best interests of the minor child that he be able to return to [REDACTED] with his mother. Due to our interactions with the subject and her ex-husband, I believe her safety and her child's safety were at stake.

I spoke with BEDROS and we both agreed to proceed with a withdrawal of subject's asylum claim as well as her son's. BEDROS finished writing his inadmissibility report and presented it to me at which point he made a recommendation to myself (the Minister's Delegate) that we should proceed with an Allowed to Leave versus an Exclusion Order as it was not subject's intention to claim asylum in Canada and we did not want to remove the subject from Canada. We wanted her to make her own decision with the best interest of herself and her son in mind, and after discussing the matter further, BEDROS and I agreed that an Allowed to Leave was the best possible option in this case. I believe BEDROS' report was founded in fact and in law and I accepted BEDROS' recommendation and we proceeded to complete the appropriate paperwork; 44 inadmissibility report, Allowed to Leave, passport/document seizure (BSF698), Entry for Further Examination (BSF536) etc. and the ticket booking with the airline company.

After some time, I met subject with the accredited interpreter that was previously mentioned with BEDROS present as well. I explained to the subject the Withdrawal of a Claim for Refugee Protection Prior to the Referral to the Refugee Protection Division (IMMS317), read the contents of the form verbatim and reminded her that she was freely making the decision to withdraw her claim and she understood the nature and consequences of her withdrawal. Subject understood her withdrawal. I explained to her the allegations of the 44 report stating that she had made an asylum claim and wanted to live in Canada permanently without the proper permanent resident visa and read the contents of the report verbatim to the subject. Subject understood the contents of the 44 report. I explained to subject the Allowed to Leave stating that it was a voluntary decision to withdraw her entry to enter Canada and that I decided not to issue a removal order against her. I read the contents of the Allowed to Leave to the subject verbatim. Subject understood the Allowed to Leave.

Subject was then explained he adjournment process via the Entry for Further examination document (BSF536). Subject understood the document. Subject signed all of the documents that were explained to her and reiterated that she understood their contents. Subject was then free to leave the immigration office and rest before her flight the following morning.

This is Exhibit “**B**” referred to in the affidavit of **Scott Lucier** affirmed before me by videoconferencing, this 27th day of May, 2026.



A Barrister-at-Law in and for
the Province of Manitoba



WITHDRAWAL OF A CLAIM FOR REFUGEE PROTECTION PRIOR TO REFERRAL TO THE REFUGEE PROTECTION DIVISION

RENONCIATION À UNE DEMANDE D'ASILE AVANT LE RENVOI À LA SECTION DE LA PROTECTION DES RÉFUGIÉS

Client ID - ID du client
CIC file no. - CIC-dossier n°

In the matter of a claim for refugee protection made by / Relativement à la demande de l'asile au sens de la Convention présentée par
Surname - Nom / Given name(s) - Prénom(s)
Date of birth / Date de naissance
Country of citizenship / Pays de citoyenneté

I, [redacted], withdraw my claim for refugee protection.

I freely make the withdrawal of my claim for refugee protection and I fully appreciate the nature and consequences of the withdrawal. I am aware of the possibility of my being required to leave Canada as a result of the withdrawal of my claim.

Je soussigné(e), [redacted], renonce à ma demande d'asile au sens de la Convention.

Je renonce librement à ma demande d'asile au sens de la Convention et je me rends pleinement compte de la nature de cette renonciation et des conséquences qu'elle entraîne. Je suis conscient(e) que, suite à cette renonciation, on peut me demander de quitter le Canada.

Signed at / Signé à DORVAL in the province of / dans la province de QUEBEC
on the / le 21 day of / jour de MARCH of the year / de l'an 2026

AFFIX PHOTOGRAPH / APPOSER LA PHOTOGRAPHIE

INTERPRETER'S DECLARATION

DÉCLARATION DE L'INTERPRÈTE

I, VC, 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, [redacted], déclare solennellement avoir interprété fidèlement et exactement en

les renseignements indiqués ci-dessus. 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 elle était faite sous serment.

