

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 3

Date: January 9, 2025

File Nos.: 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 involved 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] Leili Rohanisarvestani, one of the listed complainants, has consistently failed to meet Tribunal deadlines to proceed with her complaint. Since May of 2024, the Tribunal has attempted to contact Ms. Rohanisarvestani several times, but she has not complied with the Tribunal’s Rules or advanced her complaint. In *Haddadnia et al. v. Immigration, Refugees and Citizenship Canada, Public Safety Canada, Canada Border Services Agency, Canadian Security Intelligence Service*, 2024 CHRT 134, I dismissed 16 complainants’ portions of the group proceedings as abandoned. I did not dismiss Ms. Rohanisarvestani’s complaint at that time because she had contacted the Tribunal on December 10, 2024 and said that she would complete her SOP as required by December 13, 2024.

[4] Ms. Rohanisarvestani did not follow up as in December, or otherwise comply with the Tribunal’s repeated directions.

[5] On January 7, 2025, the Tribunal asked the parties for submissions on how to proceed in light of Ms. Rohanisarvestani’s failure to participate in her complaint. The Respondents argue that the Tribunal should dismiss her part of the group complaints because Ms. Rohanisarvestani has failed to pursue her complaint, has not respected the *Canadian Human Rights Tribunal’s Rules of Procedure*, 2021 SOR/2021-137 (the “Rules of

Procedure”), has not met any deadlines and has not responded to the Tribunal’s numerous attempts at contact, including what amounted to a final warning.

[6] The other parties did not make any submissions.

II. DECISION

[7] Leili Rohanisarverstani’s part of these complaints is dismissed. She has not participated in the complaint process and has failed to advance her complaint.

III. ANALYSIS

[8] 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. 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).

[9] 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 para11). 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).

[10] 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 (*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.

[11] 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 Ms. Rohanisarvestani did not call in. On October 23, 2024 the Tribunal sent a letter to Ms. Rohanisarvestani, setting out the final deadline of November 1, 2024 to confirm her intention to proceed with her complaint. The Tribunal also asked her to explain why she did not file her SOP 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 she did not respond, the Tribunal would determine whether to dismiss the complaint as abandoned after hearing from the other parties.

[12] On December 3, 2024, the Tribunal asked the Respondents for submissions on how to proceed in light of Ms. Rohanisarvestani's failure to respond. The Respondents asked for her complaint to be dismissed and excluded from these group proceedings in light of her failure to comply with the Tribunal's directions. Ms. Rohanisarvestani responded only to the Tribunal on December 4, 2024 and wrote that she had "back-to-back deadlines until December 18th, but I will review after that".

[13] The Tribunal responded to Ms. Rohanisarvestani on December 5, 2024, recalling that all communications must be sent to all other parties. It also noted by filing a complaint, she had commenced legal proceedings. It advised that if she was asking for a further extension to file her SOP, disclosure and witness list, she would have to request one, copy the other parties, and motivate her request, following which the Tribunal determine how to proceed. It again warned that failing to participate in the complaint process could result in the dismissal of her complaint.

[14] On December 10, 2024, the Tribunal wrote to Ms. Rohanisarvestani and advised that the Respondents had filed submissions seeking the dismissal of her complaint as abandoned. It warned that in the absence of a confirmation of her intention to proceed or a

response as directed, the Tribunal would decide whether to dismiss her complaint as abandoned.

[15] Ms. Rohanisarvestani responded on December 10, 2024, indicating she would “work on this” by December 13, 2024. But Ms. Rohanisarvestani did not file her SOP in December as she had indicated, or otherwise communicate with the Tribunal.

[16] I find that Leili Rohanisarvestani has failed to participate in the Tribunal’s process. Despite being consistently directed to file her SOP and given multiple opportunities to participate in the Tribunal’s process, she has not complied with the Tribunal’s directions and her obligations under the Rules. I am satisfied that Ms. Rohanisarvestani received the Tribunal’s communications, as she responded from the same email address in December. Further, as the Respondents argue, while Ms. Rohanisarvestani contacted the Tribunal twice in the past 8 months, this does not demonstrate that she is serious about moving her complaint forward. Her SOP remains outstanding, and she has disregarded her obligations as a party to these proceedings. The other parties are entitled to finality and to move forward, one way or the other.

IV. ORDER

[17] Ms. Rohanisarvestani’s complaint is dismissed as abandoned. The Registry will send a letter to Ms. Rohanisarvestani, confirming that her name has been removed from these group complaints and struck from the lists that the Commission referred as part of these proceedings.

[18] The remaining complainants’ files will continue in the Tribunal’s process as part of these proceedings.

Signed by

Jennifer Khurana
Tribunal Member

Ottawa, Ontario
January 9, 2025

Canadian Human Rights Tribunal

Parties of Record

Tribunal Files: 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: January 9, 2025

Written representations by:

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