

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.

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**RESPONDENTS' MOTION RECORD  
(RESPONDING TO PROPOSED INTERVENOR'S MOTION SEEKING  
LEAVE TO INTERVENE)**

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**ATTORNEY GENERAL OF CANADA**

Department of Justice Canada  
Prairie Regional Office (Winnipeg)  
National Litigation Sector  
601 – 400 St. Mary Avenue  
Winnipeg, Manitoba  
R3C 4K5  
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**Per: Alexander Menticoglou**

Tel: (204) 396-7148  
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Solicitor for the Respondents

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

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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**

---

**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**

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Solicitor for the Respondent

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' bahalves 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  
27<sup>th</sup> day of May, 2026.

A handwritten signature in cursive script, appearing to read "Alyx M. [unclear]".

---

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 (IMM5317), 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 the 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.



Through out the examination, BEDROS and I were polite, professional, understanding and patient with the subject and her son. We explained to the subject that she was free to make the decision that she wished and she would face no coercion or intimidation from officers regarding her immigration case. BEDROS and I both explained all of the necessary forms to her with an accredited interpreter in order for her to understand the information before making an information decision regarding her and her son’s case. Subject stated on multiple occasions that she fears for her safety and her son’s wellbeing and BEDROS and I allowed her to take every opportunity to see her son and take whatever time she needed to compose herself and make a decision.

I, Scott LUCIER, 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.

This 30 April 2026.



Signature of Declarant

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



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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<br>Relativement à la demande de l'asile au sens de la Convention présentée par |                     | Surname - Nom<br>[REDACTED] | Given name(s) - Prénom(s)<br>[REDACTED] |
| Date of birth<br>Date de naissance                                                                                                     | Y - A<br>[REDACTED] | M<br>[REDACTED]             | D - J<br>[REDACTED]                     |
| Country of citizenship<br>Pays de citoyenneté                                                                                          |                     | [REDACTED]                  |                                         |

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**

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.

**DÉCLARATION DE L'INTERPRÈTE**

Je, [REDACTED], déclare  
solennellement avoir interprété fidèlement et exactement en

[REDACTED] 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]  
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.


**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<br>Relativement à la demande de l'asile au sens de la Convention présentée par |                     | Surname - Nom<br>[REDACTED] | Given name(s) - Prénom(s)<br>[REDACTED] |
| Date of birth<br>Date de naissance                                                                                                     | Y - A<br>[REDACTED] | M<br>[REDACTED]             | D - J<br>[REDACTED]                     |
| Country of citizenship<br>Pays de citoyenneté                                                                                          |                     | [REDACTED]                  |                                         |

 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

[REDACTED SIGNATURE]

Signature of the person concerned

**INTERPRETER'S DECLARATION**

 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.

**DÉCLARATION DE L'INTERPRÈTE**

 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

 [REDACTED 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*.

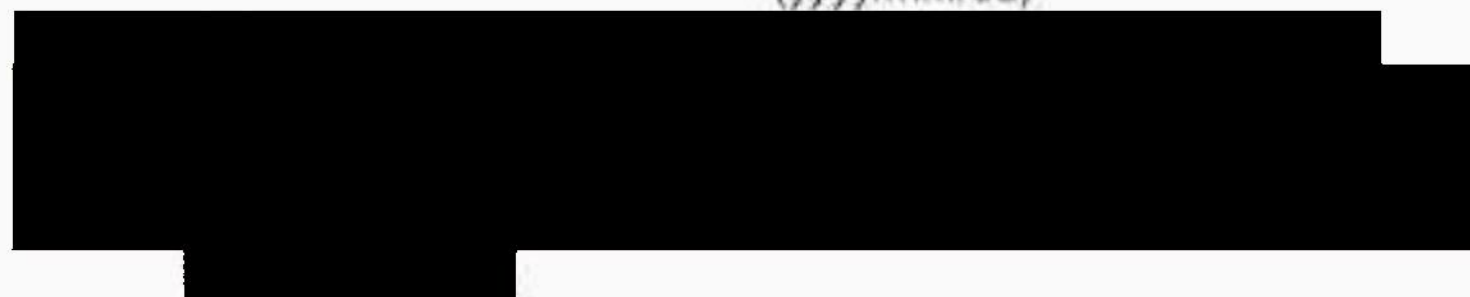
 Les renseignements fournis dans le présent formulaire sont recueillis en vertu de la *Loi sur  
 l'immigration et la protection des réfugiés*. Les renseignements seront versés dans le fichier  
 de renseignements personnels CIC PPU 008. Ils sont protégés et accessibles en vertu des  
 dispositions de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



