

Federal Court



Cour fédérale

Date: 20100520

Docket: IMM-2653-10

Citation: 2010 FC 552

Toronto, Ontario, May 20, 2010

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

**CARLOS AMILCAR COCAR LOPEZ
ANA CRISTINA CERON DE COCAR
CARLOS AMILCAR COCAR CERON**

Applicants

and

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

Respondent

REASONS FOR ORDER AND ORDER

[1] The applicants bring a motion for the stay of their removal to El Salvador which they say is scheduled for June 28, 2010.

[2] The respondent submits that this motion is premature as no removal of the applicants has currently been scheduled; rather they have been given an opportunity to voluntarily leave Canada by June 28, 2010, if they choose.

[3] The applicants wish to remain in Canada until the final determination of their application to judicially review their negative Pre-Removal Risk Assessment (PRRA). I have no doubt that if they choose not to leave Canada voluntarily by June 28, 2010 they will be issued a Direction to Report for removal, but that has not happened.

[4] I agree with the respondent that at this time there is nothing for this Court to stay. There is no decision or order that the applicants be removed from Canada and thus there is no serious issue, even on the low test of it being an issue that is not frivolous or vexatious.

[5] The applicants are very likely to be ordered removed if they do not do so voluntarily and thus they will have further opportunities, no doubt, to seek a stay from this Court based on a real decision or order. Accordingly, I will refrain from commenting on the merits of the motion, other than to say that it is premature.

ORDER

THIS COURT ORDERS that this motion for a stay is dismissed.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2653-10

STYLE OF CAUSE: CARLOS AMILCAR COCAR LOPEZ ET AL v.
THE MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: May 17, 2010

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

DATED: May 20, 2010

APPEARANCES:

Mr. Peter Lulic FOR THE APPLICANTS

Ms. Monmi Goswami FOR THE RESPONDENT

SOLICITORS OF RECORD:

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