

CITIZENSHIP AND IMMIGRATION

JUDICIAL REVIEW

Judicial review of Canada Border Services Agency (CBSA) refusal to give written assurances that applicant would be readmitted to Canada should U.S. authorities bring him to border — Applicant, Albanian, claiming asylum in Canada — Later entering U.S. at non-official port of entry — Pleading guilty to illegal entry — Wishing to return to Canada to continue claim for asylum — U.S. authorities prepared to do so only if Canadian authorities giving indication that they would allow applicant to enter Canada — CBSA determining applicant not having right of entry pursuant to *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (Act), s. 19 — Not in position to put in writing that applicant will be accepted back — CBSA's refusal to give assurances about applicant's re-admittance not reviewable decision — *Immigration and Refugee Protection Regulations*, SOR/2002-227 (Regulations), s. 39 providing that officer shall allow entry to persons returned to Canada as a result of a refusal of another country to allow them entry after they were removed from or otherwise left Canada after removal order made against them — Regulations, s. 39 not affording applicant right of entry herein because there was no enforceable removal order against him when he left Canada — Applicant's departure voluntary — No reason to depart from decision in *Toronto Coalition to Stop the War v. Canada (Public Safety and Emergency Preparedness)*, 2010 FC 957, [2012] 1 F.C.R. 413 wherein Court holding that statements made by government officials as to manner in which discretion afforded by Act, s. 18 would be exercised with respect to given individual not constituting decision amenable to judicial review — Applicant's application for judicial review akin to *mandamus* — Legislation not imposing on CBSA public duty to provide assurances of admittance to Canada — Application dismissed.

HIRAJ V. CANADA (PUBLIC SAFETY AND EMERGENCY PREPAREDNESS) (IMM-2237-18, 2019 FC 260, Grammond J., judgment dated March 1, 2019, 10 pp.)