

**FEDERAL COURT**

B E T W E E N:

**SAIMA ASRAR MOHAMMAD, ASRAR MUHAMMAD, NAJAM UL-NISA  
MOHAMMAD, MARIA ASRAR MOHAMMAD, SUHAIB ASRAR MOHAMMAD,  
ZUHAIR ASRAR MUHAMMAD, MAIMONA ASRAR, MOHAMMAD, MARWA ASRAR  
MOHAMMAD**

Applicants

-and-

**MINISTER OF CITIZENSHIP AND IMMIGRATION**

Respondent

---

**APPLICATION FOR LEAVE AND JUDICIAL REVIEW**

---

TO THE RESPONDENT(S)

AN APPLICATION FOR LEAVE TO COMMENCE AN APPLICATION FOR JUDICIAL REVIEW has been commenced by the applicant(s) under

SUBSECTION 22.1(1) OF *THE CITIZENSHIP ACT*.

UNLESS A JUDGE OTHERWISE DIRECTS, THIS APPLICATION FOR LEAVE will be disposed of without personal appearance by the parties, in accordance with paragraph 22.1(2)(c) of the *Citizenship Act* or paragraph 72(2)(d) of the *Immigration and Refugee Protection Act*, as the case may be.

IF YOU WISH TO OPPOSE THIS APPLICATION FOR LEAVE, you or a solicitor authorized to practise in Canada and acting for you must prepare a Notice of Appearance in Form IR-2 prescribed by the *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, serve it on the tribunal and each applicant's solicitor or, in the case where an applicant does not have a solicitor, serve it on the applicant, and file it, with proof after service, in the Registry, within 10 days after the day on which this application for leave is served.

IF YOU FAIL TO DO SO, the Court may dispose of this application for leave and, if the leave is granted, of the subsequent application for judicial review without further notice to you.

**Note:** Copies of the relevant Rules of Court, information on the local office of the Court and other necessary information may be obtained from any local office of the Federal Court or the Registry in Ottawa (telephone: 613-992-4238).

**The applicants seek leave of the Court to commence an application for judicial review of:**

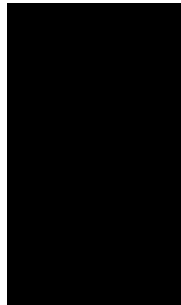
The Minister of Citizenship and Immigration's refusal to render a decision on the Applicants' application for citizenship, under s. 5 of the *Citizenship Act*, which Immigration, Refugees and Citizenship Canada, as it now is, ("IRCC") received on or about December 5, 2005. This refusal is ongoing, so there is no specific date upon which the applicants became aware of the matter.

The application is being handled by the Toronto (Scarborough) IRCC office at the following address:

325 Milner Avenue, Suite 200  
Scarborough ON M1B 5N1

The Applicants' permanent resident ID numbers are

Asrar Muhammad:  
Najam ul-Nisa Mohammad:  
Saima Asrar Mohammad:  
Maria Asrar Mohammad:  
Suhaib Asrar Mohammad:  
Zuhair Asrar Muhammad:  
Maimona Asrar Mohammad:  
Marwa Asrar Mohammad:



The application for leave was prepared by:

**HAMEED LAW**  
Barristers & Solicitors  
43 Florence Street  
Ottawa, Ontario, K2P 0W6

**Nicholas Pope**  
Tel: 613-656-6917  
Fax: 613-232-2680  
Email: npope@hameedlaw.ca

The applicants' electronic address for the service of documents is:

npope@hameedlaw.ca

**If the application for leave is granted, the applicants seek the following relief by way of a judicial review:**

- a) An order pursuant to section 18.1 of the *Federal Courts Act* compelling the Minister of Citizenship and Immigration (“**Minister**”) to immediately grant citizenship to Marwa Asrar Mohammad, Maimona Asrar Mohammad, Zuhair Asrar Muhammad, and Suhaib Asrar Mohammad (“**Minor Applicants**”);
- b) An order pursuant to section 18.1 of the *Federal Courts Act* compelling the Minister to immediately invite Maria Asrar Mohammad, Saima Asrar Mohammad, Najam ul-Nisa Mohammad, and Asrar Muhammad (“**Adult Applicants**”) to take the citizenship test, and upon each Adult Applicant’s passing of the citizenship test, to immediately invite said Adult Applicant to meet with a citizenship official for an interview, and upon each Adult Applicant’s passing of the interview, to immediately grant said Adult Applicant citizenship;
- c) The costs of this application; and
- d) Such further and other relief as counsel may request and this Honourable Court may permit.

