

**Canadian Human  
Rights Tribunal**



**Tribunal canadien  
des droits de la personne**

**Citation:** 2025 CHRT 44

**Date:** May 21, 2025

**File Nos.:** T2511/6820, T2512/6920, T2661/3721, T2667/4321

**Between:**

**Amirmohammad Mobasseri 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:** Jo-Anne Pickel

## **I. OVERVIEW**

[1] These are my reasons for dismissing the complaints listed below.

[2] The Complainants listed below were part of a group of approximately 40 individuals who filed complaints with the Canadian Human Rights Commission (the “Commission”) in or around 2018 (the “group complaints”). In broad terms, the Complainants are all Iranian nationals, who allege that Immigration, Refugees and Citizenship Canada, Public Safety Canada (IRCC), Canada Border Services Agency and the Canadian Security Intelligence Service, 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. In addition to the group complaints, over 50 individuals filed their own complaints (the “individual complaints”) against IRCC, making the same allegations raised in the group complaints.

[3] As detailed below, the Tribunal provided all Complainants with multiple chances to repair deficiencies in their Statement of Particulars (SOPs). The following Complainants have failed to do so:

1. Mujtaba Eslami
2. Zahra Farahnak
3. Ali Haddadnia
4. Sarah Tahereh Khosravi
5. Mohammad Kianpour
6. Pooyan Naghsh
7. Tina Bastani Nejad
8. Hassan Sadeghi Yamchi

[4] For ease of reference, I refer to these Complainants collectively as the “Unresponsive Complainants”. The Respondents have brought a motion requesting the dismissal of the complaints filed by the Unresponsive Complainants.

## II. DECISION

[5] The complaints filed by the Unresponsive Complainants are dismissed. The Unresponsive Complainants have failed to comply with the Tribunal's ruling, directions and the *Canadian Human Rights Tribunal Rules of Procedure, 2021* (the "Rules of Procedure") without any explanation. In addition, there is no basis on which to believe that they have the intention to move their cases forward by repairing their deficient SOPs.

## III. ISSUES

[6] This decision addresses the following issue: whether the failure by the Unresponsive Complainants to comply with the Tribunal's ruling, directions and Rules of Procedure warrants the dismissal of their complaints.

## IV. ANALYSIS

### A. Multiple opportunities provided to repair deficiencies in SOPs

[7] These complaints have a long history which is described in a previous decision of the Tribunal: *Irannejad et al. v. Immigration, Refugees and Citizenship Canada, Public Safety Canada, Canada Border Services Agency and Canadian Security Intelligence Service*, 2024 CHRT 23. As described in that decision, the Tribunal initially placed the complaints on hold pending the outcome of a review by the National Security Intelligence and Review Agency (NSIRA). The Tribunal took the complaints out of abeyance in April 2024 following the completion of the NSIRA review. The Tribunal initially set June 19, 2024, as the deadline for the Complainants to file an SOP. The Tribunal extended this deadline to August 14, 2024, on consent of the parties.

[8] On August 30, 2024, the Tribunal sent an email to the Complainants who missed the August 14, 2024 deadline asking them to file their SOPs without further delay. The Unresponsive Complainants filed their original SOPs between August and November 2024.

[9] In a case management conference call held with group Complainants in October, 2024, the Tribunal Chair, who was previously assigned to the complaints, noted that many Complainants had not filed their SOPs. In the call, the Respondents took the position that the SOPs that had been filed were deficient to the point of not complying with the Rules of Procedure. The Chair explained to the Complainants the information that had to be included in their SOPs. She provided the Complainants with an extension until November 1, 2024, to repair the deficiencies in their SOPs. She did so to avoid the potential delay that would be caused by having to address a formal motion from the Respondents on the issue.

[10] The Tribunal dismissed complaints filed by 19 other Complainants as abandoned in December 2024: *Haddadnia et al. v. Immigration, Refugees and Citizenship Canada, Public Safety Canada, Canada Border Services Agency, Canadian Security Intelligence Service*, 2024 CHRT 134.

[11] In January 2025, I directed the Respondents to forward to the Tribunal a list of the alleged deficiencies for each of the SOPs that, in the Respondents' view, did not comply with the Rules of Procedure. After reviewing the Complainants' SOPs and the Respondents' list of alleged deficiencies, I issued rulings to Complainants with deficient SOPs. The rulings specifically identified the portions of the SOPs that were deficient and explained why they were deficient. I clearly listed the information that the Complainants needed to provide to repair their deficient SOPs. I provided the Complainants until March 3, 2025, to repair the deficiencies in their SOPs.

[12] The Unresponsive Complainants did not respond to my February 13, 2025 ruling, and the time for doing so has long passed. In a case management conference call with the parties on March 25, 2025, the Respondents indicated that they would seek the dismissal of any complaints for which the Complainants who failed to reply to my February 13, 2025 ruling to repair deficient SOPs. I directed the Respondents to file their motions by April 1, 2025 and I set April 15, 2025 as the deadline for Unresponsive Complainants to file their response to the motion. After the Respondents filed their motions on April 1, 2025, I sent an email to all affected Complainants to remind them that the deadline for their response to the motions was April 15, 2025. None of the Unresponsive Complainants responded to the Respondents' motion. In addition, I have not been presented with information about any

challenges or personal circumstances faced by any of them to explain their lack of response to my February 13, 2025, ruling or the Respondents' motion to dismiss.

