

Federal Court



Cour fédérale

**Date: 20160629**

**Docket: IMM-5524-15**

**Citation: 2016 FC 737**

**Toronto, Ontario, June 29, 2016**

**PRESENT: The Honourable Mr. Justice Hughes**

**BETWEEN:**

**JAIME ROLANDO SERRANO SANCHEZ**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] This is a judicial review of a decision of an Immigration Officer of Citizenship and Immigration Canada dated 29 October, 2015 wherein the Applicant's Pre Removal Risk Assessment (PRRA) application was rejected.

[2] The Applicant is an adult male citizen of Guatemala. Prior to coming to Canada the Applicant had fled to the United States in 1991 where he made a claim for refugee protection.

The Applicant concedes that the basis of that claim was false. The Applicant was deported from the United States on August 2005 but, by a circuitous route, re-entered the United States in October 2005. In August 2008 the Applicant entered Canada from the United States, illegally, and made a claim for refugee protection here on the basis that he feared reprisals in Guatemala since he refused to join a “special project” sponsored by the Guatemalan army. The Applicant’s claim for protection in Canada was rejected by the Refugee Protection Division (RPD) in October 2012, who found that there was no credible basis for his claim.

[3] The “new” evidence presented to the PRRA Officer consisted of a death certificate of the Applicant’s father indicating death by strangulation and gunshots and three “Denunciations” presented by the Applicant’s brother to Guatemalan police stating that he was being harassed by unknown persons asking as to the Applicant’s whereabouts. Documents as to country conditions were also provided some of which were outdated and none of which were pertinent to risk specific to persons such as the Applicant.

[4] The principal issue before me is one of lack of procedural fairness, namely should the PRRA Officer have convoked a hearing given the new evidence. The standard of review to be applied by the Court is that of reasonableness. (*Thiruchelvam v Canada (MCI)*, 2015 FC 913 at para 3; *Kulanayagam v Canada (MCI)*, 2015 FC 101 at para 20; *Ibrahim v. Canada (Citizenship and Immigration)*, 2014 FC 837 at para 6).

[5] In the present case the PRRA Officer did not convoke a hearing. I find that it was reasonable not to do so.

[6] The Officer found the documents to be vague and lacking corroboration, they did not support any suggestion that the authorities were unwilling or unable to act. A denunciation in itself is just an assertion and not proof of the matters asserted. There is no evidence as to what the authorities did in respect of the denunciations. This would be the critical evidence.

[7] A hearing is not simply an opportunity to cooper up or fill in missing gaps in the evidence submitted. Here the Applicant, although personally signing the submissions to the PRRA Officer, clearly had some professional help in preparing the material whether by a lawyer or an immigration consultant or otherwise. At some point the Applicant, including those engaged by the Applicant, bear some responsibility to ensure that the materials filed are accurate and sufficient. If they are not, the Applicant cannot simply hope that a hearing would be held or, if not, then complain to the Court that procedural fairness was denied.

[8] In the present case the Officer properly held that the documents presented were insufficient to support an application not to remove the Applicant. There findings are reasonable. A hearing would do nothing more in respect of the documents already filed as anything the Applicant could say would simply be hearsay. It is not a second chance to provide yet further material that should have been given in the first place.

[9] The application will be dismissed. No party requested a certified question.

**JUDGMENT**

**FOR THE REASONS PROVIDED;**

**THIS COURT ADJUDGES THAT:**

1. The application is dismissed;
2. No question is certified;
3. No Order as to costs

“Roger T. Hughes”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-5524-15  
**STYLE OF CAUSE:** JAIME ROLANDO SERRANO SANCHEZ v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION  
**PLACE OF HEARING:** TORONTO, ONTARIO  
**DATE OF HEARING:** JUNE 29, 2016  
**JUDGMENT AND REASONS:** HUGHES J.  
**DATED:** JUNE 29, 2016

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