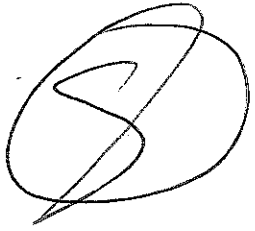


Court File No.: 7-1476-10

FEDERAL COURT

BETWEEN:



ROCCO GALATI, MANUEL AZEVEDO and
CONSTITUTIONAL RIGHTS CENTRE INC.

FEDERAL COURT COUR FÉDÉRALE		D É P O S É
FILED	JUN 25 2014	
Shirley Aciro		
TORONTO ONT		
Applicants		

- and -

HIS EXCELLENCY THE RIGHT HONOURABLE GOVERNOR GENERAL DAVID
JOHNSTON, THE HONOURABLE CHRIS ALEXANDER, MINISTER OF CITIZENSHIP
AND IMMIGRATION, THE ATTORNEY GENERAL OF CANADA,
and THE MINISTER OF JUSTICE

Respondents

NOTICE OF APPLICATION
(pursuant to ss. 18 – 18.1 Federal Courts Act, and
and 52 of the Constitution Act, 1982)

TO THE RESPONDENTS:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at **Toronto, Ontario**.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the **Federal Court Rules, 1998** and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, **WITHIN 10 DAYS** of being served with this notice of application.

Copies of the **Federal Court Rules, 1998**, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

**IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN
IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.**

DATED at Toronto on this th 25 day of June, 2014.

**SHIRLEY ACIRO
REGISTRY OFFICER
AGENT DU GREFFE**

Issued by: _____

Address of
Local office: _____

TO: Department of Justice
Ontario Regional Office
The Exchange Tower
130 King Street West
Suite 3400, Box 36
Toronto ON M5X 1K6

**180 Queen Street West 180, rue Queen Ouest
Suite 200 bureau 200
Toronto, Ontario Toronto, Ontario
M5V 3L6 M5V 3L6**

**ORIGINATING NOTICE OF APPLICATION
PURSUANT TO S.18 AND 18.1 OF THE
FEDERAL COURT ACT**

TO THE RESPONDENTS:

YOU ARE HEREBY ADVISED that the Applicants, Rocco Galati, Manuel Azevedo, and the Constitutional Rights Centre Inc., will be making an application to the Court, on a day and at a time and place to be set by the Court, for the purpose of obtaining, pursuant to s.18 and 18.1 of the *Federal Court Act*, R.S.C. 1985, c.F.-7 as amended, *inter alia*, declaratory, prerogative and injunctive relief, from the Governor General's decision, on June 19th, 2014, to grant Royal Assent to Bill C-24, and similar relief against the "*Strengthening Canadian Citizenship Act*" itself.

The Applicants will be making application for **THE FOLLOWING RELIEF:**

1. A declaration that:
 - (a) the Governor-General's decision to give Royal assent on the C-24, in the face of a request and petition to refuse such Royal Assent, for its purported provision to "revoke" the citizenship of Canadian-born citizens, and "remove" (deport) them from Canada pursuant to that purported revocation of citizenship, was beyond his constitutional authority in that C-24 is beyond the authority of the Federal Parliament, and contrary to s. 91(25) of the *Constitution Act, 1867*, as reaffirmed and re-enacted pursuant to the supremacy clause of s. 52 of the *Constitution Act, 1982*, and the binding jurisprudence on s. 91(25) of the *Constitution Act, 1867*;
 - (b) the Governor-General went beyond authority, under the *Royal Assent Act, S.C. 2002, c. 15*, as well as beyond his constitutional authority exercised under purported crown prerogative, in giving Royal Assent to a Bill which, beyond the legislative competence of the Federal Parliament, which purports to revoke the citizenship of Canada-born citizens; and
 - (c) the Royal Assent with respect to Bill C-24 is void, *ab initio*.

