Registry No. IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] **(MINOR)**

Applicant,

and

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

Respondents.

RESPONDENT'S MOTION RECORD
(RESPONDING TO APPLICANTS' MOTION FOR AN EXTENSION OF TIME TO FILE REPLY MATERIALS)

ATTORNEY GENERAL OF CANADA

Department of Justice Canada
Prairie Regional Office (Winnipeg)
National Litigation Sector
601 – 400 St. Mary Avenue
Winnipeg, Manitoba
R3C 4K5
Fax: 204-983-3636

Per: Alexander Menticoglou

Tel: (204) 396-7148
Email: Alexander.Menticoglou@justice.gc.ca
Email for Service: immigrationMB@justice.gc.ca

Solicitor for the Respondents

Registry No. IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] **(MINOR)**

Applicant,

and

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

Respondents.

RESPONDENT'S MOTION RECORD

TABLE OF CONTENTS

Registry No. IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] **(MINOR)**

Applicant,

and

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

Respondents.

AFFIDAVIT OF CARA VERHAEGHE

ATTORNEY GENERAL OF CANADA

Department of Justice Canada
Prairie Regional Office (Winnipeg)
National Litigation Sector
601 – 400 St. Mary Avenue
Winnipeg, Manitoba
R3C 4K5
Fax: 204-983-3636

Per: Alexander Menticoglou

Tel: (204) 396-7148
Email: Alexander.Menticoglou@justice.gc.ca
Email for Service: immigrationMB@justice.gc.ca

Solicitor for the Respondents

Registry No. IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] **(MINOR)**

Applicant,

and

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

Respondents.

AFFIDAVIT OF CARA VERHAEGHE

I, **CARA VERHAEGHE**, of the City of Winnipeg, in the Province of Manitoba,

AFFIRM THAT:

1. I am employed as a legal assistant for the Department of Justice Canada in Winnipeg, Manitoba. In my capacity as a legal assistant, I am assisting Alexander Menticoglou, counsel for the Respondent. 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 June 3, 2025, our office received three (3) emails from Mr. Gutierrez Verduzco, serving the Applicants' Reply Materials in response to the Respondent's two Motion Records of May 28, 2026. Attached hereto and marked as **Exhibit "A"** to

this my affidavit is a copy of the email from the Applicant of June 3, 2026 received at 3:55pm. Attached hereto and marked as **Exhibit "B"** to this my affidavit is a copy of the email from the Applicant of June 3, 2026 received at 3:57pm. Attached hereto and marked as **Exhibit "C"** to this my affidavit is a copy of the email from the Applicant of June 3, 2026 received at 3:59pm.

3. The Reply Materials attached to each of the three emails received by the Applicant were completely identical, as far as I can tell. Each contained both an affidavit and written representations in reply. Attached hereto and marked as **Exhibit "D"** to this my affidavit is a copy of the Applicant's Reply Materials.

4. I make this affidavit in good faith and for no improper purpose.

AFFIRMED before me at the City of Winnipeg, in the Province of Manitoba, this 17th day of June, 2026.

A Commissioner for Oaths in and for the Province of Manitoba

CARA VERHAEGHE

My Commission Expires: January 08, 2027

This is **Exhibit "A"** referred to in the Affidavit of Cara Verhaeghe affirmed before me this 17th day of June, 2026.

A Commissioner for Oaths in and for
the Province of Manitoba

My Commission expires: January 08, 2027

Verhaeghe, Cara (she her elle la)

From: Victor Gtz <vmgtz36@gmail.com>
Sent: Wednesday, June 3, 2026 3:55 PM
To: Verhaeghe, Cara (she her elle la)
Subject: Re: [redacted] et al / IMM-7743-26 / Service of Respondent's Motion Record in Response
Attachments: REPLY_MEMORANDUM_18.2.pdf

Please find attached the Applicants' Reply Materials in response to the Respondents' Motion Record dated May 28, 2026, which are being served upon you in accordance with the Federal Courts Rules.

The same materials are being submitted to the Court for filing today.

Regards,

[redacted]
Self-represented Applicant
On her own behalf and, subject to the Court's directions, as mother of the minor Applicant

El jue, 28 may 2026 a la(s) 6:54 p.m., Victor Gtz (vmgtz36@gmail.com) escribió:

Received, thank you.

El jue, 28 may 2026 a la(s) 1:21 p.m., Verhaeghe, Cara (she her elle la) (Cara.Verhaeghe@justice.gc.ca) escribió:

Good afternoon Ms. [redacted]

Please find attached a copy of the Respondent's Motion Record in response to your motion for an order seeking return to Canada, which is being served upon you in accordance with the Federal Court Rules. Same is being submitted to Court for filing today.

Please confirm receipt of the attached.

Thank you,

Cara Verhaeghe (*her/she/elle*)

Legal Assistant | Adjointe juridique

Prairie Regional Office (Winnipeg)

National Litigation Sector

601-400 St. Mary Avenue, Winnipeg, Manitoba R3C 4K5

Department of Justice Canada / Government of Canada

Immigration Service Email: immigrationMB@justice.gc.ca

All electronic documents intended for service on the Respondent must be sent to the Respondent's designated email address for service at ***immigrationMB@justice.gc.ca****. Service of any document sent directly to the undersigned's individual email address does not constitute valid service, as it is not the Respondent's designated service email address.*

This is **Exhibit "B"** referred to in the Affidavit of Cara Verhaeghe affirmed before me this 17th day of June, 2026.

A Commissioner for Oaths in and for
the Province of Manitoba

My Commission expires: January 08, 2027

Verhaeghe, Cara (she her elle la)

From: Victor Gtz <vmgtz36@gmail.com>
Sent: Wednesday, June 3, 2026 3:57 PM
To: Verhaeghe, Cara (she her elle la)
Subject: Re: [redacted] et al / IMM-7743-26 / Service of Respondent's Motion Record in Response
Attachments: REPLY_MEMORANDUM_18.2.pdf

Please find attached the Applicants' Reply Materials in response to the Respondents' Motion Record dated May 28, 2026, which are being served upon you in accordance with the Federal Courts Rules.

The same materials are being submitted to the Court for filing today.

Regards,

[redacted]
Self-represented Applicant
On her own behalf and, subject to the Court's directions, as mother of the minor Applicant

El jue, 28 may 2026 a la(s) 1:21 p.m., Verhaeghe, Cara (she her elle la) (Cara.Verhaeghe@justice.gc.ca) escribió:

> Good afternoon Ms. [redacted]
>
> Please find attached a copy of the Respondent's Motion Record in response to your motion for an order seeking return to Canada, which is being served upon you in accordance with the Federal Court Rules. Same is being submitted to Court for filing today.
>
> Please confirm receipt of the attached.
>
> Thank you,
>
> Cara Verhaeghe (*her/she/elle*)
>
> Legal Assistant | Adjointe juridique

Prairie Regional Office (Winnipeg)

National Litigation Sector

601-400 St. Mary Avenue, Winnipeg, Manitoba R3C 4K5

Department of Justice Canada / Government of Canada

Immigration Service Email: immigrationMB@justice.gc.ca

*All electronic documents intended for service on the Respondent must be sent to the Respondent's designated email address for service at **immigrationMB@justice.gc.ca**. Service of any document sent directly to the undersigned's individual email address does not constitute valid service, as it is not the Respondent's designated service email address.*

This is **Exhibit "C"** referred to in the Affidavit of Cara Verhaeghe affirmed before me this 17th day of June, 2026.