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' WRITTEN REPRESENTATIONS****OVERVIEW**

1. This motion for leave to intervene should be dismissed, as should the underlying ALJR. The proposed intervener, Victor Manuel Gutierrez Verduzco ("Mr. Gutierrez Verduzco") has not established that his participation in this application for leave and judicial review ("ALJR") will bring further, different and valuable insights and perspectives that will assist the Court in determining the matter. Mr. Gutierrez Verduzco also does not have a genuine interest in this proceeding, nor is it in the interests of justice to permit him to intervene.

2. This motion is being brought under dubious and opaque circumstances. Mr. Gutierrez Verduzco, despite proposing to intervene in this ALJR, appears to also have brought this ALJR himself, on behalf of the Applicants, but without advising the Court

of same. Mr. Gutierrez Verduzco is, as far as the Respondents know, not a lawyer. There is also reason to believe that Mr. Gutierrez Verduzco is abusive and manipulative towards his ex-wife, the Applicant [REDACTED] (the “Primary Applicant”), and that the Applicants themselves have little involvement in the bringing of their own ALJR.

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 both the present motion (the “Intervention Motion”) and the Applicants’ underlying ALJR. The physical addresses for the ALJR and the Intervention motion 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, the proposed intervener and the Applicants appear to be one and the same - Mr. Gutierrez Verduzco.

5. In addition to dismissing this motion, this Court should also strike the within ALJR. Non-lawyers are not permitted to represent parties before this Court without

leave, and it appears that Mr. Gutierrez Verduzco has brought the within motion to intervene, as well as the underlying ALJR, on the Applicants' behalf.

6. This motion should also be decided concurrently with, and by the same Justice as the Applicants' motion, filed on May 19, 2026, in which the Applicants seek an order directing Canada "take all operational steps necessary to enable the physical return of the Applicants from [REDACTED] to Canada" (See Federal Court File IMM-7743-26, Document #14).

### **PART I – STATEMENT OF FACTS**

7. The facts of this case are difficult to discern from Mr. Gutierrez Verduzco's motion record. His affidavit and submissions do not tell any kind of coherent story or version of the facts. Instead, he makes various bare assertions with respect to how he believes his participation in this proceeding would be beneficial, on the basis that he was present when the Applicants arrived in Canada.

8. According to sworn testimony from CBSA Officers Lucier and Bedros, who were 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.<sup>1</sup>

9. On April 6, 2026, the Applicants filed their underlying ALJR.<sup>2</sup> The Applicants' address for electronic service in their ALJR is [vmgtz36@gmail.com](mailto:vmgtz36@gmail.com). The Applicants, who returned to [REDACTED] soon after arriving in Canada, purport to have a physical address in Montreal at [REDACTED].<sup>3</sup>

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,<sup>4</sup> he indicates that his email address for service is [vmgtz36@gmail.com](mailto: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 within the ALJR.

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 are currently in [REDACTED] not Montreal).

12. Also on May 19, 2026, another motion was filed, purportedly by the Applicants (but likely by Mr. Gutierrez Verduzco) seeking an order from this Court requiring the

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<sup>1</sup> Affidavit of Scott Lucier, in Respondent's Motion Record ("RMR") at 3.

<sup>2</sup> See IMM-7743-26, Document #1

<sup>3</sup> See IMM-7743-26, Document #1.

