

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2024 CHRT 134

Date: December 10, 2024

File No.: T2511/6820, T2512/6920, T2661/3721, T2667/4321

Between:

Ali Haddadnia et al.

Complainants

- and -

Canadian Human Rights Commission

Commission

- and -

**Immigration, Refugees and Citizenship Canada, Public Safety Canada, Canada
Border Services Agency and Canadian Security Intelligence Service**

Respondents

Decision

Member: Jennifer Khurana

I. OVERVIEW

[1] Milad Irannejad filed four complaints on behalf of a group of individuals. The Commission referred the complaints to the Tribunal, each of which involve over 40 complainants. In broad terms, the Complainants, who are all Iranian nationals, allege that Immigration, Refugees and Citizenship Canada (IRCC), Public Safety Canada (PSC), Canada Border Services Agency (CBSA) and the Canadian Security Intelligence Service (CSIS), the Respondents, discriminated against them on the basis of national or ethnic origin in the delayed processing of their applications for permanent resident status, visas, or citizenship applications.

[2] The Canadian Human Rights Commission (the “Commission”) referred the four groups of complaints against the four Respondents to the Tribunal. These four complaints are not joined or consolidated, but this ruling is identical for all four.

[3] The following complainants have failed to meet Tribunal deadlines to proceed with their complaint:

1. Azam Bahrehdar
2. Farid Anooshehpour
3. Mahmood Edalatmanesh
4. Maryam Ghaedi
5. Milad Irannejad
6. Milad Khazraee
7. Mohammadreza Azad
8. Parinaz Khayeri
9. Razieh Annabestani
10. Reyhane Askari Hemmat
11. Shervin Milani Kia
12. Siavosh Moghaddamzadeh
13. Soheil Azimi
14. Vahid Sabri
15. Yashar Balazadegan Sarvrood
16. Zeinab Joudaki

[4] Since May of 2024, the Tribunal has attempted to contact the complainants mentioned above several times, but they have not responded to any of the Tribunal’s communications.

[5] In addition to the 16 complainants listed in paragraph [3] above, the following five complainants have failed to comply with the Tribunal's Rules to advance their cases in our process:

1. Leili Rohanisarvestani
2. Zahra Farahnak
3. Sina Doroudgar
4. Mina Kaviani
5. Maya Aaram

[6] Two complainants, Leili Rohanisarvestani and Zahra Farahnak, have since responded. I am not dismissing their complaints as abandoned at this time. I am referring to all other complainants collectively in these reasons as the "Unresponsive Complainants".

[7] The Tribunal asked the Respondents as well as the Canadian Human Rights Commission (the "Commission") for submissions on how to proceed in light of the Unresponsive Complainants' failure to participate in their complaints. The Respondents argue that the Tribunal should dismiss the parts of the group complaints involving all of the complainants listed in paragraphs [3] and [5] because they have failed to pursue their complaints, have not respected the *Canadian Human Rights Tribunal's Rules of Procedure, 2021* SOR/2021-137 (the "Rules of Procedure"), have not met any deadlines and have not responded to the Tribunal's numerous attempts at contact.

[8] The Commission did not make any submissions.

II. DECISION

[9] The complaints involving the Unresponsive Complainants are dismissed as abandoned, with the exception on Zahra Farahnak and Leili Rohanisarvestani, who recently responded to the Tribunal's communications. The remaining 18 Complainants will continue in our process as part of the four group complaints. The Unresponsive Complainants have not participated in the complaint process, and they have not responded to any of the Tribunal's communications to advance their complaints.

III. ANALYSIS

[10] The Tribunal must conduct proceedings as informally and expeditiously as the requirements of natural justice and the rules of procedure allow (s.48.9(1) of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6). The Tribunal's Rules of Procedure are to be interpreted and applied to secure the informal, expeditious and fair determination of every inquiry on its merits.

[11] Administrative tribunals are masters in their own house. The Tribunal can dismiss a complaint if a party does not comply with its Rules (Rule 9) and can make any order it considers necessary against vexatious conduct or abuse of process (Rule 10).

