

Federal Court



Cour fédérale

Date: 20100722

Docket: IMM-2919-09

Citation: 2010 FC 776

Ottawa, Ontario, July 22, 2010

PRESENT: The Honourable Madam Justice Mactavish

BETWEEN:

**NESLYN CORVETTE DURRANT
MONTSICA ZEAVECIA DURRANT
MOSRAN MOZARRO DURRANT**

Applicants

and

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The applicants seek judicial review of a negative decision made in relation to their application for a Pre-removal Risk Assessment. They have not persuaded me that the PRRA Officer erred in analyzing their application. Consequently, the application for judicial review will be dismissed.

Analysis

[2] The applicants sought refugee protection in Canada, claiming to fear a violent criminal who had seriously injured a member of their family in St. Vincent, and who had threatened to kill the applicants.

[3] The Refugee Protection Division of the Immigration and Refugee Board had already assessed the risk faced by the family in St. Vincent and the Grenadines, finding that adequate state protection was available for them in that country. An Application for Leave and for Judicial Review of this decision was dismissed by this Court.

[4] The applicants provided a number of documents in support of their PRRA application. The PRRA Officer quite properly disregarded several of them, as they pre-dated the Refugee Protection Division's decision and were not "new evidence" within the meaning of subsection 113(a) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27.

[5] Some documents did, however, satisfy the statutory test for new evidence. This evidence demonstrated that the threats from the applicants' agent of persecution were ongoing. New evidence was also provided with respect to country conditions within St. Vincent, particularly as they related to victims of family violence.

[6] This documentation was duly considered by the Officer, who observed that the threats from the agent of persecution had already been addressed by the Refugee Protection Division, and that

evidence that the threats were ongoing did not amount to a new risk development. This was a reasonable finding in the circumstances.

[7] Insofar as the country condition information was concerned, the Officer determined that the new documentation submitted by the applicants did not demonstrate that there had been a significant change in conditions for victims of family violence since the Refugee Protection Division made its finding that adequate state protection was available to the applicants. Having reviewed the new country condition information, I am satisfied that this was a finding that was reasonably open to the PRRA Officer.

[8] Having failed to establish a reviewable error on the part of the PRRA Officer, it follows that the application for judicial review is dismissed. No question arises for certification.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that:

1. This application for judicial review is dismissed; and
2. No serious question of general importance is certified.

“Anne Mactavish”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2919-09

STYLE OF CAUSE: NESLYN CORVETTE DURRANT, MONTSICA
ZEAVECIA DURRANT, MOSRAN MOZARRO
DURRANT v.
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: July 21, 2010

**REASONS FOR JUDGMENT
AND JUDGMENT:** Mactavish J.

DATED: July 22, 2010

APPEARANCES:

Solomon Orjiwuru FOR THE APPLICANT

Ian Hicks FOR THE RESPONDENT

SOLICITORS OF RECORD:

SOLOMON ORJIWURU FOR THE APPLICANT
Barrister and Solicitor
Toronto, Ontario

MYLES J. KIRVAN FOR THE RESPONDENT
Deputy Attorney General of Canada