

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000660-130

DATE: March 18th, 2019

PRESIDING: THE HONOURABLE PEPITA G. CAPRIOLO, J.S.C.

RAHIM

- and -

SYED MUHAMMAD ALI RIZVI

Plaintiffs

v.

**THE MINISTER OF IMMIGRATION, DIVERSITY AND INCLUSION AND THE
GOVERNMENT OF QUÉBEC, REPRESENTED BY THE ATTORNEY GENERAL OF
QUÉBEC**

Defendant

JUDGMENT

- [1] **CONSIDERING** that on February 19, 2018, the Court authorized a class action against the Minister of Immigration, Diversity and Inclusion (the "**Minister**") and the Government of Québec, represented by the Attorney General of Quebec (collectively, the "**Defendants**") for the following class of persons (the "**Authorization Judgment**"):



Group 1: *All individuals who filed an application with the Ministère de l'Immigration et des Communautés culturelles du Québec for a selection certificate in the "skilled worker" category prior to July 8, 2013; whose application had not reached the preliminary processing stage as of August 1, 2013; whose application included form A-1520-AA or A-1520-AF containing the phrase "Your application for a selection certificate will be processed based on regulations in effect when it was submitted" or similar language; and whose application, as at the date of final judgment herein, has been refused by the Minister because, due to the retroactive application of the August 1, 2013 amendments to immigration regulations, the individuals no longer accumulated enough points to pass preliminary processing or to be selected;*

Group 2: *All individuals who filed an application with the Ministère de l'Immigration et des Communautés culturelles du Québec for a selection certificate in the "skilled worker" category prior to July 8, 2013, whose application had not reached the preliminary processing stage as of August 1, 2013; and whose application, as at the date of final judgment herein, has been refused by the Minister because, due to the retroactive application of the August 1, 2013 amendments to immigration regulations, the individuals no longer cumulated enough points to pass preliminary processing or to be selected;*

Group 3: *All individuals who filed an application with the Ministère de l'Immigration, Diversité et Inclusion Québec for a selection certificate in the "skilled worker" category, whose application had not reached the preliminary processing stage as of March 8, 2017, and whose application, as at the date of final judgment herein, has been refused by the Minister because, due to the retroactive application of the March 8, 2017 amendments to the immigration regulations, the individuals no longer cumulated enough points to pass preliminary processing or to be selected;*

(collectively, "**Class Members**" or the "**Class**");

- [2] **CONSIDERING** that on September 26, 2018, the Court authorized a timetable for subsequent proceedings and fixed a ten-day trial scheduled to begin on March 18, 2019;
- [3] **CONSIDERING** that the Plaintiffs allege that the Defendants were unjustly enriched, committed a fault, and acted in bad faith by refusing to offer to reimburse the Application Fees of Class Members whose applications for Certificates of Selection for Quebec were doomed to failure as a result of the application of amendments to the *Regulation respecting the weighting applicable to the selection of foreign nationals*, CQLR c. I-0.2, r. 2 (the "**Weighting Regulation**");

- [4] **CONSIDERING** the Settlement Agreement agreed to between the parties, without concession or admission of wrongdoing or liability by the Defendants, **Exhibit R-1**;
- [5] **CONSIDERING** the *Joint Application for Approval of a Notice to Class Members*;
- [6] **CONSIDERING** the Pre-Approval Notice to Class Members provided to this Court, **Exhibit R-2**;
- [7] **CONSIDERING** Articles 581 and 590 of the *Code of Civil Procedure*;
- [8] **CONSIDERING** the representations made by the Parties;

FOR THOSE REASONS, THE COURT:

GRANTS the *Joint Application for Approval of Notice to Class Members*;

SETS the hearing date for the application for approval of the Settlement Agreement on June 19, 2019 at 9:30 A.M. in a room to be determined;

APPROVES the form and content of the Pre-Approval Notice to Class Members, in its French and English versions (Annex A of this judgment);

ORDERS that the Pre-Approval Notice in the form found in Annex A of this judgment be posted on the Immigration Quebec website until the Court approves the Settlement Agreement and emailed by the Minister of Immigration, Diversity and Inclusion, in both French and English, to the last email address provided by each Group Member, to the list of Quebec immigration lawyers found in the attached Annex B, as well as to cbancism@listserver.cba.org, within fifteen (15) days of the present judgment;


THE WHOLE without costs.


PEPITA CAPRIOLO, j.c.s.

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A Montréal
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