

Federal Court



Cour fédérale

Date: 20190924

Docket: IMM-5703-19

Citation: 2019 FC 1225

Ottawa, Ontario, September 24, 2019

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

KEVIN RANINGA GORDON

Applicant

and

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

Respondent

ORDER

FURTHER to reading the file, this motion for a stay of removal scheduled for Thursday, September 26, 2019, should not be heard.

RECOGNIZING that the Applicant is not addressing the Court with “clean hands”. The Applicant has been in Canada without any status, illegally since 2002. The Applicant presence only became known to the authorities after sixteen years due to criminality.

UNDERSTANDING that the Applicant was apprehended, taken into custody and detained as a flight risk evading removal.

As per detailed information in respect of the activities of the Applicant and scheduled departure with ample time for preparations on his behalf, the Applicant now presents an “eleventh hour” application for a stay of removal, an exceptional remedy, an injunction which is only considered by the Court, if the conduct of such person is beyond reproach (*Antonucci v Canada (Minister of Citizenship and Immigration)*, [1996] FCJ No 1320).

RECOGNIZING that the Court is being approached at this “eleventh hour” which undermines the integrity of the immigration and refugee system (*Baron v Canada (Public Safety and Emergency Preparedness)*, 2009 FCA 81).

THIS COURT ORDERS that therefore, the application for removal will not be entertained and is dismissed.

“Michel M.J. Shore”

Judge