

**Canadian Human
Rights Tribunal**



**Tribunal canadien
des droits de la personne**

Citation: 2025 CHRT 81

Date: August 21, 2025

File Nos.: T2563/12020 et al.

Between:

Amir Abdi 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

Ruling

Member: Jo-Anne Pickel

I. OVERVIEW

[1] The following are my reasons for placing these complaints into abeyance until September 22, 2025 and reviewing that status following the receipt of further information from the parties.

[2] The Complainants, who are all Iranian nationals, alleged that they were discriminated against on the basis of national or ethnic origin in the delayed processing of their applications for permanent resident status, visas, or citizenship. The Respondents to the complaints are Immigration, Refugees and Citizenship Canada, Public Safety Canada, Canada Border Services Agency and the Canadian Security Intelligence Service, which I refer to collectively as “the Respondents”.

[3] The Tribunal has set out some of the background to these complaints in *Irannejad et al. v. Immigration, Refugees and Citizenship Canada, Public Safety Canada, Canada Border Services Agency and Canadian Security Intelligence Service*, 2024 CHRT 23 [Irannejad].

[4] For present purposes, the key events in the chronology of these complaints are the following:

- The Complainants filed their complaints with the Canadian Human Rights Commission (Commission) in 2018.
- The Commission initially referred the complaints to the Tribunal at the end of 2020/beginning of 2021 (“first referral”).
- After the complaints were referred to the Tribunal, the Respondents raised national security concerns and asked that the Commission refer the complaints to the National Security and Intelligence Review Agency (NSIRA) under section 45(2)(b) of the *Canadian Human Rights Act*, R.S.C., 1985, c. H-6 (CHRA).

- The Commission granted the request and referred the complaints to NSIRA.
- On November 2, 2020, the Tribunal placed the complaints referred by the Commission in its first referral into abeyance until the completion of the NSIRA process.
- NSIRA communicated its report to the Commission on March 13, 2023.
- The Commission re-referred the complaints to the Tribunal in October 2023 (“second referral”).
- The Respondents commenced an application in Federal Court for judicial review of the NSIRA investigative report (T-427-23) and a separate application for judicial review of the Commission’s second referral (T-1351-24). The Complainants were named as parties to the judicial review of the Commission’s referral. However, they appear not to have been named as interested parties in the judicial review of the NSIRA report.
- The Federal Court placed the Respondents’ application for judicial review of the Commission’s second referral in abeyance until the completion of the application for judicial review of the NSIRA report.
- The Tribunal took the originally referred complaints from the first referral out of abeyance. It subsequently denied the Respondents’ request that the abeyance be continued until the resolutions of the judicial review applications: *Irannejad* at paras 42 and 48.

- In June 2025, the Federal Court rendered its decision in the Respondent's application for judicial review of the NSIRA report: *Canada (Attorney General) v. Canada (Human Rights Commission)*, 2025 FC 1137 [*Canada v. CHRC*]. In that decision, Justice Brown set aside the report and remanded the matter for determination by a different decision maker at NSIRA. Among other things, he found that the report was "fatally flawed", lacked thoroughness, and breached procedural fairness due to NSIRA's failure to provide the Respondents with a full and fair opportunity to make representations.
- The abeyance of the Respondents' application for judicial review of the Commission's second referral is over but the Federal Court does not appear to have taken any action in respect of the matter.

[5] By correspondence dated July 15, 2025, I asked the parties for their positions as to what should occur with these complaints in light of the above circumstances. Various Complainants responded to my correspondence. Those who did took the position that the Tribunal should proceed with its inquiry into the complaints. Meanwhile, both the Commission and the Respondents argued that the Tribunal should place the complaints into abeyance pending a fresh NSIRA report and a fresh Commission decision following receipt of that report.

II. ISSUE

[6] This ruling determines whether it is appropriate for the Tribunal to proceed with this inquiry at this time.

III. DECISION

[7] In my view, it is appropriate to place these complaints into abeyance until September 22, 2025 and to review that status based on further information regarding the status of (i) the Respondents' application for judicial review of the Commission's referral decision and (ii) the new NSIRA review.