Signature of person making declaration / Signature du déclarant

Declared before me / Déclaré devant moi BEDROS

at / à DORVAL

This / Ce 21 day of / jour de MARCH of the year / de l'an 2026

Signature of officer / Signature de l'agent [Handwritten signature and number 67113]

The information provided on this form is collected under the authority of the Immigration and Refugee Protection Act. This information will be stored in Personal Information Bank number CIC PPU 008 and you have the right of access to it and to its protection under the provisions of the Privacy Act.

Les renseignements fournis dans le présent formulaire sont recueillis en vertu de la Loi sur l'immigration et la protection des réfugiés. Les renseignements seront versés dans le fichier de renseignements personnels CIC PPU 008. Ils sont protégés et accessibles en vertu des dispositions de la Loi sur la protection des renseignements personnels.



WITHDRAWAL OF A CLAIM FOR REFUGEE PROTECTION PRIOR TO REFERRAL TO THE REFUGEE PROTECTION DIVISION

RENONCIATION À UNE DEMANDE D'ASILE AVANT LE RENVOI À LA SECTION DE LA PROTECTION DES RÉFUGIÉS

Client ID - ID du client [REDACTED]
CIC file no. - CiC-dossier n°

In the matter of a claim for refugee protection made by Relativement à la demande de l'asile au sens de la Convention présentée par	Surname - Nom [REDACTED]	Given name(s) - Prénom(s) [REDACTED]
Date of birth Date de naissance	Y - A M D - J [REDACTED]	Country of citizenship Pays de citoyenneté [REDACTED]

I, [REDACTED], withdraw my claim for refugee protection.

Je soussigné(e), [REDACTED], renonce à ma demande d'asile au sens de la Convention.

I freely make the withdrawal of my claim for refugee protection and I fully appreciate the nature and consequences of the withdrawal. I am aware of the possibility of my being required to leave Canada as a result of the withdrawal of my claim.

Je renonce librement à ma demande d'asile au sens de la Convention et je me rends pleinement compte de la nature de cette renonciation et des conséquences qu'elle entraîne. Je suis conscient(e) que, suite à cette renonciation, on peut me demander de quitter le Canada.

Signed at DORVAL in the province of QUEBEC
Signé à _____ dans la province de _____

on the 21 day of MARCH of the year 2026
le _____ jour de _____ de l'an _____

[REDACTED SIGNATURE]



INTERPRETER'S DECLARATION

DÉCLARATION DE L'INTERPRÈTE

I, VC, solemnly declare that I have faithfully and accurately interpreted in the

Je, _____, déclare solennellement avoir interprété fidèlement et exactement en

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.

_____ les renseignements indiqués ci-dessus. 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 elle était faite sous serment.

Signature of person making declaration / Signature du déclarant

Declared before me BEDROS at DORVAL
Déclaré devant moi _____ à _____

This 21 day of MARCH of the year 2026
Ce _____ jour de _____ de l'an _____

[Handwritten Signature] 61113
Signature of officer / Signature de l'agent

The information provided on this form is collected under the authority of the Immigration and Refugee Protection Act. This information will be stored in Personal Information Bank number CIC PPU 008 and you have the right of access to it and to its protection under the provisions of the Privacy Act.

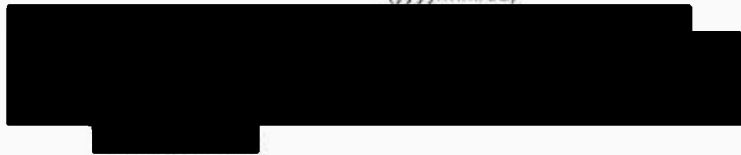
Les renseignements fournis dans le présent formulaire sont recueillis en vertu de la Loi sur l'immigration et la protection des réfugiés. Les renseignements seront versés dans le fichier de renseignements personnels CIC PPU 008. Ils sont protégés et accessibles en vertu des dispositions de la Loi sur la protection des renseignements personnels.