2. A further declaration that:
 - (a) the *Strengthening Canadian Citizenship Act* is, to the extent that it purports to revoke the citizenship of a Canadian-born citizen, *ultra vires*, and beyond the competence of the Federal Parliament, pursuant to s. 91(25) of the *Constitution Act, 1867*, as reaffirmed and re-enacted by the *Canada Act, 1982, (1982, c. 11), U.K.*, and the supremacy clause in s. 52 of the *Constitution Act, 1982*, in that the Federal Parliament has absolutely no legislative competence to legislate the revocation, removal, annulment, or any extinguishing whatsoever of the citizenship status, *per se*, of any Canadian-born citizen;
 - (b) the Federal Parliament's legislative incompetence to revoke the citizenship of Canadian-born citizens, is entrenched as part of the *jus soli* constitutional protection of Canadian-born citizens, which evolved as follows:
 - (i) the requirements of the *Magna Carta*;
 - (ii) *Calvin's Case (1608)*;
 - (iii) codification under s. 91(25) *Constitution Act, 1867* re-enforced by s. 23(2) of the *Constitution Act, 1867*; and
 - (iv) as judicially interpreted, *inter alia*, in *Union Colliery Company of B.C. Ltd. v. Bryden and Attorney General of British Columbia. [1899] A.C. 580 (P.C.)*, and *Cunningham and Attorney General of British Columbia v. Homma and Attorney General [1903] A.C. 151 (P.C.)*.
3. A further declaration that the Revocation of citizenship, of Canadian-born citizens, and their physical removal ("deportation") of that Canadian-born citizen, to a country likely to "persecute", both constitute a crime against humanity as defined under s. 4(3) of the *Crimes Against Humanity and War Crimes, S.C. 2000, c. 24*, and that the provisions of s. 4(1.1) correspondingly apply, including to the Crown, under s. 3 of that *Act*.
4. An order (in the nature) of *certiori* quashing the Royal Assent to Bill C-24.
5. An order (in the nature) of *prohibition*, prohibiting the revocation, and/or physical removal from Canada, following purported revocation of citizenship, of any Canadian-born citizen.
6. Such further and other relief as counsel may request and this Honourable Court grant.

THAT THIS APPLICATION IS BASED ON THE FOLLOWING GROUNDS:

1. That citizenship, *jus soli*, is inalienable, and cannot be “revoked” under any circumstance by the Federal Parliament, as it is beyond the Federal Parliament’s constitutional competence.
2. That citizenship, *jus soli*, is a fundamental constitutional protection, outside of the Legislative competence of the Federal Parliament under s. 91(25) of the *Constitution Act, 1867*, which reads:

Legislative Authority of Parliament of Canada

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say,

...

25. Naturalization and Aliens.

...

- *Constitution Act, 1867, s. 91(25)*.

and which was reaffirmed and re-enacted by the *Canada Act, 1982 (1982, c. 11) U.K.*, and given supremacy by way of s. 52 of the *Constitution Act, 1982*, which is a codified and entrenched constitutional right, has its articulation as far back as *Calvin’s Case (1608)*, and its articulated source in the *Magna Carta*, and whose protection has thus been judicially confirmed, as codified in s. 91(25) of the *Constitution Act, 1867*, by the highest judicial body of the Privy Council, as well as the Supreme Court of Canada.

3. That citizenship, *jus soli*, is further protected and inalienable, by the unwritten constitutional imperatives of Constitutionalism, Rule of Law, and Democracy.
4. That the Members of Parliament, in particular the Attorney General, who has the constitutional duty to uphold and protect the Constitution, and all of whom voted in favour of Bill C-24, and Governor-General who gave Royal Assent, and who knew, or ought to have known, and were specifically advised that Bill C-24 was beyond Parliament’s constitutional competence, with respect to purporting to “revoke” the *jus soli* citizenship of

a Canadian-born citizen, exceeded their constitutional Parliamentary and Executive authority, and thus placed an identifiable group of Canadian-born citizens at risk of “deportation” and “persecution” contrary to the terms of the *Crimes Against Humanity Act*.