[12] It is the complainants' responsibility to advance their file and to provide their contact information (*Towedo v Correctional Service Canada*, 2024 CHRT 6 at paras 4–5; *Mohamed v Royal Bank of Canada*, 2024 CHRT 84 at para 11). The other parties are also entitled to have their complaints addressed in a timely way (*Rivard v. Nak'azdli Whut'en First Nation*, 2021 CHRT 21 at para 39). Failing to appear or to otherwise participate in the process can result in a complaint being dismissed as abandoned (*Sewap v. Correctional Service Canada*, 2024 CHRT 97).

[13] On April 19, 2024, the Tribunal issued a ruling dismissing the Respondents' request to stay the complaint proceedings until the resolution of all issues before the Federal Court (*Milad Irannejad et al. v. Immigration, Refugees and Citizenship Canada, Public Safety Canada, Canada Border Services Agency and Canadian Security Intelligence Service*, 2024 CHRT 23). Following the ruling, on May 14, 2024, the Tribunal emailed a letter setting deadlines for the Commission's disclosure and for the complainants to provide their Statements of Particulars (SOPs), disclosure and witness lists. On June 20, 2024, the Tribunal granted an extension for all complainants to file their SOPs until August 14, 2024.

[14] The Tribunal could not contact the complainants by telephone as the Commission only provided email addresses for the individual complainants. With the exception of Shervin Milani Kia, none of the emails were returned as undeliverable. The Tribunal asked the Commission for any other contact information for the Unresponsive Complainants but it did not provide anything further.

[15] The Tribunal also asked the five individuals who advised they were representing the group for the purposes of case management (Keivan Monfared, Amin Jafari Sojahrood, Mahdi Zamani, Alireza Mansouri and Mahdi Yousefi Koopaei) to provide alternative contact information or to contact the Unresponsive Complainants as they said they were representing the interests of complainants who had not yet filed SOPs. The representatives did not have any other way of contacting the Unresponsive Complainants and did not provide any contact information to the Tribunal.

[16] On August 20, 2024 the Tribunal sent reminders by email to all complainants and directed that SOPs be filed without delay. The Tribunal also invited all parties to participate in a case management conference call (CMCC) in this matter, but the Unresponsive Complainants did not call in. On October 23, 2024 the Tribunal sent a letter by email to the Unresponsive Complainants setting out the final deadline of November 1, 2024 to confirm their intention to proceed with their complaints. The Tribunal also asked the Unresponsive Complainants to explain why they did not file their SOPs and advised that the Tribunal would ask the other parties for their position on whether the Tribunal should accept the late SOPs for filing. It also warned that if they did not respond, the Tribunal would determine whether to dismiss the complaints as abandoned after hearing from the other parties.

[17] On November 4, 2024, the Tribunal wrote to the parties, noting that despite repeated efforts to contact the complainants listed in paragraph [3] since May 2024, it had not received a response. In the absence of any participation by those complainants or any other means of contacting them, the Tribunal asked the other parties for their position on the possible dismissal of the files as abandoned.

[18] On December 3, 2024, the Tribunal asked the Respondents for submissions on how to proceed with respect to the five additional complainants listed in paragraph [5] above. The Respondents want the complaints to be dismissed and excluded from these group proceedings in light of the complainants' failure to comply with the Tribunal's directions and to file SOPs, disclosure and witness lists, as required.

[19] With the exception of Leili Rohanisarvestani and Zahra Farahnak, I find that all of the complainants listed in paragraphs [3] and [6] above have failed to participate in the Tribunal's

process. Despite being consistently directed to file their SOP and given multiple attempts to participate in the Tribunal's process, they have not complied with the Tribunal's directions and their obligations under the Rules.

[20] Since the Tribunal asked the parties for submissions on the possible dismissal of their complaints, Leili Rohanisarvestani and Zahra Farahnak have responded. Zahra Farahnak appears to have resubmitted a previous communication that outlines some of her allegations, but her submission does not comply with the Tribunal's Rules. For example, Ms. Farahnak has not set out the remedies she is seeking or provided a witness list or summary of her intended evidence. Leili Rohanisarvestani responded on December 10, 2024, indicating she would "work on this" on December 13, 2024. The Tribunal will determine how to proceed with respect to Zahra Farahnak and Leili Rohanisarvestani but I am not prepared to dismiss their complaints as abandoned at this time as they have responded to the Tribunal's latest communications and appear to want to move their complaints forward.