DATED at Montreal Pierre Elliott Trudeau Int'l Airport POE

on 2026/03/21
(yyyy/mm/dd)


Signature of Officer



FEDERAL COURT

BETWEEN:

[REDACTED]
[REDACTED] (MINOR)

Applicant,

and

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION AND
THE MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS**

Respondents.

RESPONDENTS' WRITTEN REPRESENTATIONS**OVERVIEW**

1. This motion seeking to have the Respondents arrange for the Applicants' return to Canada from [REDACTED] should be dismissed, as should the underlying ALJR. The Applicants have failed to meet the tripartite test for a mandatory interlocutory injunction.

2. Although the Applicants' ALJR and this motion are ostensibly being brought by the Applicants on their own behalf, it is clear that these proceedings are all actually being brought by Mr. Gutierrez Verduzco. He is the Primary Applicant's ex-husband who is currently in Canada, and whom the Primary Applicant alleges is abusive towards her. In fact, on the same day that the within motion was served and filed, Mr. Gutierrez Verduzco filed a motion seeking leave to intervene in this ALJR. All of these

documents (including the ALJR itself) were served and filed using Mr. Gutierrez Verduzco's email address, and a physical address in Canada, despite the Applicants being located in [REDACTED]

3. Mr. Gutierrez Verduzco is the ex-husband and father of the two Applicants, [REDACTED] and [REDACTED] respectively. Mr. Gutierrez Verduzco and the Applicants arrived in Canada from [REDACTED] in March of this year and told the CBSA they would like to make refugee claims. Once the Primary Applicant was alone with CBSA Officers, she told the CBSA that Mr. Gutierrez Verduzco was abusive to her. She subsequently volunteered to the CBSA that they were not really in danger in [REDACTED] and that she would like to return to [REDACTED] with her son, which they did. Mr. Gutierrez Verduzco remains in Canada.

4. Mr. Gutierrez Verduzco's email address is identified as the address for service for the present motion, his own motion to intervene, and the Applicants' underlying ALJR. The physical addresses given for Mr. Gutierrez Verduzco's motion to intervene, the present motion, and this ALJR are also similar, being on the same street in Montreal, with the same postal code, despite the Applicants currently being in [REDACTED]. In other words, Mr. Gutierrez Verduzco appears to be behind this ALJR and both motions filed on May 19, 2026.

5. This Court should dismiss or strike this motion and the underlying ALJR. Non-lawyers are not permitted to represent parties before this Court without leave, and it appears that Mr. Gutierrez Verduzco has brought this motion, as well as the underlying ALJR, on the Applicants' behalf.

6. In any event, the Applicants' supposed desire for an order requiring the Respondents to urgently arrange for their return to Canada is meritless. This Court lacks the jurisdiction to simply order the return of an applicant to Canada in the context of an ALJR. The Applicants have in any event failed to establish that they should be granted a mandatory interlocutory injunction.

7. This motion should also be decided concurrently with, and by the same Justice as Mr. Gutierrez Verduzco's motion, filed on May 19, 2026, in which Mr. Gutierrez Verduzco seeks leave to intervene in this ALJR (See Federal Court File IMM-7743-26, Document #10).

