

Federal Court



Cour fédérale

Date: 20100219

Docket: IMM-3773-09

Citation: 2010 FC 185

Toronto, Ontario, February 19, 2010

PRESENT: THE CHIEF JUSTICE

BETWEEN:

LUIS FERNANDO BARRERA-MARTINEZ

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The applicant is a citizen of Colombo. According to his refugee claim, his father was twice contacted by the FARC group for extortion purposes in January 2008. One month later, the applicant himself would have received death threats when he advised a FARC agent by telephone that he was unaware of his father's whereabouts. In June 2008, the applicant sought refuge in Canada.

[2] In my view, there is no reviewable error in the member's negative credibility finding. It was open to him to question the veracity of the claim on the grounds that neither the applicant's parents, prior to and after they moved to Bogota, nor his sister, who also lives in Bogota, had been contacted by FARC for over eighteen months. In the applicant's own words in his personal information form: "It is commonly known that the FARC can find anyone and that they have also infiltrated the police".

[3] Despite his counsel's thorough submissions, the applicant has failed to establish a reviewable error in the decision of the Refugee Protection Division. This application for judicial review must be dismissed. I agree with the parties that this proceeding presents no serious question for certification.

JUDGMENT

This application for judicial review is dismissed.

"Allan Lutfy"
Chief Justice

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3773-09

STYLE OF CAUSE: LUIS FERNANDO BARRERA-MARTINEZ
v.
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATES OF HEARING: February 18, 2010

**REASONS FOR JUDGMENT
AND JUDGMENT:** LUTFY C.J.

DATED: February 19, 2010

APPEARANCES:

Douglas Lehrer	FOR THE APPLICANT
Neeta Logsetty	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Vandervennen Lehrer Toronto, Ontario	FOR THE APPLICANT
JOHN H. SIMS, Q.C. Deputy Attorney General of Canada	FOR THE RESPONDENT