A Commissioner for Oaths in and for
the Province of Manitoba

My Commission expires: January 08, 2027

Verhaeghe, Cara (she her elle la)

From: Victor Gtz <vmgtz36@gmail.com>
Sent: Wednesday, June 3, 2026 3:59 PM
To: Immigration MB Service
Subject: Please find attached the Applicants' Reply Materials in response to the Respondents' Motion Record dated May 28, 2026, which are being served upon you in accordance with the Federal Courts Rules. The same materials are being submitted to the Court for ...
Attachments: REPLY_MEMORANDUM_18.2.pdf

Please find attached the Applicants' Reply Materials in response to the Respondents' Motion Record dated May 28, 2026, which are being served upon you in accordance with the Federal Courts Rules.

The same materials are being submitted to the Court for filing today.

Regards,

[redacted]
Self-represented Applicant
On her own behalf and, subject to the Court's directions, as mother of the minor Applicant

This is **Exhibit "D"** referred to in the Affidavit of Cara Verhaeghe affirmed before me this 17th day of June, 2026.

A Commissioner for Oaths in and for
the Province of Manitoba

My Commission expires: January 08, 2027

Court File No.: IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] on her own behalf and, subject to the Court's directions, as mother of the minor Applicant

and

[redacted] a minor

Applicants

and

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

Respondents

APPLICANTS' REPLY MATERIALS

In Reply to the Respondents' Motion Record dated May 28, 2026

Dated: June 3, 2026

Index

These reply materials consist of the reply memorandum and the separate confirmation affidavit identified in the index.

Court File No.: IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] on her own behalf and, subject to the Court's directions, as mother of the minor Applicant

and

[redacted] a minor

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

and

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondents

AFFIDAVIT OF [redacted]

I, [redacted] self-represented Applicant and mother of the minor Applicant, of [redacted]

SWEAR OR AFFIRM THAT:

1. I am the Primary Applicant in this matter. I make this affidavit on my own behalf and, subject to any direction the Court considers necessary, as the mother of the minor Applicant, [redacted]
2. Except where I state my understanding or belief, the facts in this affidavit are within my personal knowledge. Any stated understanding or belief is based on the Court record, the Respondents' motion record, and information explained to me in Spanish.

3. I have reviewed, or have had explained to me in Spanish, the Applicants' reply to the Respondents' motion record dated May 28, 2026. I wish to continue this Court proceeding.

4. I understand that the Respondents say I did not deny, in a previous affidavit, that CBSA coerced or pressured me. I do not accept that characterization. I do not admit the officer narrative.

5. My prior affidavit for the urgent section 18.2 motion was not intended to be my full merits affidavit on every disputed fact about the March 20-22, 2026 airport process, the pressure I experienced, the separation from Victor, my minor son's vulnerability, or the truth and reliability of the officer narrative.

6. Those issues belong to the proper procedural stage for the underlying application, with the full objective record, including the Rule 9/tribunal record and any video, audio, notes, logs, interpreter records, One-Touch materials, and CBSA/IRCC system records that are in the Respondents' control.

7. I did not intend silence in an urgent interlocutory affidavit on every detail of the airport process to be an admission. I reserve and maintain my dispute of the officer narrative for the proper record stage.

8. Victor Gutierrez Verduzco is the father of my minor son. He has helped me with language, translation, document organization, scanning, formatting, portal navigation, electronic filing logistics, service logistics, and communication because I am in [redacted] and the proceeding is in Canada.

9. Victor is not my lawyer. He has not charged me a fee to

act as a lawyer or representative. He has not signed as counsel, filed a solicitor's notice, or appeared as counsel for me.

10. I provided the facts, documents, instructions, and authorization for materials filed or prepared in my name. AI tools, where used, were used for language, translation, organization, and drafting support based on my facts and instructions.

11. I did not intend to hide Victor's assistance. The IR-1 and the section 18.2 motion disclosed my self-represented status, electronic service address, Canadian address for service, and use of AI tools.

12. I am in [redacted] with my minor son. I do not understand Canadian legal procedure, English/French court language, or the Federal Courts Rules without assistance.

13. I understand from Victor and believe that he has contacted many lawyers and legal-help options in Canada, including pro bono and paid counsel options, and that no lawyer has agreed to take this matter so far. Details of those efforts can be provided if the Court directs.

14. I dispute the Respondents' characterization that I merely regret a voluntary decision, that I was acting against my own will, or that Victor is unlawfully representing me before the Court.

15. I do not attach exhibits to this affidavit and do not ask the Court to treat this affidavit as an exhibit bundle.

16. Documents concerning the eTA/airline chronology, MyCIC upload/submission chronology, IRCC correspondence, medical translations or medical confirmation, and efforts to obtain

the objective airport record can be made available by direction, without treating this affidavit itself as an exhibit bundle.

17. I request directions. I ask this Court to use its powers and authority in the interests of justice, whether on request or on the Court's own initiative, including directions, any available power to require or obtain the record or evidence the Court considers necessary to decide the matter, and the power in special circumstances to vary a rule or dispense with compliance with a rule, rather than dismissing or striking the proceeding.

18. I make this affidavit in good faith and for no improper purpose.

Dated: June 3, 2026.

Barrie, Ontario JMG

Sworn or affirmed before me at [redacted] on June 3, 2026.

A COMMISSIONER FOR OATHS
JAZMIN ROCIO MAGANA GARCIA
LICENSED PARALEGAL
LSO# P16200
PROVINCE OF ONTARIO

A COMMISSIONER ETC. JAZMIN ROCIO MAGANA GARCIA WHILE BEING A LICENSED PARALEGAL LSO #P16200 PROVINCE OF ONTARIO

[redacted]

Affi[redacted]lic / Other

Sworn/Affirmed/ Declared and subscribed remotely, via videoconference, by [redacted] stated as being located in [redacted] before the duly noted Notary Public & Commissioner for Oaths, etc., in Barrie, Ontario on June 3, 2026 in accordance with O Reg 431/20, Administering Oath or Declaration Remotely.

Address for service in Canada: [redacted]

Telephone: [redacted].

Fax: not applicable.

Electronic service: vmgtz36@gmail.com.

Court File No.: IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] on her own behalf and, subject to the Court's directions, as mother of the minor Applicant

and

[redacted] a minor

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

and

THE MINISTER OF PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Respondents

APPLICANTS' REPLY MEMORANDUM OF FACT AND LAW

IN REPLY TO THE RESPONDENTS' MOTION RECORD DATED MAY 28, 2026

PART I - REACTIVE SCOPE, RULE 121, AND THE PROPER USE OF THIS REPLY

1. I, [redacted] file this reply on my own behalf and for my minor son, subject to any direction the Court considers necessary under Rule 121 of the Federal Courts Rules. Rule 121 itself is not an automatic strike rule: it provides that, unless the Court in special circumstances orders otherwise, a party under legal

disability or acting in a representative capacity shall be represented by a solicitor. If the Court considers that Rule 121 is engaged because the minor Applicant is under a legal disability or because I am acting in a representative capacity, I request an immediate direction regularizing that issue. I ask that no substantive right of the minor be struck or lost while that curable procedural issue is addressed.

2. This is a reply under Rule 13 of the Federal Courts Citizenship, Immigration and Refugee Protection Rules. It is reactive. That does not mean I must stay silent when the Respondents opened a factual and legal point. It means I answer the points the Respondents made. When the Respondents say there is no evidence of an airline or eTA barrier, no evidence of an attempt to return, no evidence of medical vulnerability, no evidence of risk, and no lawful basis for interim relief, I am entitled to answer those assertions with the law, responsive chronology, and existing record facts that make those assertions wrong, overstated, or out of place.