[21] The Tribunal has tried to reach the Unresponsive Complainants by every means available using the contact information the Commission provided. The Tribunal also warned the Unresponsive Complainants that their complaints could be dismissed if they failed to respond.

[22] I accept the Respondents' submission that the Unresponsive Complainants have, without explanation, failed to respond to the Tribunal's numerous attempts to communicate with them and have not complied with their obligations under Rule 18 of the Tribunal's Rules of Procedure. I have not been presented with information about any challenges or personal circumstances faced by the Unresponsive Complainants to explain their lack of participation in the process such that it would be unfair to dismiss their portion of the complaints. It is also up to the parties to provide updated contact information.

[23] In the absence of any indication from the Unresponsive Complainants that they wish to proceed with their complaint, I find they have abandoned their complaints and am dismissing their portions of the group complaints.

IV. REPRESENTATION

[24] None of the Complainants are represented by counsel. The representatives listed in para [15] advised the Tribunal that they do not represent the group but would act on its behalf until Statements of Particulars (SOPs) are filed. The Tribunal has no record of any authorisation or confirmation that a complainant has asked anyone to act on their behalf.

[25] As the deadline to file SOPs has passed, and I am dismissing the complaints of all those individuals who abandoned the complaint process, the representatives' involvement in these complaints has come to an end.

[26] If any of the Complainants involved in these proceedings retain counsel or wish to authorize an individual to act on their behalf, they must send a confirmation of this in writing to the Tribunal. Going forward, the Tribunal will not be including the representatives on its communications regarding the group complaints.

V. CONSOLIDATION

[27] The four group complaints have not been consolidated. Although I am issuing one ruling that applies to the 19 Complainants whose names will be struck from all four complaints, these are still four separate complaints, one against each of the Respondents. The Tribunal will hear from the parties before deciding whether the four complaints should proceed together.

VI. ORDER

[28] The following individuals' complaints are dismissed as abandoned:

1. Azam Bahrehdar
2. Farid Anooshehpour
3. Mahmood Edalatmanesh
4. Maryam Ghaedi
5. Milad Irannejad
6. Milad Khazraee
7. Mohammadreza Azad
8. Parinaz Khayeri

9. Razieh Annabestani
10. Reyhane Askari Hemmat
11. Shervin Milani Kia
12. Siavosh Moghaddamzadeh
13. Soheil Azimi
14. Vahid Sabri
15. Yashar Balazadegan Sarvrood
16. Zeinab Joudaki
17. Sina Doroudgar
18. Mina Kaviani
19. Maya Aaram

[29] The Registry will send a letter to the Unresponsive Complainants, confirming that their names have been removed from these group complaints and struck from the lists that the Commission referred as part of these proceedings. Their complaints will not proceed as part of these four complaints.

[30] As Milad Irannejad's complaint is dismissed, the style of cause of these group complaints will be amended to include the complainant who is next listed in the appendix of names in these complaints, namely Ali Haddadnia et al. v. Immigration, Refugees and Citizenship Canada, Ali Haddadnia et al. v. Public Safety Canada, Ali Haddadnia et al. v. Canada Border Services Agency and Ali Haddadnia et al. v. Canadian Security Intelligence Service. The remaining complainants' files will continue in the Tribunal's process as part of these proceedings.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, Ontario
December 10, 2024

Canadian Human Rights Tribunal

Parties of Record

File No.: T2511/6820, T2512/6920, T2661/3721, T2667/4321

Style of Cause:

Ali Haddadnia et al. v. Immigration, Refugees and Citizenship Canada

Ali Haddadnia et al. v. Public Safety Canada

Ali Haddadnia et al. v. Canada Border Services Agency

Ali Haddadnia et al. v. Canadian Security Intelligence Service

Decision of the Tribunal Dated: December 10, 2024

Written representations by:

J. Sanderson Graham, Helen Gray, Jennifer Francis and Clare Gover, for the Respondents