**If the application for leave is granted, the application for judicial review is to be based on the following grounds:**

1. The Minister has a public legal duty
  - a. to render a decision under s. 5(1) of the *Citizenship Act*, RSC 1985, c C-29 (“**Citizenship Act**”); and
  - b. to grant citizenship to anyone who meets the criteria set out in s. 5(1)(a)-(f) of the *Citizenship Act*.
2. The duty is owed to the Applicants, as persons who made an application for citizenship under s. 5 of the *Citizenship Act*.
3. There is a clear right to the performance of the duty, in particular,

- a. The Applicants have satisfied all conditions precedent giving rise to the duty since
  - i. They submitted an application for citizenship on December 5, 2005,
  - ii. They are permanent residents and have no unfulfilled conditions relating to their status as permanent residents,
  - iii. They have been physically present in Canada for at least 1,095 days during the five years immediately before the date of their application,
  - iv. They have met all requirements under the *Income Tax Act* to file a return of income in respect of three taxation years that are fully or partially within the five years immediately before the date of their application,
  - v. The Minor Applicants were less than 18 years of age at the date of their application,
  - vi. The Adult Applicants were more than 18 years of age and less than 55 years of age at the date of their application,
  - vii. The Adult Applicants have an adequate knowledge of one of the official languages of Canada, namely English,
  - viii. The Adult Applicants have adequate knowledge of Canada and of the responsibilities and privileges of citizenship and are prepared to demonstrate this knowledge in English by passing the citizenship test as soon as the Minister invites them to do so,
  - ix. They are not under any removal order or the subject of a declaration by the Governor in Council made pursuant to section 20 of the *Citizenship Act*,
- b. The Applicants made a demand for the performance of the duty by way of

submitting their application on December 5, 2005. They made additional demands for the performance of the duty in subsequent communications with IRCC and the Minister, including on October 24, 2013, January 26, 2018, February 16, 2021, and March 1, 2021;

- c. The Applicants provided a reasonable time of more than 201 months (more than 16 years) to comply with the demand. This is more than reasonable since according to the Minister's website, the processing time for citizenship applications, from the day the application is received to the date when a decision is made, is 26 months;
  - d. A subsequent refusal is implied by the unreasonable delay;
4. No other adequate remedy is available to the Applicants;
  5. The order sought will have the practical value and effect of compelling the Minister to render a decision on the matter, which will afford the Applicants the rights, powers, and privileges of citizens of Canada;
  6. There is no equitable bar to the relief sought;
  7. The balance of convenience favours granting *mandamus* since no harm is caused by a decision being rendered immediately and the Applicants are deprived of their rights, powers, and privileges as citizens each day that a decision is not rendered.
  8. Sections 5, 22.1 and 22.2 of the *Citizenship Act*, RSC 1985, c C-29;
  9. Sections 18 and 18.1 of the *Federal Courts Act*, RSC 1985, c F-7;

The applicants have not received written reasons from the tribunal.

If the application for leave is granted, the applicants propose that the application for judicial review be heard at Ottawa in the English language.

September 28, 2022



---

**HAMEED LAW**  
Barristers & Solicitors  
43 Florence Street  
Ottawa, Ontario, K2P 0W6

**Nicholas Pope**  
Tel: 613-656-6917  
Fax: 613-232-2680  
Email: npope@hameedlaw.ca

**Lawyer for the Applicants,  
SAIMA ASRAR MOHAMMAD et al**

TO: A. François Daigle  
Deputy Attorney General of Canada  
Department of Justice Canada  
Civil Litigation Section  
50 O'Connor, Suite 500  
Ottawa, Ontario, K1A 0H8