3. I separate two things. First, I rely on responsive argument and chronology because the Respondents put those matters in issue. No exhibit list, annex bundle, or new evidentiary package is attached to this reply memorandum. A short confirmation affidavit from me, sworn or affirmed on June 3, 2026 and containing no exhibits, is provided separately with these reply materials only to answer the Respondents' assertions about my instructions, my wish to proceed, and unpaid family/logistical assistance. Second, if the Court requires any other underlying documents to be formally admitted as evidence, I request directions or authorization to provide a narrow supplemental affidavit and limited supporting materials. The argument is reactive; the separate confirmation affidavit and any further supporting materials are the formal evidentiary vehicle only to the extent the Court receives, requires, or authorizes that step. The Federal Courts Rules are not displaced merely because this is an immigration and refugee protection proceeding. Rule 1 provides that the Federal Courts Rules apply to proceedings in this Court unless otherwise provided by or under an Act of Parliament, and Rule 4 of the

Federal Courts Citizenship, Immigration and Refugee Protection Rules incorporates specified parts of the Federal Courts Rules in applications for leave, applications for judicial review, and appeals. Rule 3 also requires the Rules to be interpreted and applied to secure a just, most expeditious, least expensive, and proportionate outcome. Those general principles matter here because the Respondents ask for the harshest procedural result, strike or dismissal, when the real issues can be managed by directions, regularization, production, or a narrow interim order.

4. The Respondents' memorandum depends on two moves that should not be accepted at this stage. First, they treat officer-authored recollections and attributed statements as final facts. Second, they use those disputed facts to say I merely regret a voluntary choice, Victor is abusive and unstable, my son is better separated from his father, there is no irreparable harm, and the Court should strike or dismiss the ALJR and the motion.

5. The issue now is not whether the Court should make final credibility findings against the officers today. I do not ask for that. The issue is whether the Court should decide the interim motion by treating the officers' recollections, inferences, and welfare opinions as conclusive while the objective record remains incomplete and is largely in the Respondents' control.

6. The present motion is under section 18.2 of the Federal Courts Act. It seeks interim operational relief pending final disposition of the application. It is not a final IRPA section 52 return-at-Minister-expense remedy after an enforced removal order has been set aside. The Respondents repeatedly answer the wrong remedy, import a different remedial framework into this interlocutory motion, and then ask the Court to dismiss or strike the actual motion. That is not a proper answer to the limited 18.2 relief now before the Court.

PART II - RESPONDENTS' PARAGRAPHS 2, 4-5, 9-22 AND 45: VICTOR'S FAMILY HELP DOES NOT JUSTIFY STRIKE

7. The Respondents say that Victor Gutierrez Verduzco appears to be behind the ALJR and the motions because the email address and Canadian service address overlap with information used by him. They say this makes him a non-lawyer representative and justifies dismissal or strike.

8. That argument turns disclosed service logistics into alleged concealment. The IR-1 already showed the electronic service address vmgtz36@gmail.com, a Canadian address for service, my self-represented status, and the use of AI language/translation tools. The 18.2 motion again identified me as self-represented and included an AI statement. The Respondents are not uncovering a hidden lawyer; they are pointing to information already visible in the Court record.

9. The Respondents also concede the key facts that should defeat strike: they say there is no evidence Victor is a lawyer and no evidence he represents himself to be one. There is no evidence that he charged me a fee, filed a solicitor's notice, signed as counsel, appeared as counsel, sought an audience as counsel, or held himself out as a lawyer.

10. Rule 119 permits an individual to act in person or be represented by a solicitor, subject to Rule 121. Rule 122 confirms that a party who is not represented by a solicitor shall do what is required, and may do what is permitted, to be done by a solicitor under the Rules. Rule 123 makes a solicitor the solicitor of record when a step is taken by filing or serving a document signed by that solicitor, and Rule 124 regulates appointment, change, removal, and limited-scope representation by notice. Those Rules identify who acts, signs, serves, files, or appears before the Court; they do not identify or prohibit who may physically type, translate, organize, format, scan, or assist with portal logistics under the self-represented party's instructions. Rule 126.1 also explains why a self-represented party's address for

service is the address in Canada shown on the last filed document. These Rules do not say that a vulnerable self-represented mother outside Canada loses access to the Court because a family member helped with language, translation, scanning, drafting under instructions, formatting, portal navigation, or service logistics. They also do not transform unpaid family assistance into solicitor representation. I do not ask the Court to appoint Victor as my representative, lawyer, or legal adviser.

11. The assistance at issue is family and logistical assistance: language support, translation support, scanning, drafting under my instructions, formatting, document organization, portal navigation, service logistics, and communication under my instructions. It arose because I am in [redacted] I do not understand the Court's language or procedure, I am caring for a vulnerable minor, and counsel has not yet been secured despite efforts to find paid and pro bono help, including efforts outside Quebec because this is a federal proceeding. Those facts are the special circumstances the Respondents ignore. The record is regularized in the first instance by my separate confirmation affidavit sworn or affirmed on June 3, 2026 and, if the Court wishes, an undertaking from Victor that he is not a lawyer, does not charge, does not appear as counsel, and will not purport to provide legal advice or representation.

12. The Respondents opened the issue of alleged concealment by relying on the email and service address. My responsive answer is that the chronology was transparent, not hidden. The eTA response materials identified Victor's email and family assistance and stated that this had already been declared in the original application. If the Court requires formal proof of that responsive chronology, it can be provided by direction or authorization. The point for reply is that the Respondents' concealment theory is overstated and contrary to the transparent chronology they chose to put in issue.

13. Parmar and Scheuneman do not decide this motion. Those cases concern non-lawyer representation. I am not asking that Victor be allowed to represent me. I am asking that I be treated as the Applicant who adopts and authorizes filings in my name, and that any procedural concern be cured by directions rather than used as a weapon to strike a mother and a minor from Court.

14. Paragraph 14 of the Respondents' memorandum says it is "not clear" whether I wanted Victor to file the ALJR, whether I am being coerced or manipulated, and whether I truly wish to return. That is uncertainty, not proof. It also does not explain why the circumstances are not "special circumstances" under Rule 121: I am outside Canada, self-represented, do not know the Court's language or procedure, have a vulnerable minor child, and have not been able to secure counsel despite substantial efforts. The proportionate answer to uncertainty is the separate Rule 80/81-compliant confirmation affidavit provided with these reply materials, an undertaking, a service direction, a Rule 121 direction, or other regularization. It is not dismissal.

15. Paragraph 16 says it makes no sense that Applicants in [redacted] would use a Canadian address on the same block as Victor. But Rule 126.1 makes a Canadian address for service legally relevant for a self-represented party. A Canadian address for service is not proof of residence, concealment, or unlawful representation.

16. If the Court considers that Rule 121 requires a solicitor or special direction for the minor, I request that direction now. The Court can receive my confirmation affidavit, allow any further confirmation of my instructions, provide a limited timetable for the minor's representation, appoint or require an appropriate procedural mechanism, or give any protective direction it considers just. Rule 3, Rule 53, Rule 54, Rule 55, Rule 56 and Rule 60 all point away from automatic dismissal where a procedural concern can be managed by directions, variation, dispensing with compliance, or curing a gap on just terms. The Respondents'

request for strike is the harshest option and is unnecessary.

