

**Date: 20080414**

**Dockets: IMM-1256-08  
IMM-1259-08**

**Citation: 2008 FC 471**

**BETWEEN:**

**GURJEET SINGH**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION and  
THE MINISTER OF PUBLIC SECURITY  
AND EMERGENCY PREPAREDNESS**

**Respondents**

**REASONS FOR ORDER and ORDER**

**Pinard J.**

[1] The applicant seeks a stay of the removal order that is to be executed on April 19, 2008, pending disposition of the applicant's challenges, pursuant to section 72 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the "Act"), to two decisions of the pre-removal risk assessment officer, François Laberge (the "Officer").

[2] In docket IMM-1256-08, the applicant challenges the Officer's negative decision, dated January 15, 2008, in the applicant's pre-removal risk assessment application.

[3] In docket IMM-1259-08, the applicant challenges the Officer's refusal, dated January 21, 2008, of the applicant's request for permanent residence on humanitarian and compassionate grounds, made pursuant to section 25 of the Act.

[4] Upon hearing counsel for the parties and upon reviewing the relevant material filed, it is obvious that, fundamentally, in both cases, the applicant is merely in disagreement with the decision-maker's appreciation of the facts.

[5] With respect to the negative decision on the pre-removal risk assessment, I see nothing wrong or unreasonable in the Officer's finding that, irrespective of what the documentary evidence indicates about a particular group, the applicant did not establish a personalized risk of return (see, *e.g.*, *Subramaniam v. Minister of Citizenship and Immigration*, 2005 FC 684, *Minister of Citizenship and Immigration v. Fouodji*, 2005 FC 1327, *Taj v. Minister of Citizenship and Immigration*, 2004 FC 707 and *Alexibich v. Minister of Citizenship and Immigration*, 2002 FCT 53).

[6] With respect to the dismissal of the request for permanent residence on humanitarian and compassionate grounds, I see nothing wrong or unreasonable in the Officer's finding that the applicant would not suffer unusual and undeserved or disproportionate hardship in being required to obtain a permanent resident visa from outside Canada.

[7] In both instances, all the relevant evidence was duly and properly examined and the applicant, therefore, has failed to demonstrate the existence of a serious issue, which is sufficient to deny the requested stay.

[8] It is further worth noting that the applicant has had several negative administrative decisions, one of which has been upheld by this Court. It is nearly three years since he first arrived in Canada, prior to which he travelled outside India. I, therefore, agree with the respondents' submission that the balance of convenience does not favour further delaying the discharge of the Minister's duty to remove individuals without status as soon as reasonably practicable. As the Federal Court of Appeal wrote in *Selliah v. Minister of Citizenship and Immigration*, 2004 FCA 261, [2004] F.C.J. No. 1200 (QL), at paragraph 22:

. . . This is not simply a question of administrative convenience, but implicates the integrity and fairness of, and public confidence in, Canada's system of immigration control.

[9] For all of the above reasons, the applicant's motion for a stay, in both IMM-1256-08 and IMM-1259-08, will be dismissed.

**ORDER**

The applicant's motion for a stay of a removal order, in docket IMM-1256-08 and in docket IMM-1259-08, is hereby dismissed.

“Yvon Pinard”

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Judge

Ottawa, Ontario  
April 14, 2008

**FEDERAL COURT**

**NAME OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKETS:** IMM-1256-08 and IMM-1259-08

**STYLE OF CAUSE:** GURJEET SINGH v. THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION and THE MINISTER OF PUBLIC  
SECURITY AND EMERGENCY PREPAREDNESS

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** April 10, 2008

**REASONS FOR ORDER  
and ORDER:** Pinard J.

**DATED:** April 14, 2008

**APPEARANCES:**

Me Stewart Istvanffy FOR THE APPLICANT

Me Sylviane Roy  
Me Kinga Janik FOR THE RESPONDENTS

**SOLICITORS OF RECORD:**

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