

Federal Court



Cour fédérale

Date: 20100503

Docket: IMM-2326-10

Citation: 2010 FC 486

Toronto, Ontario, May 3, 2010

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

ABDULLAH MOHAMMED ALEZERI

Applicant

and

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

Respondent

REASONS FOR ORDER AND ORDER

[1] Consideration having been given to the background of this motion for a stay of removal, the Court, further to analysis, is in agreement with the Respondent.

[2] The Applicant has made various immigration applications in addition to applications for leave and judicial review. Subsequent to a negative refugee decision, based on a negative credibility finding, a negative pre-removal risk assessment (PRRA) and a negative decision on humanitarian

and compassionate grounds, his applications for leave and judicial review of these negative decisions were all dismissed by this Court. In addition, a second PRRA application, has since been submitted by the Applicant with, as yet, no decision.

[3] The Applicant has brought the present underlying application for leave and judicial review of a refusal to defer before a decision was even made on his request, although it has since been made. The date of departure has been set for May 6, 2010.

[4] As no serious issue, nor irreparable harm has been demonstrated (in clear and non-speculative evidence) and as the balance of convenience favours the Respondent, this motion is dismissed as per the tripartite conjunctive *Toth* test (*Toth v. Canada (Minister of Employment and Immigration)* (1988), 302 F.C.A.).

ORDER

THIS COURT ORDERS that this motion for a stay of removal be dismissed.

“Michel M.J. Shore”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2326-10

STYLE OF CAUSE: ABDULLAH MOHAMMED ALEZERI v. THE MINISTER
OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: May 3, 2010

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

DATED: May 3, 2010

APPEARANCES:

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