## **B. Legal principles and their application**

[13] The opportunity for an individual to make a claim of discrimination to a publicly funded human rights tribunal is of great significance. However, this opportunity comes with the obligation to follow the Tribunal's process and to comply with its rulings, directions and Rules of Procedure. The Tribunal's process is less formal than that of a court and aims to enhance access, including for parties who may be self-represented. However, this informality should not be interpreted to mean that parties may take a casual attitude towards complying with Tribunal rulings or directions. There may be circumstances which justify a party's failure to comply with a Tribunal ruling or direction. However, a complainant who does not respond to a Tribunal ruling or direction, without valid reason, risks having their complaint dismissed (see Rule 9 of the Rules of Procedure; see also *Ouwroulis v. New Locomotion*, 2009 HRTO 335 at paras 4–7).

[14] 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; see also Rule 5 of the Rules of Procedure). It is a complainant's responsibility to advance their file and keep their contact information up to date (*Towedo v. Correctional Service Canada*, 2024 CHRT 6 at paras 4–5).

[15] Although the Respondents have framed their submissions around the issue of delay, I find that the key issue in their motion relates to the failure by the Unresponsive Complainants to comply with the Tribunal's February 13, 2025, ruling, its deadlines and directives, and Rules of Procedure.

[16] The Tribunal has applied a test called the *Seitz* test in cases where a motion has been brought under Rule 9 which addresses the consequences of non-compliance with the Rules of Procedure or the Tribunal's orders (see *Oleson v. Wagmatcook First Nation*, 2023 CHRT 3 applying the test developed in *Seitz v. Canada*, 2002 FCT 456 at paras 16–18). This test requires the Tribunal to consider whether (i) there has been wholesale disregard

for the Tribunal's time limits and Rules of Procedure; (ii) the case has remained static for an unreasonable length of time; and (iii) the complainant appears to have no intent to bring the case to a conclusion. In the absence of any counterarguments from the Unresponsive Complainants, I am prepared to find that the *Seitz* test is an appropriate one for determining whether their complaints should be dismissed.

[17] As noted above, the Tribunal provided the Complainants with several extensions to repair deficiencies in their SOPs, culminating in the Tribunal's February 13, 2025 ruling. None of the Unresponsive Complainants replied to the ruling, and none have responded to this motion to dismiss. I find that the actions by the Unresponsive Complainants are sufficient to amount to a wholesale disregard for the Tribunal's ruling, directions and Rules of Procedure. As detailed above, the Unresponsive complainants were provided several opportunities to repair the deficiencies in their SOPs and they failed to do so over the course of six to nine months, depending on the Complainant.

[18] I also agree with the Respondents that the complaints filed by the Unresponsive Complainants have remained static for an unreasonable period as the deficiencies in their SOPs have been left unaddressed for six to nine months. More importantly, there is no sign that any of the Unresponsive Complainants intend to move their case forward by repairing the deficiencies in their SOPs. Two other Complainants repaired the deficiencies in their SOPs after receiving the Respondents' motion to dismiss. I am not dismissing their complaints. By contrast, none of the Unresponsive Complainants took any steps to respond to the Respondents' motion or to repair the deficiencies in their SOPs after they received the motion to dismiss. In these circumstances, there is no sign that the Unresponsive Complainants intend to ever repair the deficiencies in their SOPs.

[19] I am keenly aware that many of the Complainants in these related cases have become frustrated by the significant period of time that has elapsed since they filed their complaints. However, that is not a valid reason to disregard Tribunal rulings and directions that are specifically being made to move the complaints forward as expeditiously as possible while also respecting procedural fairness for the Respondents.

## V. ORDER

[20] For the reasons set out above, the complaints filed by the following individuals are dismissed:

1. Mojtaba Eslami
2. Zahra Farahnak
3. Ali Haddadnia
4. Sarah Tahereh Khosravi
5. Mohammad Kianpour
6. Pooyan Naghsh
7. Tina Bastani Nejad
8. Hassan Sadeghi Yamchi

[21] 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 to as part of these proceedings. Their complaints will not proceed as part of the group complaints.

[22] As Ali Haddadnia's complaint is dismissed, the style of cause of the group complaints will be amended to refer to the name of the complainant who is next listed in the appendix of names in these complaints, namely Amirmohammad Mobasseri. Therefore, the styles of cause for the group complainants going forward will be *Mobasseri et al. v. Immigration, Refugees and Citizenship Canada*, *Mobasseri et al. v. Public Safety Canada*, *Mobasseri et al. v. Canada Border Services Agency*, and *Mobasseri 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*

Jo-Anne Pickel  
Tribunal Member

Ottawa, Ontario  
May 21, 2025

## **Canadian Human Rights Tribunal**

### **Parties of Record**

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

**Style of Cause:** Amirmohammad Mobasser et al. v. Immigration, Refugees and Citizenship Canada; Amirmohammad Mobasser et al. v. Public Safety Canada; Amirmohammad Mobasser et al. v. Canada Border Services Agency; Amirmohammad Mobasser et al. v. Canadian Security Intelligence Service

**Decision of the Tribunal Dated:** May 21, 2025

**Motion dealt with in writing without appearance of parties**

**Written representations by:**

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