

Federal Court



Cour fédérale

Date: 20190122

Docket: T-797-18

Ottawa, Ontario, January 22, 2019

PRESENT: The Honourable Madam Justice Roussel

BETWEEN:

**TAMMIE LYNN MAYES AND JUSTICE FOR
CHILDREN AND YOUTH**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

CONSENT JUDGMENT

UPON motion for consent judgment filed by the Respondent on January 11, 2019,
pursuant to Rule 369 of the *Federal Courts Rules*, SOR 98-106;

AND UPON having reviewed the materials filed by the Respondent and having heard
from counsel for the parties on this day by way of telephone conference call;

AND UPON noting the Respondent's acknowledgement that:

Subsection 5(4) provides the Minister with the discretionary
authority to grant citizenship in special cases intended to alleviate

cases of statelessness or of special and unusual hardship or to reward services of an exceptional value to Canada. Subsection 13(c) of the *Citizenship Act* is included in the provisions referenced in subsection 5(4) of the *Citizenship Act*. An exercise of discretion under subsection 5(4) of the *Citizenship Act* can therefore include an exemption from any applicable processing fees.

AND UPON considering the consent of the Applicants;

AND UPON noting the Respondent's discontinuance of its motion filed on December 20, 2018, seeking to dismiss the request made by the Applicant, Justice for Children and Youth, for public interest standing;

THE COURT ORDERS that:

1. The application for judicial review is allowed;
2. The Applicant, Ms. Mayes, will have 30 days from the date on which the application for judicial review is granted to:
 - a. Re-submit her citizenship application;
 - b. Update her submissions (which can include any arguments that she should be granted citizenship despite any other provision of the *Citizenship Act*);
 - c. Provide photographs that meet the Citizenship Application Photograph Specifications;
3. Upon receipt of the items listed at paragraph 2 above, the Respondent will accept Ms. Mayes' application for processing and give the application, submissions and any

accompanying documentation consideration pursuant to subsection 5(4) of the
Citizenship Act;

4. The hearing date set for February 6, 2019 is vacated; and
5. No costs are awarded to either party.

“Sylvie E. Roussel”

Judge