

Federal Court



Cour fédérale

Date: 20121115

Docket: IMM-11628-12

Citation: 2012 FC 1323

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Ottawa, Ontario, November 15, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

OMAR GHAZAL

Applicant

and

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

Respondent

REASONS FOR ORDER AND ORDER

[1] A stay is requested with respect to the applicant's removal scheduled for today, November 15, 2012. The respondent was served a few minutes before the end of the working day on November 14, 2012; yesterday.

[2] As a result of his criminal past, the applicant is inadmissible on grounds of serious criminality having been convicted in Canada of an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least ten years for fraud and narcotics.

[3] The applicant's case history shows that he is the subject of a removal order; the applicant did not appear for a prior departure scheduled for August 24, 2012. The applicant presented the police with a fake identity.

[4] A stay of the removal is an injunction, therefore an exceptional measure. It is a measure that is not granted to a person who does not have clean hands.

[5] Knowing that the applicant did not appear for his last removal date, with his criminal past and that he was arrested and detained to ensure that he not become illegal again is sufficient to refuse to hear the stay motion (see *Brunton v Canada (Minister of Public Safety and Emergency Preparedness)*, 2006 FC 33 at paragraphs 4-6).

[6] For all of these reasons, the Court will not hear the motion.

ORDER

THE COURT ORDERS that the stay motion will not be heard.

“Michel M.J. Shore”

Judge

Certified true translation
Janine Anderson, Translator

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-11628-12

STYLE OF CAUSE: OMAR GHAZAL v THE MINISTER OF PUBLIC
SAFETY AND EMERGENCY PREPAREDNESS

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

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

DATED: November 15, 2012

WRITTEN REPRESENTATIONS BY:

Anthony Karkar FOR THE APPLICANT

Suzanne Trudel FOR THE RESPONDENT

SOLICITORS OF RECORD:

Anthony Karkar FOR THE APPLICANT
Counsel
Montréal, Quebec

Myles J. Kirvan FOR THE RESPONDENT
Deputy Attorney General of Canada
Montréal, Quebec