PART III - RESPONDENTS' PARAGRAPHS 3, 8, 23, AND 29-31: THE OFFICER NARRATIVE IS DISPUTED, NOT PROVED

17. The Respondents' paragraph 3 adopts a serious narrative: that once I was alone with CBSA officers I said Victor was abusive; that I later said we were not really in danger in [redacted] and that I wanted to return to [redacted] with my son. Paragraph 8 repeats the narrative in detail. Paragraph 23 says the preponderance of the evidence shows voluntary departure for safety away from Victor. Paragraphs 29 to 31 say the signature, interpreter, and two officers defeat coercion.

18. That is exactly the problem. The Respondents use the narrative created and recorded by the officers as if it were already a final adjudicated fact. They then use it to defeat the review of the same process. The Court should not allow the Respondents to rely on a disputed account of the airport process as conclusive proof that the airport process was lawful, voluntary, and free of coercive pressure.

19. Officer Lucier's affidavit says he has personal knowledge, but it also confirms that the attached statutory declaration is true and correct "to the best of my knowledge and recollection." Those words matter. Rule 81 requires affidavits to be confined to facts within personal knowledge, except that on motions statements as to belief may be included with the grounds for that belief. Rule 81 also permits an adverse inference where a party fails to provide evidence from persons having personal knowledge of material facts. A sworn recollection is evidence, but it is not the same thing as the complete objective record, and it should not be treated as conclusive where the videos, audio, logs, interpreter materials, and system records remain in the Respondents' control. The Court decides weight.

20. The Rule 9 record and the Respondents' own summary show the coercive setting that they minimize: Victor was separated from me; I was interviewed alone; the officers discussed shelters and separation; I asked what was happening with

Victor; I was told he would be detained for about 48 hours; One-Touch processing was under way; A44 and departure-order paperwork were part of the operational context; and the officers then recorded opinions about my son's safety and whether he should remain with me in [redacted]

21. A signature and interpreter presence do not end the inquiry. Paragraph 29 treats the absence of an express denial of signature or understanding as dispositive. It is not. Nor does an earlier urgent 18.2 affidavit become an admission merely because it did not plead every merits detail about coercion, officer credibility, and the March 20-22 airport process. That urgent affidavit was directed to interim operational relief; it was not a full merits affidavit on the reliability of the alleged withdrawal, the truth of the officers' attributed statements, or the complete airport record. The legal question is not only whether a form was signed, or whether a form records that it was understood. It is whether the alleged withdrawal was free, informed, reliable, and not produced by the operational pressure of an airport process involving separation, detention information, a vulnerable mother, and a vulnerable minor. The Respondents' "regret" framing assumes the very voluntariness that is disputed.

22. The Respondents also use the officers' attributed statements to build a narrative against Victor. They say Victor is abusive, violent, unstable, and that my son is better apart from him. Those are not neutral procedural points. They are serious allegations built from the very airport narrative that I dispute.

23. The officers were not conducting a child-protection assessment, a family-law assessment, a pediatric assessment, a psychological assessment, or a disability accommodation assessment. They were processing an immigration event at a port of entry. Their operational impressions should not be converted into final findings about my son's best interests or about his relationship with his father.

24. This matters because the Respondents use the same disputed narrative for multiple purposes: to say there was no coercion, to say I only regret a voluntary decision, to attack Victor, to erase irreparable harm from family separation, and to tilt the balance of convenience. They also isolate the words "physically placed" and "forced" as if the issue were limited to physical force. My point is broader: operational pressure, state-controlled travel arrangements, separation from the only immediately available adult family support, and an airport process that culminated in departure. One disputed narrative cannot fairly do all of that work before the objective record is produced.

25. The proper answer to competing narratives is production and directions, not dismissal. The objective record should include the video, audio, logs, notes, One-Touch materials, ticketing records, interpreter records, system entries, and complete CBSA/IRCC records for March 20-22, 2026. Rule 14(2) of the Federal Courts Citizenship, Immigration and Refugee Protection Rules permits a judge to order production of tribunal-controlled documents required for proper disposition of leave and to give other necessary directions. To the extent any material is outside the strict tribunal-record mechanism, the same point supports preservation, case-management directions, or a narrow production direction rather than dismissal on an incomplete record.

26. I do not ask the Court to make final adverse credibility findings against the officers today. I ask the Court not to treat their recollections, attributed statements, and inferences as final facts while the record is incomplete and while those very statements are central to the dispute. The Respondents should not be permitted to convert a stage-limited affidavit into a waiver of the central dispute that belongs to the proper record stage.

PART IV - RESPONDENTS' PARAGRAPHS 24-32: THE CBC TEST IS MET OR, AT MINIMUM, CANNOT BE REJECTED ON A DISPUTED

NARRATIVE

27. The Respondents invoke R v Canadian Broadcasting Corp. and say I meet none of the mandatory-injunction factors. I answer the three factors directly.

28. Strong prima facie case. The issue is not one isolated comment by Officer Bedros. The review concerns the March 21-22 airport process, the alleged withdrawal of refugee claims before referral, the Allowed to Leave mechanism under IRPR section 42, the One-Touch/A44/departure-order context, the handling of a vulnerable minor, and the later contradiction between the Respondents' "if they arrive" position and the eTA/carrier system that prevents arrival by air.

29. The IR-1 did identify the measure taken and the question raised by the airport process. Section 18.1 of the Federal Courts Act permits review of unlawful action, procedural unfairness, legal error, erroneous findings of fact, or other action contrary to law. Section 18.2 permits interim orders pending final disposition. The Respondents cannot avoid review by fragmenting the process into "comments" and denying there was anything justiciable. Even if the abstract statement that a future claim might not be barred by IRPA section 101 were accurate, that does not cure an unreliable withdrawal process, make the process review-proof, or create the travel authorization needed to reach a Canadian port of entry by air.

30. The strong prima facie issue is whether the alleged withdrawal and departure were free and informed in the real operational context. The signature forms are evidence. They are not the whole answer. The Respondents' own record shows isolation, separation from Victor, detention information, shelter discussion, child-welfare opinions, One-Touch/A44 context, and an incomplete objective record.

31. Irreparable harm. The harm is not abstract. It includes the present operational impossibility or legal insecurity of boarding a commercial flight to Canada without a valid eTA, the PFL warning that I am not considered to hold a valid eTA during

review and should not travel, my son's medical vulnerability, the family separation, the risk context in [redacted] and the practical risk that the underlying application becomes ineffective before the Court can review the objective record.

32. Balance of convenience. The narrow interim remedy I seek does not grant refugee status, permanent status, admission, or final success in the judicial review. It asks for an operational path, urgent processing or identification of the lawful travel mechanism, preservation and production of the objective record, and directions so that the Respondents cannot tell the Court "they can arrive" while their own system blocks air travel and warns against travel. Paragraph 43 says there are no positive factors because we are [redacted] nationals, never had status in Canada, and were never deported. Those points do not answer the balance of convenience. They confirm that the requested order must be narrow, but they do not erase the minor Applicant's vulnerability, family separation, access-to-justice problem, incomplete objective record, and eTA/carrier barrier. That limited relief places minimal burden on the Respondents and preserves the Court's ability to give an effective remedy.

PART V - RESPONDENTS' PARAGRAPHS 33-35 AND 42-44: SECTION 52, FIGURADO, AND TRAN ANSWER THE WRONG REMEDY

33. The Respondents say the Court lacks jurisdiction to order return, that section 52 applies only when a removal order has been enforced and set aside, and that I can apply for a visa, attempt to return, or make another refugee claim if I arrive at a Canadian port of entry.

34. I do not ask for a final section 52 return-at-Minister-expense order. I also do not ask the Court to grant entry, admission, refugee status, or immunity from lawful examination at the port of entry. I ask for interim operational relief under section 18.2 so the pending judicial review is not made useless by an administrative air-travel barrier. The Respondents cannot move from a general statement about

section 52 or a future port-of-entry possibility to the particular conclusion that this 18.2 motion must be struck.

