

Date: 20090127

Docket: IMM-150-09

Citation: 2009 FC 87

Toronto, Ontario, January 27, 2009

PRESENT: The Honourable Mr. Justice Barnes

BETWEEN:

SAVITA DEVI BOODRAM

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER AND ORDER

[1] The Applicant, Savita Boodram, appeared before me at Toronto on a motion to stay her removal from Canada. Ms. Boodram was unrepresented and it was obvious that she lacked the capacity to adequately argue the motion.

[2] Ms. Boodram relied on the services of an immigration consultant in the preparation of her underlying application for a pre-removal risk assessment and for the stay motion. The materials submitted on her behalf in support of this motion are profoundly deficient and inadequate. Ms.

Boodram may have a good case for a stay of removal but it is not possible to make that determination on the strength of the materials she provided.

[3] Ms. Boodram is the mother of a baby born on October 23, 2008. In addition to primary childcare, she provides support to her disabled husband and his family. She is on maternity leave. I strongly suspect that she will have few, if any, support services in Guyana if she returns there with her Canadian baby. She says she has no place to live in Guyana and the difficulties she will almost certainly face there as a single parent with a baby are not difficult to imagine. The basic problem of finding work while caring for the needs of an infant is not a matter to be taken lightly. She also has a pending spousal application which appears on this record to have some merit.

[4] In short, a fairly compelling case can probably be made for Ms. Boodram remaining in Canada but that case has not been properly made out. I also have no doubt that her interests have not been well-served by her consultant and that she needs the assistance of an immigration lawyer.

[5] She has asked for an opportunity to retain legal counsel. Counsel for the Respondent opposes an adjournment. She relies upon the decision of this Court in *Delpeche v. Canada* (March 1, 2006, IMM-1057-06) for the proposition that a self-represented party must bear the consequences of choosing an allegedly incompetent advisor. The *Delpeche* decision does not have any application to an adjournment motion and, in any event, I am obliged to be cognizant of the Canadian Judicial Council “*Statement of Principles on Self-Represented Litigants*” (September 2006) requiring the

Court to facilitate access to justice. This obligation requires more than a perfunctory response to a motion for an adjournment to retain legal counsel in circumstances such as these.

[6] I will accordingly grant Ms. Boodram's motion to adjourn the stay motion. She will be allowed 60 days to retain legal counsel and to bring her stay motion back to the Court. In the meantime her removal from Canada will be stayed for 60 days.

ORDER

THIS COURT ORDERS THAT the Applicant's motion for a stay of removal from Canada will be adjourned to a date to be fixed or determined at its General Sittings in Toronto.

THIS COURT FURTHER ORDERS THAT the removal of the Applicant from Canada shall be stayed for a period of 60 days.

"R. L. Barnes"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-150-09

STYLE OF CAUSE: *SAVITA DEVI BOODRAM v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION*

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 26, 2009

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

DATED: JANUARY 27, 2009

APPEARANCES:

Savita Devi Boodram	FOR THE APPLICANT, ON HER OWN BEHALF
Margherita Braccio	FOR THE RESPONDENT

SOLICITORS OF RECORD:

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John H. Sims, Q.C. Deputy Attorney General of Canada	FOR THE RESPONDENT