PART I – STATEMENT OF FACTS

8. According to sworn testimony from CBSA Officer Scott Lucier, who was present during the interviews with the Applicants and Mr. Gutierrez Verduzco on March 21, 2026, the following occurred:

- a. On March 20, 2026, Mr. Gutierrez Verduzco and the Applicants arrived at Montreal-Pierre Elliott Trudeau Airport in Montreal from [REDACTED] and indicated they wished to make claims for refugee protection;
- b. On March 21, 2026, after spending one night in Canada, they were interviewed by the CBSA. Officers Lucier and Bedros interviewed and processed them;
- c. Mr. Gutierrez Verduzco was argumentative and aggressive during the interview, and eventually started closing his eyes, which rolled up and down in his head. At one point, he called 911 and yelled "Help me! Help me!" He did

not appear coherent but said he was fine and did not need **medical** attention. Mr. Gutierrez Verduzco was eventually arrested and placed in immigration detention, but has subsequently been released;

- d. The Primary Applicant, Mr. Gutierrez Verduzco's ex-wife, was at one point interviewed alone. She appeared distressed and uncomfortable, and indicated that they were separated and no longer husband and wife. She said that he had been abusive in the past and had been "very rough" with her;
- e. The Primary Applicant then volunteered that she did not feel safe with Mr. Gutierrez Verduzco in Canada together and broke down in tears. She said that he continued to be "rough with her;"
- f. Some time after her initial interview, the Primary Applicant approached the CBSA Officers and explained that she wanted to return to [REDACTED] and did not want to continue with her asylum claim. The Primary Applicant was given numerous opportunities to reconsider, and time to think, but confirmed that she and her son would be safer in [REDACTED] that they never really needed asylum, and that Mr. Gutierrez Verduzco had brought them to Canada; and
- g. The Primary Applicant withdrew her and her son's refugee claims, were allowed to leave Canada, and returned to [REDACTED] by plane the next morning.¹

¹ See Exhibits "A" and "B" to Affidavit of Scott Lucier, in Respondent's Motion Record ("RMR") at 7 & 11.

9. On April 6, 2026, the Applicants filed their underlying ALJR.² The Applicants' address for electronic service in their ALJR is vmgtz36@gmail.com. The Applicants, who returned to [REDACTED] soon after arriving in Canada, purport to have a physical address in Montreal at [REDACTED]

10. On May 19, 2026, Mr. Gutierrez Verduzco filed his motion seeking leave to intervene in the Applicants' ALJR. In Mr. Gutierrez Verduzco's "Consent to Service By Electronic Transmission", filed with his motion record,⁴ he indicates that his email address for service is vmgtz36@gmail.com, ("vmgtz" obviously being the initials for "Victor Manuel Gutierrez Verduzco"). This is the same email address as the Applicants' purported email address.

11. Mr. Gutierrez Verduzco also says that his physical address in Canada is [REDACTED]
[REDACTED]
Montreal as the Applicants' purported physical address in Montreal (again, the Applicants currently being in Montreal).

PART II – POINTS IN ISSUE

12. The underlying ALJR and this motion should be dismissed, as Mr. Gutierrez Verduzco is a non-lawyer acting for the Applicants; and

² See IMM-7743-26, Document #1

³ See IMM-7743-26, Document #1.

⁴ See IMM-7743-26, Document #11.

⁵ Notice of Motion, in Intervener Motion Record (IMR) at 1 (pdf 2).

13. In any event, this Court should not order that the Applicants be returned to Canada, urgently or at any other time.

PART III – SUBMISSIONS

A. This motion and the underlying ALJR should be dismissed, as Mr. Gutierrez Verduzco is a non-lawyer acting for the Applicants

14. It is clear that Mr. Gutierrez Verduzco is acting as the Applicants' non-lawyer representative in this motion, the Applicants' ALJR, and in his own motion in which he seeks leave to intervene. It is not clear to the Respondents whether the Applicants wanted Mr. Gutierrez Verduzco to file an ALJR on their behalf or are being coerced or manipulated to do so. It is similarly not clear whether the Applicants truly wish to return to Canada, or if Mr. Gutierrez Verduzco is simply behind all of this litigation. Whatever the case, in these bizarre circumstances, the underlying ALJR should be dismissed or struck along with this motion.