35. Figurado and Tran address the caution against ordering return in a section 52/removal-order context. They do not exhaust section 18.2, which allows interim orders the Court considers appropriate pending final disposition. If the Court considers the original relief too broad, the answer is to narrow the relief, not to dismiss the motion.

36. A narrower order can require the Respondents to identify the lawful mechanism by which I and my son may board an aircraft and present at a Canadian port of entry; process or decide the pending authorization urgently; confirm whether there is any carrier-control impediment; preserve the status quo; produce the objective record; and refrain from relying on the lack of air travel against me while the eTA/carrier barrier remains unresolved.

37. The Respondents' "if they arrive" answer is incomplete. For [redacted] nationals travelling by air, eTA and carrier-control rules are not theoretical. IRPR section 7.01 lists [redacted] and requires a temporary resident visa or eTA for air travel. IRPR section 7.1 addresses eTA before entering Canada by air. IRPA section 148 imposes obligations on carriers not to carry persons lacking prescribed documents or whom an officer directs not to be carried. IRPR section 270 and the related carrier provisions are part of the system by which airlines receive and act on traveller/document information. IRPR section 279 links carrier consequences to carrying persons who fail to meet prescribed document requirements.

38. The Respondents cannot say "you may claim if you arrive" while asking the Court to ignore the legal and administrative system that prevents a person without a valid eTA from arriving by commercial air.

PART VI - RESPONDENTS' PARAGRAPH 32: THE ETA, AIRLINE, AND MYCIC CHRONOLOGY IS A DIRECT RESPONSE

39. Paragraph 32 is specific. The Respondents say there is no evidence that a commercial airline will not board us, no reason why an airline would refuse boarding, and no evidence that we tried and failed to book a flight back to Canada.

40. That paragraph opened the door to the eTA and airline chronology. I do not introduce that chronology as a new free-standing claim. I use it to answer the exact allegation that there is no boarding barrier and no attempt.

41. The legal reason is clear. Under IRPR sections 7.01 and 7.1, and under the carrier obligations in IRPA section 148 and the IRPR carrier provisions, commercial air travel to Canada is controlled by the traveller's document and authorization status. An airline is not guessing; it operates inside that legal system.

42. The factual chronology is also concrete. After the Rule 9 record and after the Respondents took the position that I could return and claim protection if I arrived, good-faith steps were taken to travel by air. That is the direct answer to the Respondents' suggestion that there was no attempt and no evidence of good-faith action. The Aeromexico chronology included a booking for me and my son from [redacted] to [redacted] City to Montreal under confirmation number ORHULR, later reprogramming, and refund/reversal activity after the eTA problem became unavoidable. My son's eTA was approved, but he cannot realistically travel alone.

43. My eTA chain is the barrier. Application [redacted] was connected to a wrong-name issue. IRCC requested passport/visa documentation on May 19, 2026. A correction package was prepared and uploaded. I say this because paragraph 32 says there was no reason an airline would refuse boarding and no attempted return. The Respondents opened that point; the reply answers it. If the Court requires formal proof of that responsive chronology, the limited material can be provided by direction or authorization, including portal material showing submitted/replacement documents and the correction materials.

44. On May 27, 2026, IRCC refused [redacted] saying that I failed to comply with the request for passport/travel document material. That refusal is inconsistent with the portal-submission chronology for which I seek directions or authorization if formal proof is required. At minimum, it answers the Respondents' assertion that the supposed path to return is simple, speculative, or merely a matter of buying a ticket.

45. On May 28, 2026, application [redacted] appeared in the portal under my corrected name. The portal chronology for which I seek directions or authorization shows [redacted] as submitted May 28, 2026, with "Your action is required." On May 29, 2026, IRCC issued a procedural fairness letter raising misrepresentation concerns under IRPA section 40 and stating that during review I was not considered to hold a valid eTA and should not plan or undertake travel to Canada. That sequence directly rebuts the Respondents' "if they arrive" and "no reason why an airline would refuse" framing.

46. I do not ask the Court to decide the section 40 PFL in this reply. I rely on the PFL because it directly answers the Respondents' paragraph 32 and their paragraphs 35 and 42. The barrier is not speculative. IRCC's own process put my eTA under review, told me I was not considered to hold a valid eTA, and told me not to travel, while the Respondents told the Court that I can simply apply, attempt to return, or claim if I arrive.

47. This is why the reply must be reactive, not blind. If the Respondents had not argued "no evidence", "no reason", and "no attempt", the eTA/airline chronology would be a separate supplemental issue. Because they did make those assertions, the chronology directly answers them and explains why the post-Rule 9 conduct was good-faith compliance, not delay, concealment, or speculation. The only procedural question is whether any supporting documents should be admitted by direction or authorization.

48. I therefore request directions or authorization, if formal proof is required, to provide a short supplemental affidavit with limited supporting materials concerning the booking/rebooking/refund chronology, the minor's approved eTA, the two eTA applications, the portal upload chronology, the May 29 PFL, and any response the Court considers necessary. I do not attach those materials to this reply as a new exhibit bundle; I identify them because the Respondents' paragraph 32 put the attempt, airline barrier, and eTA barrier directly in issue.

PART VII - RESPONDENTS' PARAGRAPHS 36-38: RISK IN [redacted] CANNOT BE ERASED BY THE DISPUTED AIRPORT NARRATIVE

49. Paragraph 36 says it is not credible for me now to claim danger in [redacted] because I allegedly told CBSA we were not really refugees and would be safer in [redacted] away from Victor. Paragraph 38 says there is "literally zero evidence" of risk, no clear agents of persecution, and no corroborating public information.

50. This is a different "no evidence" point than paragraph 32. It concerns risk and irreparable harm, not airline boarding. The Respondents again rely on the disputed airport narrative to defeat the claim that the airport process was unreliable.

51. That is circular. If I dispute the attributed statements and the process in which they were allegedly made, the Respondents cannot use those attributed statements as final proof that I face no risk in [redacted]

52. The 18.2 record included risk context, including the IACHR transmittal context. I do not say the IACHR binds Canada or proves the refugee claim. I rely on it for a limited but important point: the risk context was not invented for this motion, and it had already been raised internationally and with [redacted] authorities. The absence of a public news article does not make the risk "literally zero" at an interim stage, especially where the point is to preserve an effective process, not to decide the refugee claim now.

53. The Respondents' "literally zero evidence" phrase overstates the record and asks the Court to ignore what was before it. If the Court considers the risk material incomplete for interim relief, the answer is a direction for limited responsive material or a record-production order, not acceptance of the disputed airport narrative as final.

54. The point of the 18.2 motion is not to decide the refugee claim now. It is to preserve an effective process while the Court determines whether the withdrawal and departure were legally reliable and while the operational air-travel barrier prevents returning to the Canadian process.

PART VIII - RESPONDENTS' PARAGRAPH 39: RULE 68 DOES NOT MAKE MY SON'S CONDITION DISAPPEAR

55. Paragraph 39 says there is no evidence of superior treatment in Canada, no admissible evidence that my son has any medical condition because the health documents are in Spanish and not translated under Rule 68, and no evidence that feared agents would locate us through medical treatment.

56. This is the third distinct "no evidence" argument. It concerns medical vulnerability and translation. It should not be mixed with the paragraph 32 airline point or the paragraph 38 risk point.

57. Rule 68 matters. If a document filed in a proceeding is not in English or French, the formal translation requirement must be addressed. But a translation defect is not proof that my son's medical condition does not exist. It is a curable procedural problem.