5. Such further or other grounds as counsel may advise and this Honourable Court permit.

THE APPLICANT REQUESTS, pursuant to *Rules* 317 and 318 of the *Federal Courts Rules*, that the Respondents send a certified copy of the following material that is not in the possession of the applicants, but is in the possession of the Tribunal (Minister of Justice/Attorney General of Canada and/or Governor General), to the applicant and to the Registry:

1. any and all memos, opinions , or legal opinion(s) obtained, requested and/or reviewed with respect to the constitutional competence to enact legislation which purports to revoke the *jus soli* citizenship of a Canadian-born, before June 9th, 2014; and
2. any and all memos, opinions , or legal opinion(s) obtained, requested and/or reviewed with respect to the constitutional competence to enact legislation which purports to revoke the *jus soli* citizenship of a Canadian-born, after June 9th, 2014.

AND FURTHER TAKE NOTICE THAT the Applicants intend to seek an interim orders, pursuant to, *inter alia*, *Metropolitan Stores* and *RJR MacDonald*, to stay the enforcement of the *Strengthening Canadian Citizenship Act* against any Canadian-born citizen.

The address in Canada where documents may be served on the Applicants is:

ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION
Rocco Galati, B.A., LL.B., LL.M.
Manuel Azevedo, LL.B., LL.M.
1062 College Street, Lower Level
Toronto, Ontario M6H 1A9

TEL: (416) 530-9684
FAX: (416) 530-8129


Email: rocco@idirect.com
SLANSKY LAW
PROFESSIONAL CORPORATION
Paul Slansky, B.A., LL.B., J.D.
1062 College Street, Lower Level
Toronto, Ontario M6H 1A9
TEL: (416) 536-1220
FAX: (416) 536-8842
Email: paul.slansky@bellnet.ca

The Applicants propose that this application be heard in Toronto.

DATED at Toronto, this 25th day of June, 2014



ROCCO GALATI, on his own behalf.

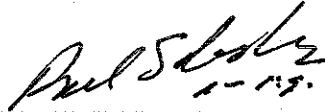


MANUEL AZEVEDO, on his own behalf

ROCCO GALATI LAW FIRM
PROFESSIONAL CORPORATION
Rocco Galati, B.A., LL.B., LL.M.
Manuel Azevedo, LL.B., LL.M.
1062 College Street, Lower Level
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TEL: (416) 530-9684
FAX: (416) 530-8129

Email: rocco@idirect.com



PAUL SLANSKY, on behalf of the
Constitutional Rights Centre Inc.

SLANSKY LAW PROFESSIONAL
CORPORATION
Paul Slansky, B.A., LL.B., J.D.
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FEDERAL COURT

BETWEEN:

**ROCCO GALATI, MANUEL AZEVEDO and
CONSTITUTIONAL RIGHTS CENTRE INC.**

Applicants

- and -

**HIS EXCELLENCY THE RIGHT HONOURABLE
GOVERNOR GENERAL DAVID JOHNSTON, THE
HONOURABLE CHRIS ALEXANDER, MINISTER OF
CITIZENSHIP AND IMMIGRATION, THE ATTORNEY
GENERAL OF CANADA,
and THE MINISTER OF JUSTICE**

Respondents

**ORIGINATING NOTICE OF APPLICATION
PURSUANT TO S. 18 AND 18.1 OF THE
FEDERAL COURT ACT**

**ROCCO GALATI LAW FIRM
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Solicitors on their own behalf

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TEL: (416) 536-1220
FAX: (416) 536-8842

Email: paul.slansky@bellnet.ca

Solicitor for the Constitutional
Rights Centre Inc.

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of/ filed in the Court on the _____
day of _____ JUN 25 2014 A.D. 20____
Dated this _____ day of _____ JUN 25 2014 20____

**SHIRLEY ACIRO
REGISTRY OFFICER
AGENT DU GREFFE**