<sup>4</sup> See IMM-7743-26, Document #11.

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

Respondents to make arrangements for the immediate return of the Applicants to Canada from [REDACTED]

## **PART II – POINTS IN ISSUE**

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

14. In any event, Mr. Gutierrez Verduzco should not be granted leave to intervene in this ALJR.<sup>7</sup>

## **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**

15. It is clear that Mr. Gutierrez Verduzco is acting as the Applicants' non-lawyer representative in the very ALJR 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. Whatever the case, in these bizarre circumstances, the underlying ALJR should be dismissed or struck along with this motion.

16. In Mr. Gutierrez Verduzco's "Consent to Service By Electronic Transmission", filed with his motion record,<sup>8</sup> he indicates that his email address for service is

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<sup>6</sup> See IMM-7743-26, Document #7.

<sup>7</sup>

<sup>8</sup> See IMM-7743-26, Document #11.

[vmgtz36@gmail.com](mailto:vmgtz36@gmail.com), (“vmgtz” obviously being the initials for “Victor Manuel Gutierrez Verduzco”). However, [vmgtz36@gmail.com](mailto:vmgtz36@gmail.com) is also the email address for service provided by the Applicants in their ALJR.<sup>9</sup> 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 calls into question what knowledge the Applicants have about these proceedings. It also shows that Mr. Gutierrez Verduzco is advancing both the ALJR and his own motion concurrently.

17. 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 and his own motion concurrently.

18. 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

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<sup>9</sup> See IMM-7743-26, Document #1.

<sup>10</sup> Notice of Motion, in IMR at 1 (pdf 2).

<sup>11</sup> See IMM-7743-26, Document #1.

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

19. 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.<sup>12</sup>

20. 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<sup>4</sup>). ... 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.<sup>13</sup>

21. 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

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<sup>12</sup> *Federal Courts Rules*, SOR/98-106, [s 119](#).

<sup>13</sup> *Parmar v Canada (Minister of Citizenship & Immigration)*, [2000 CanLII 15678](#) (FC) at [paras 4-7](#).

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.<sup>14</sup>

22. 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 an obvious attempt to hide from the Court that he is advancing both the Applicants’ ALJR and the within motion to intervene.

23. 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. Mr. Gutierrez Verduzco’s evidence is deficient**

24. Mr. Gutierrez brings this motion under false or misleading pretenses without the clear and unequivocal knowledge, consent and direction of the Applicants. In the event that this Court is nevertheless willing to entertain the within motion, Mr. Gutierrez Verduzco’s evidence is wholly deficient, such that his motion to intervene should be dismissed. Mr. Gutierrez Verduzco should not be permitted to become an intervener in this matter without filing any admissible evidence.

25. Mr. Gutierrez Verduzco’s affidavit evidence has not been properly commissioned and is therefore not properly admissible before this Court. Although Mr.

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<sup>14</sup> *Scheuneman v Canada (Attorney General)* [2003 FCA 439](#) at [para 5](#).

Gutierrez Verduzco signed his own affidavit, the affidavit is not dated, nor has anyone signed his affidavit confirming that they took his oath and witnessed him sign it. It is simply an unsworn affidavit.<sup>15</sup> It is trite to say that relief cannot be granted on the basis of an unsworn affidavit.

26. Moreover, Mr. Gutierrez Verduzco asserts in his unsworn affidavit that his evidence includes the facts set out in his Notice of Motion (which is not an exhibit to his affidavit). It is also trite to say that an affiant's evidence cannot include facts that do not appear in their affidavit or exhibits thereto.

27. In any event, neither Mr. Gutierrez Verduzco's Notice of Motion or affidavit, nor his written representations, tell anything resembling a coherent story or set of facts. These documents are comprised of various assertions of conclusions of law, assertions that Mr. Gutierrez Verduzco was present when his family arrived in Canada, and assertions with respect to his belief that he should be added as an intervener in his ex-wife's and son's ALJR. Statements within affidavits containing legal arguments and conclusions of law must be disregarded.<sup>16</sup>

28. As Mr. Gutierrez Verduzco's motion is wholly unsupported by admissible evidence, it should be dismissed.

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<sup>15</sup> Affidavit of Mr. Gutierrez Verduzco, in IMR at 6 (pdf 7).