58. The 18.2 record identified medical material, including MRI studies as Exhibit R-6 and serious neurological conditions, including Chiari II malformation, panmedullary hydrosyringomyelia, ventriculomegaly, and ventriculo-peritoneal shunt context. If certified translations or a short medical affidavit are required, Rule

55 permits the Court, in special circumstances, to vary a rule or dispense with compliance with a rule; Rule 56 makes non-compliance an irregularity rather than a nullity; and Rule 60 permits the Court to identify a gap in proof or non-compliance and permit a cure on just terms. The remedy for a translation gap is not to erase a disabled child from the irreparable-harm analysis.

59. The Respondents also cannot rely on officer opinions about my son's welfare for one purpose and ignore the child's visible and operational vulnerability for another. My son was physically present before CBSA officers, interpreters, airport systems, and cameras. His presence before the officers is part of the factual setting the Respondents themselves put before the Court. If the Respondents say officers could assess where his welfare lay, they should not also ask the Court to treat his vulnerability as if it did not exist merely because formal translation is required.

60. I do not ask the Court to treat untranslated medical documents as final expert proof. I ask for directions: permit certified translations, permit a short medical affidavit, and preserve the interim analysis until the record is complete.

61. The harm is not an abstract comparison between Canada and [redacted] and I do not need to prove a final superiority finding about Canadian medical treatment in order to answer the Respondents' interim argument. The harm is the convergence of my son's medical vulnerability, the risk context in [redacted] family separation, the disputed airport process, and the current eTA/carrier barrier that prevents practical return to the Canadian process.

PART IX - RESPONDENTS' PARAGRAPHS 40-41: BEST INTERESTS CANNOT BE BUILT FROM DISPUTED ALLEGATIONS ABOUT VICTOR

62. Paragraph 40 says there is no irreparable harm from continued separation because Victor appears behind the litigation and there is evidence he is abusive and unstable. Paragraph 41 says we left Canada to escape him and that he now advances the case.

63. That is not an independent best-interests analysis. It is the officer-authored narrative repackaged as a conclusion about my son. The Respondents ask the Court to treat disputed statements attributed to me as proved facts against Victor and against my son.

64. The Respondents should not be allowed to use the same disputed narrative to justify separation, deny harm, resist production, and strike the proceeding. If the Court has concerns about family dynamics, it can give protective directions, require affidavits, require undertakings, direct Rule 121 regularization, or order the objective record. Rule 81 reinforces why untested recollections and attributed statements should be weighed cautiously where objective records exist and remain under the Respondents' control. The Court should not decide a child's best interests from untested airport recollections.

65. Victor's assistance with language, documents, and logistics does not prove that he is abusive. It proves that I needed practical help in a Canadian proceeding conducted in English/French while I am in [redacted] with a vulnerable child. The Respondents turn the assistance required by vulnerability into evidence against me.

66. The balance of convenience cannot favour continued separation and continued operational blockage based on serious allegations that have not been tested against the objective record.

PART X - COORDINATION WITH VICTOR'S INTERVENTION MOTION

67. Paragraph 7 asks that this motion be decided with Victor's intervention motion. I do not oppose efficient coordination by the same judge if the Court considers that helpful.

68. Coordination is not merger and not dismissal. My motion is my motion. Victor's intervention motion is different. Any coordination should preserve my separate status, my son's interests, the urgency of the 18.2 operational relief, and the

Respondents' burden to answer this motion.

PART XI - RELIEF REQUESTED IN REPLY

69. I ask that the Court refuse the Respondents' request to strike or dismiss the ALJR or this motion on the basis of alleged non-lawyer representation.

70. I ask that the Court receive the separate confirmation affidavit sworn or affirmed on June 3, 2026, or grant any necessary direction or authorization for it, and treat any concern about my self-representation, the use of Victor's email, the Canadian address for service, AI-assisted language support, unpaid family assistance, or the minor's procedural status as curable by directions, including Rule 1, Rule 3, Rule 47 where the Rules grant a discretionary power, Rule 53, Rule 54, Rule 55's power to vary a rule or dispense with compliance with a rule in special circumstances, Rule 56, Rule 60, Rule 121, Rule 126.1, undertakings, and that confirmation affidavit.

71. I ask that the Court decline to treat the officers' recollections, attributed statements, and welfare inferences as conclusive facts at this interim stage.

72. I ask that the Court reject the Respondents' section 52/Figurado/Tran argument as answering the wrong remedy. I am not asking for a final section 52 return-at-Minister-expense order. I am asking for interim operational relief under section 18.2 of the Federal Courts Act.

73. I ask that the Court find that paragraph 32 opened the door to a responsive chronology concerning eTA status, MyCIC uploads, airline booking/rebooking/refund, the minor's eTA approval, and the IRCC PFL advising that I was not considered to hold a valid eTA and should not travel during review.

74. I ask for directions or authorization, if the Court requires formal proof beyond this reply and beyond the separate confirmation affidavit provided with these reply materials, to provide a limited supplemental affidavit and limited supporting

materials on the remaining matters the Respondents put directly in issue: Rule 121 or minor regularization if further directions are required, travel and eTA chronology, portal-upload chronology, the May 29 PFL, any required medical translation or short medical affidavit, and ATIP/Privacy Act efforts to obtain the objective record. I do not attach those materials to this reply memorandum; I seek directions if the Court wants the formal evidentiary vehicle.

75. I ask that the Court order or direct production or preservation of the complete objective airport record, including video, audio, logs, notes, One-Touch materials, ticketing records, interpreter records, and CBSA/IRCC system records for March 20-22, 2026, or give directions under Rule 14(2) for any tribunal-controlled material required to dispose of leave.

76. I ask that the Court grant proportionate 18.2 relief. If the Court considers the original relief too broad, I request a narrower order requiring the Respondents, within a short fixed time, to identify the lawful operational mechanism for me and my son to board a commercial flight to Canada and present at a Canadian port of entry; process or decide any necessary authorization urgently; confirm any carrier-control impediment; and refrain from relying on lack of attempted travel against me while that impediment remains unresolved.

77. In the alternative, I ask for immediate case-management directions that preserve the effectiveness of the underlying application, regularize any procedural defect, and prevent the Respondents from using the unresolved eTA/carrier barrier as a reason to defeat the motion.

78. I ask for no costs against me or my minor son.

PART XII - LIST OF AUTHORITIES

79. Federal Courts Act, R.S.C. 1985, c. F-7, sections 18, 18.1, 18.2.

80. Federal Courts Rules, SOR/98-106, Rules 1, 3, 47, 53, 54, 55, 56, 60, 65, 68, 80, 81, 119, 121, 122, 123, 124, 126.1.

81. Federal Courts Citizenship, Immigration and Refugee Protection Rules, SOR/93-22, Rules 4, 5, 9, 10, 11, 12, 13, 14, 17.

82. Immigration and Refugee Protection Act, S.C. 2001, c. 27, sections 40, 52, 72, 74, 99, 101, 148.

83. Immigration and Refugee Protection Regulations, SOR/2002-227, sections 7.01, 7.1, 42, 270, 279.

84. R v Canadian Broadcasting Corp., 2018 SCC 5.

85. Figurado v Canada (Solicitor General), 2005 FC 347.

86. Tran v Canada (Solicitor General), 2006 FC 1240.

87. Parmar v Canada (Minister of Citizenship and Immigration), 2000 CanLII 15678 (FC).

88. Scheuneman v Canada (Attorney General), 2003 FCA 439.

Dated: June 3, 2026

_____

[redacted]

Self-represented Applicant, on her own behalf and, subject to the Court's directions, as mother of the minor Applicant

Address for service in Canada: [redacted]

Electronic service: vmgtz36@gmail.com

Registry No. IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] **(MINOR)**

Applicant,

and

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

Respondents.

