



Date: 20120502

Docket: IMM-4025-12

Citation: 2012 FC 514

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Ottawa, Ontario, May 2, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

JOSIANE ESTELLE BABA WALISI

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] A motion for a stay of removal is an application for relief of a discretionary nature. An applicant has an obligation to appear before the Court with clean hands.

[2] Following a search by the authorities of the applicant's computer and an analysis of the data, it was discovered that the applicant had searched the internet for ways to kill a person by poisoning.

[3] The applicant used Dilaudid, a derivative of morphine, which she allegedly administered to a child.

[4] The applicant later pleaded guilty to the charge of attempted murder of her 18-month-old stepdaughter. Currently, specialists are unable to determine the seriousness of the harm that was caused to the child.

[5] The applicant was found guilty of attempted murder under paragraph 239(1)(b) of the Criminal Code of Canada.

[6] As a result of her actions, the Court has determined that the motion cannot be heard, in keeping with what the Federal Court of Appeal held in *Canada (Minister of Citizenship and Immigration) v Thanabalasingham*, 2006 FCA 14:

[9] ... Rather, the case law suggests that, if satisfied that an applicant has lied, or is otherwise guilty of misconduct, a reviewing court may dismiss the application without proceeding to determine the merits or, even though having found reviewable error, decline to grant relief.

[7] Therefore, the applicant's motion for a stay of the removal order against her is dismissed.

ORDER

THE COURT ORDERS that the motion for a stay of the removal order made against the applicant be dismissed.

“Michel M.J. Shore”

Judge

Certified true translation
Sebastian Desbarats, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4025-12

STYLE OF CAUSE: JOSIANE ESTELLE BABA WALISI
v THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

**MOTION IN WRITING CONSIDERED AT OTTAWA, ONTARIO PURSUANT TO
RULE 369**

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

DATED: May 2, 2012

WRITTEN REPRESENTATIONS BY:

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