

Date: 20070709

Docket: IMM-2745-07

Ottawa, Ontario, July 9, 2007

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

**MOHAMMED IBRAHIM, NERA SULTANA and SARAH NAHAR
by her Litigation Guardian, MOHAMMED IBRAHIM**

Applicants

and

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

Respondent

ORDER

(Rendered at the conclusion of a telephone conference, *viva-voce*)

INTRODUCTION

In regard to the stay application against the removal of the Applicants, this Order takes fully into account the death of previous counsel as mentioned in the Affidavit of the principal Applicant and prominently specified by current counsel; however, as verified in a telephone conference with both parties, it was ascertained that the departed counsel, in fact, passed away in May of 2006. Full consideration was given to this reason and the challenges which ensued, thereby, in regard to the presentation of the case at bar of the Applicants before the Court;

NEVERTHELESS, having heard the parties and analyzed the subject matter in respect of the detailed background, including a five year stay by the principal Applicant in the United States

without a claim for asylum, the Court is in agreement with the letter of the Respondent, dated July 6, 2007, for the reasons stated therein;

The Court fully endorses its own jurisprudence and, of course, accepts, in the circumstances, the Respondent's reliance on the words of Justice Yvon Pinard in *Matadeen*, as follows (IMM-3164-00):

Indeed, "last minute" motions for stays force the respondent to respond without adequate preparation, do not facilitate the work of this Court, and are not in the interest of justice; a stay in an extraordinary procedure, which deserves thorough and thoughtful consideration.

(See also: *Moghaddam v. M.C.I.* (May 31, 2004), IMM-4879-04 (F.C.) per Martineau J.; *Mojzisk v. M.C.I.* (July 14, 2004), IMM-5779-04 (F.C.T.D.) per Sinder J.; *Iliescu v. M.C.I.* (June 1, 2004), IMM-4725-04 (F.C.T.D.) per Kelen J.)

THIS COURT ORDERS that this stay application against the execution of the removal Order of the Applicants not be entertained.

"Michel M.J. Shore"

Judge