RESPONDENT'S WRITTEN REPRESENTATIONS

ATTORNEY GENERAL OF CANADA

Department of Justice Canada
Prairie Regional Office (Winnipeg)
National Litigation Sector
601 – 400 St. Mary Avenue
Winnipeg, Manitoba
R3C 4K5
Fax: 204-983-3636

Per: Alexander Menticoglou

Tel: (204) 396-7148
Email: Alexander.Menticoglou@justice.gc.ca
Email for Service: immigrationMB@justice.gc.ca

Solicitor for the Respondents

Registry No. IMM-7743-26

FEDERAL COURT

BETWEEN:

[redacted] **(MINOR)**

Applicant,

and

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

Respondents.

RESPONDENT'S WRITTEN REPRESENTATIONS

OVERVIEW

1. This motion for an extension of time should dismissed. This file has become very procedurally complex, and this motion is being brought under dubious and opaque circumstances.

2. In short, the Applicants, who live in [redacted] previously filed a motion seeking a mandatory interlocutory injunction that would require the Respondent to facilitate their return to Canada. Mr. Gutierrez Verduzco, the Applicants' ex-husband and father, respectively, has filed a separate motion seeking to intervene in the Applicants' ALJR. The Applicants have now brought one motion seeking an extension of time for both

the Applicants and Mr. Gutierrez Verduzco to file their respective "Reply Materials", which also improperly contain reply affidavits. This motion should be dismissed.

3. Mr. Gutierrez Verduzco is clearly acting as a representative for the Applicants in this ALJR, and in the context of this motion for an extension of time. Mr. Gutierrez Verduzco is, as far as the Respondent knows, not a lawyer. On this basis alone, this motion and the underlying ALJR should be dismissed. The Reply Materials that Mr. Gutierrez Verduzco seeks to file for the Applicants and himself also contain reply affidavits, which are not permitted without leave of the Court.

4. In any event, the Applicants and Mr. Gutierrez Verduzco have failed to satisfy any aspect of the four-part test for an extension of time. In particular, they have failed to establish that a reasonable explanation for the delay exists, that they have had a continuing intention to pursue this matter, that the Respondent is not prejudiced by the delay, or that their underling motions have any merit.

PART I – STATEMENT OF FACTS

5. On April 6, 2026, the Applicants filed their underlying ALJR.[1] The Applicants' address for electronic service in their ALJR is vmgtz36@gmail.com. The Applicants, who returned to [redacted] soon after arriving in Canda, purport to have a physical address in Montreal at [redacted]

[1] See IMM-7743-26, Document #1

[2] See IMM-7743-26, Document #1.

6. On May 19, 2026, Mr. Gutierrez Verduzco filed a 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,[3] 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.

7. Also on May 19, 2026, a motion was filed, purportedly by the Applicants (but likely by Mr. Gutierrez Verduzco) seeking an order from this Court requiring the Respondent to make arrangements for the immediate return of the Applicants to Canada from [redacted]

8. Mr. Gutierrez Verduzco also says that his physical address in Canada is [redacted] Montreal as the Applicants' purported physical address in Montreal (again, the Applicants currently live in [redacted] not Montreal).

9. On May 28, 2026, the Respondent filed motion records responding to both Mr. Gutierrez Verduzco's motion seeking leave to intervene in this ALJR and the Applicants' motion seeking a mandatory interlocutory injunction.[6]

---

[3] See IMM-7743-26, Document #11.
[4] See IMM-7743-26, Document #7.
[5] See IMM-7743-26, Document #7 at 1 (pdf 2).
[6] See IMM-7743-26, Documents #20 to 27.

10. On June 3, 2026, Mr. Gutierrez Verduzco served the Respondent with "Reply Materials" purporting to respond to both the Mr. Gutierrez Verduzco's motion seeking leave to intervene in this ALJR and the Applicants' motion seeking a permanent interlocutory injunction. Both sets of "Reply Materials" were identical.[7]

11. On June 4, 2026, one day past the deadline to do so, Mr. Gutierrez Verduzco submitted the Reply Materials by e-filing.[8]

12. Mr. Gutierrez Verduzco's proposed Reply Materials in both his motion and the Applicant's motion contain an affidavit and written submissions (again, they are identical).[9]

13. Thirteen days later, on June 16, 2026, Mr. Gutierrez Verduzco served the Respondent with the within motion for an extension of time to file the aforementioned Reply Materials.

PART II – POINTS IN ISSUE

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

15. The proposed reply materials include reply evidence, which is not permitted by the *Rules*; and

---

[7] See Affidavit of Cara Verhaeghe, in Respondent's Motion Record ("RMR").

[8] Affidavit of Mr. Gutierrez Verduzco, Sworn June 16, 2026, para 6, in Applicant's Motion Record at 5.

[9] See Affidavit of Cara Verhaeghe, in RMR.

16. The Applicants have failed to establish that an extension of time is in the interests of justice.

PART III – SUBMISSIONS

A. This motion is being inappropriately brought by Mr. Gutierrez Verduzco, a non-lawyer acting for the Applicants

17. It is clear that Mr. Gutierrez Verduzco is acting as the Applicants' non-lawyer representative, without leave of the Court. Mr. Gutierrez Verduzco is the only person who has filed an affidavit in the Applicants' present motion for an extension of time. He claims to "have assisted with practical logistics in this Court file, including organizing documents, translation support, email transmission, and technical e-filing steps" Although Mr. Gutierrez Verduzco also claims that he does "not make legal decisions for [redacted] or for the minor Applicant", this claim is spurious and should not be believed. It is clear that Mr. Gutierrez Verduzco is acting as the Applicants representative, directing this litigation, preparing, serving, and filing all of the Applicants' materials, and conducting all communication with the Respondent and the Court.

18. Indeed, in Mr. Gutierrez Verduzco's "Consent to Service By Electronic Transmission", previously filed alongside his own motion to intervene in this ALJR,[10] 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

[10] See IMM-7743-26, Document #11.

in their ALJR.[11] The fact that a proposed intervener has the same email address for service as the Applicants in the proceeding 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.

19. Mr. Gutierrez Verduzco also says that his physical address in Canada is [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] It makes no sense that the Applicants, who reside in [redacted] would have a physical address on the same block, in the same building, 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 and all of these motions concurrently.

20. 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 somewhat mysterious, it is clear that Mr. Gutierrez Verduzco is acting on the Applicants' behalf, whether they are entirely aware of it or not.

---

[11] See IMM-7743-26, Document #1.

[12] See IMM-7743-26, Document #7 at 1 (pdf 2).

[13] See Applicant's Motion Record, cover page.

21. 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.[14]

22. 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 Rules[4]). … 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. [15]

23. 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

---

[14] *Federal Courts Rules*, SOR/98-106, s 119.

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

only "in the context of specific facts, including the suitability of the person" who has agreed to represent the party in question.[16]

24. Mr. Gutierrez Verduzco is clearly not a suitable person to represent the Applicants in the underlying ALJR. 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, as well as the present motion.

B. The Applicants' proposed reply materials contain improper reply evidence

25. The "Reply Materials" that Mr. Gutierrez Verduzco seeks to file on his and the Applicants' behalf each contain an affidavit in reply.[17] However, affidavits in reply cannot be filed without leave of the Court, and neither Mr. Gutierrez Verduzco nor the Applicants have sought leave of the Court to establish special circumstances warranting the filing of reply evidence.

