

IMM-4199-96

B E T W E E N:

**JONATHAN MATTHEW AND
GLADYS SYLVIA MATTHEW**

Applicants

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER

LUTFY J.:

This application for a stay of the removal orders issued against the applicants came before me on November 25, 1996 in Toronto, Ontario. The applicants were to be deported to Grenada on November 29, 1996. Upon further submissions from counsel on November 28, 1996, I continued the application and received supplementary representations on May 6, 1997.

Jonathan Matthew, 64, originally arrived in Canada in 1983 on an employment authorization to be employed as a farm worker. He was injured during the course of his employment and returned to Grenada that year. He re-entered Canada in 1985 to receive enhanced medical treatment for his injury. He has been receiving benefits from the Workers' Compensation Board ("WCB") as the result of his injury.

Gladys Matthew, 60, first entered Canada to join her husband in 1986. The couple's application for permanent residence was refused in 1987. In 1991, their separate applications for humanitarian and compassionate considerations were denied. In 1993, they were determined not to be refugees.

The applicants have now been in Canada for over eleven years. Their children no longer live in Grenada. The respondent is seeking their removal from Canada at this time on the ground that they "might reasonably be expected to cause excessive demands on health or social services" pursuant to subparagraph 19(1)(a)(ii) of the *Immigration Act*, R.S.C. 1985, c. I-2 ("the Act").

On March 11, 1997, their application for humanitarian and compassionate considerations pursuant to subsection 114(2) of the Act was refused. On the basis of my review of the file material, the couple's age, the length of their stay in Canada and the respondent's information that Mr. Matthew will continue to receive WCB entitlements even if he were to leave Canada, a different outcome might not have been unreasonable.

Concerning the threshold the applicants must meet on this application for stay, I am satisfied that they have failed to establish the serious issue, irreparable harm and balance of convenience which would allow the Court to grant the relief sought. In the circumstances, I must with regret dismiss this application.

"Allan Lutfy"
Judge

Ottawa, Ontario
May 16, 1997