<sup>16</sup> *Vadiati v. Canada (Citizenship and Immigration)*, [2025 FC 1859](#), at [para 8](#).

**C. Leave to intervene should not be granted**

29. Leaving aside the issues of lack of transparency and good faith, non-lawyer representation, and inadmissible evidence, it is clear that Mr. Gutierrez Verduzco should not be granted leave to intervene in the underlying ALJR. As noted above, there is no admissible evidence on which Mr. Gutierrez Verduzco's motion could be granted. Even if this Court considers Mr. Gutierrez Verduzco's evidence-free assertions, there is absolutely nothing that might warrant granting him leave to intervene.

30. Rule 109 of the *Federal Courts Rules* provides that the Court may, on application, grant leave to a person to intervene in a proceeding.<sup>17</sup>

31. Rule 109(2) requires that an entity or person seeking leave to intervene bears the burden to describe "how the proposed intervener wishes to participate in the proceeding and how that participation will assist the determination of factual or legal issues related to the proceeding."<sup>18</sup>

32. The Federal Court of Appeal recently refined the test for intervener status as follows:

(1) Will the proposed intervener make different and useful submissions, insights and perspectives that will further the Court's determination of the legal issues raised by the parties to the proceeding, not new issues? To determine usefulness, four questions need to be asked:

- a. What issues have the parties raised?
- b. What does the proposed intervener intend to submit concerning those issues?

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<sup>17</sup> *Federal Courts Rules*, SOR/98-106, [s 109](#).

<sup>18</sup> *Federal Courts Rules*, SOR/98-106, [s 109\(2\)\(b\)](#).

- c. Are the proposed intervenor's submissions doomed to fail?
- d. Will the proposed intervenor's arguable submissions assist the determination of the actual, real issues in the proceeding?

(2) Does the proposed intervenor have a genuine interest in the matter before the Court such that the Court can be assured that the proposed intervenor has the necessary knowledge, skills, and resources and will dedicate them to the matter before the Court?

(3) Is it in the interests of justice that intervention be permitted? The list of considerations is not closed but includes the following questions:

- a. Is the intervention consistent with the imperatives in Rule 3? For example, will the orderly progression or the schedule for the proceedings be unduly disrupted?
- b. Has the matter assumed such a public, important and complex dimension that the Court needs to be exposed to perspectives beyond those offered by the particular parties before the Court?
- c. Has the first-instance court in this matter admitted the party as an intervenor?
- d. Will the addition of multiple intervenors create the reality or an appearance of an “inequality of arms” or imbalance on one side?<sup>19</sup>

33. Interveners are not to add new evidence. They must be discouraged from “commandeering others’ proceedings” and should instead bring their own proceedings if their interests and perspectives are to be properly considered.<sup>20</sup>

34. First, Mr. Gutierrez Verduzco has failed to establish that he, as an intervenor, would be capable of making different and useful submissions, insights, and

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<sup>19</sup> *Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)* [2022 FCA 67](#) at [para 10](#); *Canada v DAC Investment Holdings Inc.*, [2025 FCA 37](#).