26. There is no provision in the *Federal Courts Citizenship, Immigration and Refugee Protection Rules* that permits the filing of a reply affidavit or reply written submissions for motions heard orally. In the immigration context, an applicant seeking to file a reply affidavit must demonstrate that "special circumstances" exist pursuant to

---

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

[17] See Affidavit of Cara Verhaeghe, in RMR.

Rule 55 of the *Federal Courts Rules*.[18] An applicant must "establish circumstances that are unusual, uncommon or exceptional."[19]

27. The Applicants have not requested leave of the Court to file reply evidence in the context of Mr. Gutierrez Verduzco's motion seeking leave to intervene or the Applicants' motion for an interlocutory injunction. They have similarly made no attempt to establish any circumstances that are "unusual, uncommon or exceptional" that would warrant granting them leave file reply evidence.

28. As the Applicants' "Reply Materials" contain impermissible evidence in reply, this Court should not grant extensions of time to file those materials.

C. It is not in the interests of justice to grant the extensions of time

29. While the delay in question is short, Mr. Gutierrez Verduzco and the Applicants have still failed to meet any of the four prongs of the test for an extension of time.

30. Parliament has given judges the discretion to grant an extension of time for "valid reasons"[20] and the jurisprudence has developed factors to guide judges in their assessment of whether such reasons exist. There is no dispute as to the legal test. The Applicant must demonstrate that:

a) a reasonable explanation for the delay exists;

---

[18] *Ahmed v Canada (MCI)*, 2025 FC 929 at para 13; *Olia v Canada (MCI)*, 2005 FC 315 at para 3.
[19] *Ahmed v Canada (MCI)*, 2025 FC 929 at para 13; *Taiyese v Canada (MCI)*, 2024 FC 1730, at para 10, citing *Olia v Canada (MCI)*, 2005 FC 315, para 3.
[20] *IRPA*, s 72(2)(c).

b) there was and is a continuing intention on the part of the party presenting the motion to pursue the application;

c) no prejudice to the respondent arises from the delay; and

d) the underlying application has some merit;[21]

31. Mr. Gutierrez Verduzco has failed to establish any of these four prongs of the test for an extension of time and has therefore failed to establish that it is in the interests of justice to grant an extension.

32. First, there is no reasonable explanation for the delay. A reasonable explanation for delay requires something "…beyond the control of counsel or the applicant, for example, illness or some other unexpected or unanticipated event."[22] Although Mr. Gutierrez Verduzco originally only filed the Reply Materials one day late, he has provided no explanation for why that was the case. The within motion for an extension of time was also not filed until 13 days later. Other than the mere fact that the deadline was missed, no explanation has been provided for why deadlines have not been met.

33. Second, Mr. Gutierrez Verduzco has failed to establish that the Applicants have had a continuing intention to pursue this ALJR. In *Kiflom*, Justice Strickland confirmed that a party's continuing intention should come in the form of affidavit evidence, from the party themself.[23] In the present case, the only evidence filed in the motion for an

---

[21] *Canada (Attorney General.) v Hennelly*, 1999 CanLII 8190 (FCA); *Canada (Minister of Human Resources Development) v Hogervorst*, 2007 FCA 41, at paras 32, 33.

[22] *Kiflom v Canada (Citizenship & Immigration)*, 2020 FC 205 at para 37, citing *Chin v Canada (Minister of Employment & Immigration)*, [1993] FCJ No 1033 at para 8.

[23] *Kiflom v Canada (Citizenship & Immigration)*, 2020 FC 205 at paras 29-31.

extension of time is an affidavit from Mr. Gutierrez Verduzco, who cannot and does not attempt to speak to the Applicants' continued intention to pursue this matter.

34. Third, the Respondent is prejudiced by the delay. This Court has held that failing to meet a deadline is *per se* prejudicial to the opposing party.[24] This Court has also recognized that a respondent may suffer prejudice due to the lack of finality in an order and being called upon to respond to a motion.[25] The same can be said in the case at bar.

35. Moreover, the Respondent continues to suffer prejudice due to Mr. Gutierrez Verduzco's actions as a non-lawyer who is advocating on the Applicants' behalf. To date, Mr. Gutierrez Verduzco and the Applicants have filed 3 motions, all of which are completely meritless. Allowing them an extension of time to file Reply Materials that are not permitted under the Court Rules may serve as encouragement for them to continue to disregard the Court Rules, particularly with respect to improper representation and injunctive relief that is not available in the immigration context. This matter has become unnecessarily complicated at a considerable cost to the Respondent in time and money.

36. The Respondent is prejudiced by Mr. Gutierrez Verduzco's late-filing of the Applicants' Reply Materials, and the fact that those materials contain reply evidence without having first obtained leave to file same. The Respondent is also prejudiced by

---

[24] *Mayow v Canada (Citizenship & Immigration)*, 2021 FC 278 at para 41.

[25] *Mante v Canada (Citizenship and Immigration)*, 2019 FC 215 at para 19 (not publicly available).

having to prepare this motion record, which must address the numerous problems with Mr. Gutierrez Verduzco's and the Applicants' materials.

37. Lastly, Mr. Gutierrez Verduzco has failed to establish that the motions underlying this motion for an extension of time have any merit. In particular, he has failed to establish that there is any merit to his request for leave to intervene in this ALJR or the Applicants' request for a mandatory interlocutory injunction.

38. In fact, Mr. Gutierrez Verduzco makes no arguments about the merits of these underlying motions, except to say that "the reply is arguable."[26] This is clearly insufficient to establish the merits of the Applicants' case for the purposes of a motion for an extension of time. For the reasons set out in the Respondent's previously-filed motion records (Documents 21 & 25 in IMM-7743-26), the Respondent says that the motions underlying this motion for an extension of time are entirely meritless, abuses of process, and are bound to fail. It is not in the interests of justice to grant extensions of time to file reply materials for motions that are bound to fail.

PART IV – CONCLUSION AND ORDER SOUGHT

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

40. The proposed reply materials include reply evidence, which is not permitted by the *Rules*; and

---

[26] Applicants' Written Representations, para 16, in AMR at 13.

41. The Applicants have failed to establish that an extension of time is in the interests of justice, and so no extension(s) of time should be granted.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at Winnipeg, this 17th day of June, 2026.

Alexander Menticoglou
Solicitor for the Respondent

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

AND TO: [redacted]

PART V – LIST OF AUTHORITIES

Legislation/Regulations

1. *Federal Courts Rules*, SOR/98-106

Case Laws

2. *Ahmed v Canada (Citizenship and Immigration)*, 2025 FC 929
3. *Canada (Attorney General.) v Hennelly*, 1999 CanLII 8190
4. *Canada (Minister of Human Resources Development) v Hogervorst*, 2007 FCA 41
5. *Chin v Canada (Minister of Employment & Immigration)*, [1993] FCJ No 1033
6. *Kiflom v Canada (Citizenship & Immigration)*, 2020 FC 205
7. *Mante v Canada (Citizenship and Immigration)*, 2019 FC 215 (not publicly available)
8. *Mayow v Canada (Citizenship & Immigration)*, 2021 FC 278
9. *Olia v Canada (Minister of Citizenship and Immigration)*, 2005 FC 315
10. *Parmar v Canada (Minister of Citizenship & Immigration)*, 2000 CanLII 15678
11. *Scheuneman v Canada (Attorney General)* 2003 FCA 439
12. *Taiyese v Canada (Citizenship and Immigration)*, 2024 FC 1730