IV. ANALYSIS

[8] I must start by acknowledging the very considerable time that has passed since the Complainants filed their complaints and the ongoing effects on them of the delay before this case can be resolved. However, I must determine the most appropriate next steps in light of the realities of this case including Justice Brown's decision in *Canada v. CHRC*.

[9] I agree with the Complainants that this Tribunal takes its jurisdiction from the Commission's referral decision, not any investigation report on which that decision is based: subsection 44(3), 49(1)-(2) of the CHRA. The Commission's referral in this case has not been set aside by the Federal Court, as the Respondents' application for judicial review of that decision remains pending. That said, I must take into account Justice Brown's decision that the NSIRA report on which the Commission's referral was based was fatally flawed and not thorough. I must also take into consideration caselaw that has found that a decision of the Commission may be set aside if it is based on a flawed investigation: see for e.g., *Slattery v. Canada (Human Rights Commission) (T.D.)*, 1994 CanLII 3463 (FC) cited by Justice Brown in his decision.

[10] At this stage, it appears that the Federal Court has yet to take any steps with respect to the Respondents' application for judicial review of the Commission's referral decision. Also, I have no information as to the status of NSIRA's review of these complaints following Justice Brown's decision.

[11] Taking all of the above into consideration, I find it appropriate to put these complaints temporarily into abeyance pending receipt of further information from the parties about (i) the status of the judicial review of the Commission's referral decision and (ii) the status for

the new NSIRA review. Pursuant to subsection 46(1) of the CHRA, NSIRA is required to provide its findings to all the parties no later than 90 days after the matter was referred to it unless the Commission extends the time for providing a report. In this case, the matter was referred back to NSIRA by virtue of Justice Brown's decision which is dated June 24, 2025. Ninety days from that date is September 22, 2025. Accordingly, I will place the complaints into abeyance until that date. I also make the directions below for the parties to provide me with an update on the status of (i) the Respondents' application for judicial review of the Commission's referral decision and (ii) the new NSIRA review.

V. STYLE OF CAUSE

[12] Some of these complaints were referred by the Commission as group complaints. However, they are all now separate complaints that the Tribunal has dealt with administratively together for the time being, as they are closely related to each other. For this reason, I am issuing one ruling that the Registry will send to all of the Complainants. In the style of cause, I have used the name of the Complainant whose last name appears first alphabetically.

VI. ORDERS

[13] The Tribunal orders the following:

- a. The complaints will be put into abeyance until **September 22, 2025**.
- b. **By September 22, 2025**, the parties must advise the Tribunal of the following:
 - i. The steps they have taken to have the Federal Court action the Respondent's application for judicial review of the Commission's referral decision and the status of that application including any hearing dates that have been set.

- ii. The status of NSIRA's new review of the complaints, including any extension requests.
- c. I acknowledge that one of the Complainants filed a request for the disclosure of information from the Respondents. In light of the above, I will address that request if and when the Tribunal proceeds with these complaints.

Signed by

Jo-Anne Pickel
Tribunal Member

Ottawa, Ontario
August 21, 2025

Canadian Human Rights Tribunal

Parties of Record

File Nos.: T2563/12020 et al.

Style of Cause: Amir Abdi et al. v. Immigration, Refugees and Citizenship Canada, Public Safety Canada, Canada Border Services Agency and Canadian Security Intelligence Service

Ruling of the Tribunal Dated: August 21, 2025

Motion dealt with in writing without appearance of parties

Written representations by:

Amir Abdi, Bahman Fathi Ajirloo, Hamid Arabzadeh, Ramtin Ardeshiri, Amin BadriAhari, Mitra Bahri, Sadegh Ekrami, Ashkan Entezari Heravi, Hamid Khaleghi, Leila Kamalabyaneh, Alireza Mansouri, Keivan Monfared, Seyedmehdi Mousavidehaghani, Samira Osati, Pouyan Zamani, SeyedMohammadMahdi Zamani and Zahra Zanganeh, Self-represented Complainants

Christine Singh and Sarah Chênevert-Beaudoin, for the Canadian Human Rights Commission

J. Sanderson Graham, Helen Gray, Jennifer Francis, Clare Gover, Nicole Jedlinski and Maryse Piché Bénard, for the Respondents