

CITIZENSHIP AND IMMIGRATION

IMMIGRATION PRACTICE

Summons — Judicial review of decision by Immigration and Refugee Board of Canada, Immigration Appeal Division (IAD) compelling applicant to testify at hearing before IAD — Applicant citizen of China, becoming permanent resident in 2006 — Canada Border Services Agency issuing inadmissibility report under *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, s. 44(1) alleging applicant working for foreign intelligence, security agencies — Immigration Division (ID) concluding applicant not inadmissible — On appeal before IAD, applicant declining to testify — IAD concluding having authority to compel applicant to testify pursuant to Act, s. 174(2), *Immigration Appeal Division Rules*, SOR/2002-230, r. 38 — Summoning applicant to appear, testify — Applicant contending right to liberty under Charter, s. 7 engaged — Whether application for judicial review premature as IAD decision interlocutory — Applicant relying on decision in *Canada (Minister of Public Safety and Emergency Preparedness) v. Kahlon*, 2005 FC 1000, [2006] 3 F.C.R. 493 (*Kahlon*) wherein Federal Court holding that damage to privacy of witness constituting special circumstances warranting Court's intervention on interlocutory decision to issue summons — Application premature — *Kahlon* distinguishable from present case — Scope of permissible "exceptional circumstances", i.e. situations requiring immediate review of decision despite its interlocutory nature, extremely narrowed since *C.B. Powell Limited v. Canada (Border Services Agency)*, 2010 FCA 61, [2011] 2 F.C.R. 332 — Applicant having already testified before ID, communicating details of his life, alleged involvement with foreign agencies — Not fundamentally unfair to applicant not to decide issue of his compellability at this stage of IAD's proceedings — Circumstances herein not warranting exception to general rule — Application dismissed.

WANG V. CANADA (PUBLIC SAFETY AND EMERGENCY PREPAREDNESS) (IMM-5055-16, 2017 FC 690, Roussel J., judgment dated July 17, 2017, 10 pp.)