15. In Mr. Gutierrez Verduzco's "Consent to Service By Electronic Transmission", filed with his motion record (leave to intervene),⁶ he indicates that his email address for service is vmgtz36@gmail.com, ("vmgtz" obviously being the initials for "Victor Manuel Gutierrez Verduzco"). However, vmgtz36@gmail.com is also the email address for service provided by the Applicants in their ALJR.⁷ The fact that a proposed intervener has the same email address for service as the Applicants in the proceeding

⁶ See IMM-7743-26, Document #11.

⁷ See IMM-7743-26, Document #1.

in which he wishes to intervene is beyond simply suspicious. It shows that Mr. Gutierrez Verduzco is advancing both the ALJR and his own motion concurrently.

16. Mr. Gutierrez Verduzco also says that his physical address in Canada is [REDACTED]
[REDACTED]
[REDACTED] soon after arriving in Canada, purport to have a physical address in the same large building/complex on the same block as Mr. Gutierrez Verduzco at [REDACTED]
[REDACTED]. It makes no sense that the Applicants, who reside in [REDACTED] would have a physical address on the same block as the proposed intervener in Canada. Again, it does not take mere inuendo and suspicion to connect the dots. Mr. Gutierrez Verduzco is advancing both the ALJR these two motions concurrently.

17. There is no evidence that Mr. Gutierrez Verduzco is a lawyer, nor does he represent himself to be one. Although the circumstances of this ALJR and motion are mysterious, it is clear that Mr. Gutierrez Verduzco is acting on the Applicants' behalf, whether they are entirely aware of it or not.

18. It is against the *Federal Courts Rules* for a non-lawyer to represent a party in Federal Court proceedings. A party may choose to be represented by counsel or else to be self-represented.¹⁰

⁸ Notice of Motion, in IMR at 1 (pdf 2).

⁹ See IMM-7743-26, Document #1.

¹⁰ *Federal Courts Rules*, SOR/98-106, [s 119](#).

19. In *Parmar*, where a litigant violated this rule by purporting to be represented by a non-lawyer, this Court saw fit to strike the proceedings, overturning the prothonotary's ruling in this regard, albeit acknowledging that such an outcome may seem "harsh":

[6] However, although the penalty may be harsh – dismissal of the application for leave – I still consider that the appeal should be allowed and the applications for leave dismissed.

[7] It is the Court's function and duty to ensure that its Act and its Rules are observed and that those who appear before it or prepare pleadings to be used in asserting rights are officers of the Court (ss. 11(1) and (3) of the Act and 119 of the Rules⁴). ... It is true that under Rule 119 a plaintiff may act in person, but if he decides to be represented then the rule is clear, he must be represented by a barrister or advocate. I also recognize that it is not the defendant's function to ensure compliance with the Act respecting the Bar: the professional body representing counsel is authorized to do that. However, I feel it is part of his duty as an officer of the Court to notify the Court of such a flagrant breach of its rules.¹¹

20. In *Scheuneman*, the Federal Court of Appeal provided a narrow exception to this rule against representation by non-lawyers, holding that *if* any inherent discretion exists to make an exception, it may be exercised only in "unusual circumstances", and only "in the context of specific facts, including the suitability of the person" who has agreed to represent the party in question.¹²

21. Mr. Gutierrez Verduzco is clearly not a suitable person to represent the Applicants in the underlying ALJR, particularly given that he has done so in naked

¹¹ *Parmar v Canada (Minister of Citizenship & Immigration)*, [2000 CanLII 15678](#) (FC) at [paras 4-7](#).

¹² *Scheuneman v Canada (Attorney General)* [2003 FCA 439](#) at [para 5](#).

attempt to hide from the Court that he is both advancing the Applicants' ALJR and the two motions currently before the Court.

22. Neither the Applicants nor Mr. Gutierrez Verduzco have articulated why their case falls within one of the narrow exceptions to the rule against representation by non-lawyers. Like in *Parmar*, the Court should dismiss the application for leave on this basis.

