

Court Refuses to Set Aside Exclusion Order against Chinese National



The Minister of Public Safety ordered a Chinese national to leave Canada found to be in the country illegally. The national contended the order violated his Charter rights and asked the federal court to ‘stay,’ that is, freeze its enforcement pending the resolution of the case. But the court declined finding that making the national leave the country wouldn’t cause him ‘irreparable harm.’ Interfering with his ability to manage his Canadian business wasn’t enough to meet the irreparable harm standard; nor was there any evidence to suggest he’d be at greater risk of COVID infection in China [*Li v. Canada (Public Safety and Emergency Preparedness)*, 2020 CanLII 103469 (FC), December 31, 2020].