<sup>20</sup> *Canada v DAC Investment Holdings Inc.*, [2025 FCA 37](#).

perspectives than the Applicants. Mr. Gutierrez Verduzco freely admits that the primary purpose of his intervention is to submit first-hand evidence regarding the circumstances of his ex-wife's and son's departure from Canada.<sup>21</sup> This is directly contrary to the Federal Court of Appeal's ruling in *DAC Investment Holdings Inc*, in which Justice Stratus explicitly held that interveners cannot "add new evidence."<sup>22</sup>

35. According to Mr. Gutierrez Verduzco, the underlying ALJR purports to challenge the circumstances under which his ex-wife and child voluntarily left Canada (in order to get away from him). Even assuming that Mr. Gutierrez Verduzco's family has any interest in returning to Canada to be with him, the Applicants are in the best position to advance their own ALJR. They were present in late March of this year, and are fully capable of making whatever case they want to make. They could even ask Mr. Gutierrez Verduzco to swear an affidavit in support of their own ALJR. There is no reason to permit Mr. Gutierrez Verduzco to become an intervener to add to the submissions the Applicants could make themselves.

36. Second, Mr. Gutierrez Verduzco does not have a genuine interest in this matter, such that the Court can be assured that he has the necessary knowledge, skills, and resources to assist the Court. Mr. Gutierrez Verduzco's immigration status is not at issue in the underlying ALJR, which is entirely concerned with the Applicants. The fact that Mr. Gutierrez Verduzco is the minor Applicant's biological father does not

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<sup>21</sup> Mr. Gutierrez Verduzco's Written Representations, paras 23-26, in IMR at 57 (pdf 58).

<sup>22</sup> *Canada v DAC Investment Holdings INC.*, [2025 FCA 37](#), at [para 11](#).

grant Mr. Gutierrez Verduzco specialized knowledge, skills, or resources to assist the Court in ways that the Applicants cannot.

37. Lastly, it is not in the interests of justice to allow Mr. Gutierrez Verduzco to act as an intervener, or otherwise participate in any respect in this proceeding. He has already interfered with the orderly progression of this litigation by bringing this spurious motion, and by bringing another motion seeking to have the Applicants returned to Canada, despite the fact that they left Canada because they were afraid for their safety due to his abuse. Mr. Gutierrez Verduzco's undisclosed, but readily apparent, representation of the Applicants as a non-lawyer can only serve to detract from, as opposed to enhance, the interests of justice. There are also no important or complex issues in this case at all, let alone any that Mr. Gutierrez Verduzco could assist with.

38. Mr. Gutierrez Verduzco's participation in this proceeding should be discouraged. As a non-lawyer and a non-party to this matter, his actions are introducing unnecessary procedural complications and inappropriately driving the litigation in which he has no standing. He is creating unnecessary mischief and advancing litigation to which he is not a party as a non-lawyer. Mr. Gutierrez Verduzco has nothing to add to this ALJR and can only serve to complicate and harm the orderly progression of this proceeding.

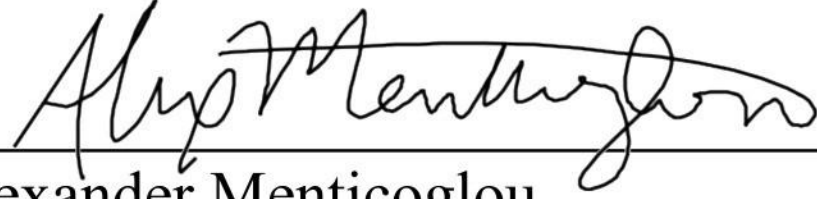
#### **PART IV – CONCLUSION AND ORDER SOUGHT**

39. It is not in the interests of justice for this Court to grant the Applicant leave to intervene.

40. This ALJR should also be dismissed. As in *Parmar*,<sup>23</sup> 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:

[REDACTED]

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

## **PART V – LIST OF AUTHORITIES**

### **Legislation/Regulations**

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

### **Case Laws**

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2. *Canada v DAC Investment Holdings Inc.*, [2025 FCA 37](#)
3. *Parmar v Canada (Minister of Citizenship & Immigration)*, [2000 CanLII 15678](#) (FC)
4. *Right to Life Association of Toronto and Area v Canada (Employment, Workforce and Labour)* [2022 FCA 67](#)
5. *Scheuneman v Canada (Attorney General)* [2003 FCA 439](#)
6. *Vadiati v. Canada (Citizenship and Immigration)*, [2025 FC 1859](#)