

Date: 20050912

Docket: IMM-4374-05

Citation: 2005 FC 1238

Montréal, Quebec, September 12, 2005

PRESENT: THE HONOURABLE MR. JUSTICE LEMIEUX

BETWEEN:

HUSSAIN IMRAN

Applicant

and

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

Application by the applicant to stay a removal order against the applicant scheduled for September 16, 2005.

REASONS FOR ORDER AND ORDER

[1] For the reasons delivered from the bench this morning, I find that this application to stay the enforcement of a removal order must be dismissed.

[2] The applicant did not persuade me on any of the three conjunctive elements for obtaining a stay.

[3] The applicant's counsel did not establish any irreparable harm. The applicant did not file an application for leave and for judicial review of the negative decision on the pre-removal risk assessment. His application for a stay is attached to an application for leave and for judicial review of a negative decision on an application for permanent residence on humanitarian and compassionate grounds, which normally must be made from outside Canada. He would be entitled to file such an application in Pakistan and to be sponsored if that should be the case.

[4] The balance of convenience favours the Minister. Section 48 of the *Immigration and Refugee Protection Act* provides that a removal order must be enforced as soon as is reasonably practicable.

[5] The record does not disclose any serious question to be debated. The applicant had submitted updated documentation at the end of December 2004, beginning of January 2005. If there were a breach of procedural fairness, a question that I will leave aside, that breach would be purely academic.

ORDER

THE COURT ORDERS that this application for stay be dismissed.

“François Lemieux”

JUDGE

Certified true translation

Kelley A. Harvey, BCL, LLB

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4374-05

STYLE OF CAUSE: HUSSAIN IMRAN

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PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: September 12, 2005

REASONS FOR ORDER AND ORDER: LEMIEUX J.

DATE OF REASONS: September 12, 2005

APPEARANCES:

Sophie Marchildon FOR THE APPLICANT

Marie-Claude Paquette FOR THE RESPONDENT

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