B. The Court should not order that the Applicants be returned to Canada

23. There is no legal basis to grant an order for the return of the Applicants to Canada. The preponderance of the evidence shows that the Applicants left Canada voluntarily, for their own safety, to get away from Mr. Gutierrez Verduzco. The evidence shows that it was the Applicants who asked the CBSA if they could leave Canada, and there is no evidence that the CBSA coerced or otherwise forced them to leave. However, as described herein above, there is ample evidence that this Court proceeding is being orchestrated primarily by Mr. Gutierrez Verduzco, with or without the Applicants' acquiescence and consent.

24. The test for obtaining a mandatory interlocutory injunction was set out in the Supreme Court's 2018 decision in *R v Canadian Broadcasting Corp.*¹³ In that case, the Court set out the following modified three-part test for injunctive relief:

- a. The applicant must demonstrate a strong *prima facie* case that it will succeed at trial. This entails showing a *strong likelihood* on the law and the evidence

¹³ *R v Canadian Broadcasting Corp.*, [2018 SCC 5](#).

presented that, at trial, the applicant will be ultimately successful in proving the allegations set out in the originating notice;

- b. The applicant must demonstrate that irreparable harm will result if the relief is not granted; and
- c. The applicant must show that the balance of convenience favours granting the injunction.¹⁴

25. The Applicants have failed to meet any of the three prongs of this tripartite test.

a. No strong *prima facie* case

26. First, the Applicants have not demonstrated a strong *prima facie* case that their ALJR will be successful. CBSA did not make a justiciable decision. The Applicants voluntarily left Canada and have not identified an administrative decision that is being impugned.

27. Read generously, the Applicants appear to take issue with comments made in a statutory declaration by CBSA Officer Bedros, relating to the Applicants' voluntary withdrawal of their refugee claims. This is not a decision. In particular, Officer Bedros noted that the Applicants would be "able to return to Canada without delay" because they were allowed to withdraw their application to enter Canada. The Applicants also take issue with Officer Bedros's comment that the Applicants "could, in theory, make

¹⁴ *R v Canadian Broadcasting Corp*, [2018 SCC 5](#), at [para 18](#).

a future asylum claim in Canada”, as they would not be ineligible to do so under s. 101 of the *IRPA*.¹⁵

28. Although the Applicants identify these comments as being the basis for their “strong *prima facie* case”, it is not clear why these comments are concerning or would manifest a reviewable error. They are entirely accurate. The Applicants withdrew their refugee claim and are able to make another claim if they return to Canada. No reviewable error has been articulated, let alone identified, with respect to these comments. In the absence of any, justiciable decision, Officer Bedros’s comments do not attract judicial scrutiny.

29. The Primary Applicant, with an interpreter present, signed a form confirming that “I freely make the withdrawal of my claim for refugee protection and I fully appreciated the nature and consequences of the withdrawal. I am aware of the possibility of my being required to leave Canada as a result of the withdrawal of my claim.”¹⁶ Nowhere within the Primary Applicant’s affidavit does she deny that the signature on the withdrawal form is her own or that she failed to understand the nature and consequences of signing. Even if one were to assume that the Primary Applicant is somehow involved in this motion and seeks the relief as set out herein, the fact that she may regret her own voluntary decision does not justify granting an injunction.

30. The Applicants seem to *imply* that they were coerced by CBSA to leave Canada, however this is not supported by their evidence. The Applicants have not filed

¹⁵ Applicants’ Written Representations, in Applicant’s Motion Record (AMR) at 33.

