

Federal Court



Cour fédérale

**Date: 20170428**

**Docket: IMM-1887-17**

**Citation: 2017 FC 429**

[ENGLISH TRANSLATION]

**Ottawa, Ontario, April 28, 2017**

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

**BETWEEN:**

**DORIA MAVHY NGONA**

**Applicant**

**and**

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

**Respondent**

**JUDGMENT AND REASONS**

[1] Following an extensive reading of all of both parties' submissions, the Court finds that the motion for a stay of execution of removal is an abuse of process and a disregard for the administration of justice and the integrity of the immigration system.

[2] According to the information, this application was made at the last minute. The applicant had known about the removal, scheduled for this Saturday, April 29, 2017, since March 14, even though she did have more than one counsel successively handling her case.

[3] The applicant does not come before this Court with clean hands.

[4] Since the applicant was obligated to go to the office of the Canada Border Services Agency (CBSA) and failed to do so, an arrest warrant was issued against her. Only after she was arrested did she then go see the CBSA representative.

[5] In addition to misrepresentations and a previous lack of credibility, the applicant is trying to submit new evidence to have the previous decisions set aside.

[6] An application to stay removal is not a means of appealing the decisions of the Refugee Protection Division or the Refugee Appeal Division when an application for judicial review of the Appeal Division was dismissed by the Federal Court.

[7] An applicant seeking an injunction, an extraordinary remedy of a discretionary nature, must appear before the Court with clean hands.

[8] Applications for a stay of removal are dismissed in case of disregard of immigration laws and failure to appear for removal (*Mohar v. Canada (Minister of Citizenship and Immigration)*, 2005 FC 952).

[9] The case law is clear, unequivocal and specific in demonstrating that an applicant is not entitled to extraordinary measures to obtain an injunction in such circumstances.

[10] For all of these reasons, the application for a stay of execution of the removal order will not be examined.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the stay of removal application not be heard.

“Michel M.J. Shore”

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Judge

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

**DOCKET:** IMM-1887-17

**STYLE OF CAUSE:** **DORIA MAVHY NGONA v THE MINISTER OF  
PUBLIC SAFETY AND EMERGENCY  
PREPAREDNESS**

**MOTION FOR A STAY OF REMOVAL CONSIDERED AT MONTRÉAL, QUEBEC**

**JUDGMENT AND REASONS:** SHORE J.

**DATED:** APRIL 28, 2017

**WRITTEN REPRESENTATIONS BY:**

Mylène Barrière

FOR THE APPLICANT

Alain Langlois

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Just Solutions Legal Clinic  
Montreal City Mission  
Montréal, Quebec

FOR THE APPLICANT

William F. Pentney  
Deputy Attorney General of Canada  
Montréal, Quebec

FOR THE RESPONDENT