

Federal Court



Cour fédérale

Date: 20140703

Docket: IMM-4813-14

Citation: 2014 FC 652

Toronto, Ontario, July 3, 2014

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

GURVEER SINGH KAHLON

Applicant

and

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

Respondents

ORDER AND REASONS

[1] This decision is in regard to a motion for a stay of removal scheduled for July 6, 2014.

[2] The Applicant arrived in Canada in January 2010 with the intention to study for which he was granted a study permit which expired on December 31, 2012.

[3] The Applicant did not depart from Canada after the expiration of his student visa status; and, an exclusion order had been issued in his regard.

[4] The Applicant's entire basis for his Pre-Removal Risk Assessment [PRRA] had been solely that which he submitted on the PRRA application, itself, without any corroborative evidence whatsoever.

[5] The PRRA determination was negative as it simply concluded that the Applicant had not submitted evidence to corroborate his allegations. That denial stemmed from, not a lack of credibility, but rather due to, "insufficient probative value" (*Mosavat v Canada (Minister of Citizenship and Immigration)*, 2011 FC 647 at para 13; *Ferguson v Canada (Minister of Citizenship and Immigration)*, 2008 FC 1067, 74 Imm LR (3d) 306).

[6] On appeal, that becomes nugatory and, is not considered to constitute irreparable harm on the very basis that it is moot (*El Ouardi v Canada (Solicitor General)*), 2005 FCA 42, 48 Imm LR (3d) 157 at para 8; and, as specified again by the Federal Court of Appeal in *Palka v Canada (Minister of Public Safety and Emergency Preparedness)*, 208 FCA 165, 167 ACWS (3d) 570 at para 18-20).

[7] More than mootness is needed to demonstrate a situation of gravity and such must be based on evidence linked to the case itself which is entirely lacking.

[8] Thus, on the basis of all of the above as to the tripartite conjunctive criteria of the *Toth v Canada (Minister of Employment and Immigration)* (1988), 86 NR 302 (FCA), the Applicant has not met the criteria.

[9] Therefore, the motion for a stay of removal is denied.

ORDER

THIS COURT ORDERS that the Applicant's motion for a stay of removal be denied with no question of general importance for certification.

"Michel M.J. Shore"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4813-14

STYLE OF CAUSE: GURVEER SINGH KHLON v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION AND THE
MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 3, 2014

ORDER AND REASONS: SHORE J.

DATED: JULY 3, 2014

APPEARANCES:

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