¹⁶ See Exhibit “B” to Affidavit of Scott Lucier, in RMR at 11.

any evidence showing that the CBSA forced them to leave Canada or sign any documents, nor suggested how any such coercion might have happened. The closest the Applicants get to providing evidence of this is at page 7 and 8 of the Applicants' Record, where the Primary Applicant attests that "...the minor Applicant and I were physically placed by the Respondents' agents on a flight to ██████ City..." and that the Applicants' presence in ██████ is "forced."¹⁷

31. This falls well short of establishing a strong *prima facie* case. This Court has evidence from two CBSA Officers confirming that the Applicants voluntarily departed from Canada, without any force or coercion. In fact, it was the Applicant who approached the CBSA to ask to be able to return to ██████. The Primary Applicant's vague, unparticularized assertion that they were "physically placed" on a plane and that their presence in ██████ is "forced" is entirely unsupported.

32. The Applicants voluntarily left Canada for ██████ and CBSA Officer Bedros reasonably noted in their statutory declaration that they would not be precluded from returning and making another refugee claim. Although the Primary Applicant asserts in her affidavit that "no commercial airline will board the Applicants to Canada", they have provided no evidence to support this assertion, nor is it clear why any airline would refuse to board the Applicants. They have provided no evidence that they have tried, and failed, to book a flight back to Canada. The Applicants have failed to establish that a reviewable error was made, assuming a justiciable decision was even made.

¹⁷ Primary Applicant's Affidavit, in AMR at 7-8.

33. The Applicants have also cited no statutory or jurisprudential authority for this Court to order their return. The Respondents say that no such authority exists. In *Figurado*, this Court held that:

[27] It can be said today that the Court's power to order the return of an applicant to Canada is expressly limited by [subsection 52\(1\)](#) of the [IRPA](#), which prescribes in such a case that "the foreign national shall not return to Canada, unless authorized by an officer or in other prescribed circumstances." Therefore, while not expressing a definite opinion on this matter, I am inclined to accept the respondent's argument that the Court has no power to order the respondent to return an applicant to Canada.¹⁸

34. Under s. 52(1) and (2) of the *IRPA*, a foreign national is only entitled to return to Canada if (1) a removal order has been enforced; and (2) the removal order has been set aside in a judicial review, in which case the foreign national is entitled to return to Canada at the expense of the Minister.¹⁹

35. In the present case, no removal order has been enforced with respect to the Applicants. The evidence shows that they left Canada voluntarily. They are simply foreign nationals living in [REDACTED] who are neither authorized to, nor prohibited from, entering Canada. They can apply for a visa or attempt to return to Canada or try to make another refugee claim if they arrive at a Canadian port of entry.

¹⁸ *Figurado v Canada (Solicitor General)*, [2005 FC 347](#), at [para 27](#); See also *Tran v Canada (Solicitor General)*, [2006 FC 1240](#), at [paras 10-12](#).

¹⁹ *Immigration and Refugee Protection Act* (SC, 2001, c. 27), [s. 52\(1\) & \(2\)](#).

b. No evidence of irreparable harm

36. The Applicants have failed to establish that a failure to grant a mandatory injunction would cause them irreparable harm. The Primary Applicant told the CBSA that they were not really refugees who are in danger in [REDACTED] and voluntarily told the CBSA that she would be safer in [REDACTED] (away from her ex-husband). It is not credible for the Primary Applicant to now claim that she and her son are in danger in [REDACTED]

37. The Applicants say that irreparable harm would result because:

- a. the minor applicant has a **medical** condition that requires treatment, which they cannot obtain in [REDACTED] because hospitals would notify their agents of persecution, thus exposing them to risk;
- b. every day they spend in [REDACTED] exposes them to continued risk from the agents of persecution; and
- c. the minor applicant continues to be separated from his father.²⁰

38. Regarding the risk the Applicants allegedly face in [REDACTED] the Applicants have provided literally zero evidence. It is not clear who the agents of persecution are, why they would harm the Applicants, nor is there any supporting documentation or publicly-available information to corroborate their claimed risk.

²⁰ Applicants' Written Representations, in AMR at 33-34.

