

**Federal Court**



**Cour fédérale**

**Date: 20100811**

**Docket: IMM-4367-10**

**Citation: 2010 FC 814**

**Toronto, Ontario, August 11, 2010**

**PRESENT: The Honourable Mr. Justice Shore**

**BETWEEN:**

**JAIME CASTRO ESTRADA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION  
THE MINISTER OF PUBLIC SAFETY  
AND EMERGENCY PREPAREDNESS**

**Respondents**

**REASONS FOR ORDER AND ORDER  
(Rendered on the Bench August, 10, 2010)**

**Introduction**

[1] This is a motion for a stay of removal of the Applicant scheduled for August 21, 2010. The Applicant has shown disregard for the Canadian immigration system. He has not approached the Court with clean hands. Therefore, the motion is dismissed.

## **Background**

[2] The Applicant failed to appear for an interview with Canadian Immigration officials on March 15, 2010. A warrant was issued for his arrest. Only after the Applicant's arrest did he appear before Immigration officials. At the time of his arrest, the Applicant was also working without authorization. His arrest is attributed to an investigation by an Immigration task force.

[3] Subsequent to an undisputed Federal Bureau of Investigation (F.B.I.) report, it is important to recognize additional lack of clean hands arguments. The claimant used aliases. Between 1992 and 1999, the Applicant was arrested five times, once for carrying a prohibited weapon, four times for possession of cocaine with intent to distribute and three of those times with 500 grams or more of cocaine.

[4] In regard to the above, the Applicant was sentenced twice to 57 months, plus 5 years of supervised release.

## **Analysis**

[5] A stay of removal is an extraordinary and discretionary measure. This Court does not grant relief if an applicant has shown disregard for Canadian immigration laws, or does not have clean hands in regard to Canadian authorities (*Brunton v. Canada (M.P.S.E.P.)*, 2006 FC 33).

**Conclusion**

[6] Therefore, due to all of the above, this Court has decided not to entertain the motion for a stay of removal.

**ORDER**

**THIS COURT ORDERS that** the motion, on its inherent basis, not be heard.

“Michel M.J. Shore”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-4367-10

**STYLE OF CAUSE:** JAIME CASTRO ESTRADA v.  
THE MINISTER OF CITIZENSHIP AND IMMIGRATION  
THE MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** August 10, 2010

**REASONS FOR ORDER  
AND ORDER:** Shore J.

**DATED:** August 11, 2010

**APPEARANCES:**

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Kevin Doyle FOR THE RESPONDENTS

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