39. Regarding the **medical** risk to the son, there is no evidence that the son would be able to obtain any superior treatment in Canada compared to ██████. In fact, there is no admissible evidence that the son suffers from any **medical** condition. The only documents purported to be related to the son's health are in Spanish, and have not been translated into English or French, contrary to s. 68(1) of this Court's *Rules*.²¹ There is also no evidence to substantiate the Applicants' claim that the feared agents of persecution would be able to locate them in ██████ if they sought treatment for the son's **medical** issues. These are evidence-free speculations, and are insufficient to establish irreparable harm.

40. Lastly, the Applicants have failed to establish that the minor applicant would experience irreparable harm if he continues to be separated from his father in Canada. As noted further above, it appears that the minor Applicant's father is advancing this litigation from behind the scenes, and there is evidence that the father is abusive and unstable. If anything, the evidence shows that the minor Applicant's best interests are best served by continuing to be apart from his father.

c. Balance of convenience favours the Respondents

41. The balance of convenience strongly militates in the Minister's favour. The Applicants voluntarily left Canada to escape from Mr. Gutierrez Verduzco. It appears that that the allegedly abusive and violent family member, Mr. Gutierrez Verduzco, is the one now advancing their case to return to Canada. The Applicants have a very weak case in their ALJR, and nothing resembling a "strong *prima facie* case." They have

²¹ *Federal Courts Rules*, SOR/98-106, [s. 68\(1\)](#).

filed no clear and convincing evidence that any harm would come to them if this Court declines to grant a mandatory interlocutory injunction.

42. The Applicants argue that, because CBSA Officer Bedros said that the Applicants could return to Canada without delay and make a refugee claim,²² the Court should order that Canada facilitate their return. It does not, however, flow from Officer Bedros's correct statement of the law, that this Court should order that the Respondents do anything to facilitate the Applicants' return to Canada. The fact that the Applicants could apply for asylum in Canada if they arrived at a port of entry does not mean that Canada is required to do anything to facilitate their return nor have the Applicants identified any authority supporting such a position.

43. There are no positive factors that would weigh in the Applicants' favour with respect to the balance of convenience. They voluntarily left Canada. They are [REDACTED] nationals living in [REDACTED] who have never had status in Canada, and were never deported from Canada.

PART IV – CONCLUSION AND ORDER SOUGHT

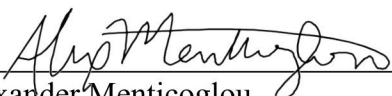
44. This Court does not have the jurisdiction to order that the Respondents facilitate the Applicants' return from Canada, nor is there any other reason to do so. This motion should be dismissed.

²² Applicants' Written Representations, in AMR at 33.

45. This ALJR should also be dismissed. As in *Parmar*,²³ the fact that Mr. Gutierrez Verduzco is acting as a non-lawyer representative for the Applicants is sufficiently inappropriate to justify the dismissal of the ALJR itself.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at Winnipeg, this 28th day of May, 2026.


Alexander Menticoglou
Solicitor for the Respondents

TO: The Registrar
Federal Court - Montréal
30 McGill Street
Montréal, Québec
H2Y 3Z7

AND TO: 

²³ *Parmar v Canada (Minister of Citizenship & Immigration)*, [2000 CanLII 15678](#) (FC) at [paras 4-7](#).

PART V – LIST OF AUTHORITIES

Legislation/Regulations

1. *Federal Courts Rules*, [SOR/98-106](#)
2. *Immigration and Refugee Protection Act*, [SC, 2001, c. 27](#)

Case Laws

3. *Figurado v Canada (Solicitor General)*, [2005 FC 347](#)
4. *Parmar v Canada (Minister of Citizenship & Immigration)*, [2000 CanLII 15678](#) (FC)
5. *R v Canadian Broadcasting Corp*, 2018 SCC 5
6. *Scheuneman v Canada (Attorney General)* [2003 FCA 439](#)
7. *Tran v Canada (Solicitor General)*, [2006 FC 1240](#)