

Federal Court



Cour fédérale

Date: 20151123

Docket: IMM-2267-15

Citation: 2015 FC 1308

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Montréal, Quebec, November 23, 2015

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

RODRIGUEZ RAMOS, DAYAMI

Applicant

and

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

Respondent

ORDER

WHEREAS this is an application for judicial review from a removal order issued by an immigration officer on May 1, 2015, because the applicant failed to establish that she held a visa or other document required by regulation, and because she came directly from a designated country, the United States and is not covered by any of the exceptions under the *Agreement between the Government of Canada and the Government of the United States of America for Cooperation in the Examination of Refugee Status Claims from Nationals of Third Countries* [the Safe Third Country Agreement];

WHEREAS on May 1, 2015, the applicant returned to the United States after receiving the removal order, and whereas, after consulting counsel, on May 5, 2015, she returned to the Saint-Bernard-de-Lacolle border crossing, where Canadian authorities allegedly allowed her to enter the country, but without the possibility of claiming refugee status in Canada;

WHEREAS the applicant's submissions do not allow the Court to become acquainted with the applicant's entire account to allow it to determine whether one of the exceptions under the Safe Third Country Agreement applies to her;

RECOGNIZING that, according to the applicant's factum, the appellant was offered the option of applying for a PRRA and that, in her application for a PRRA, through her counsel, she had to establish her entire account in order to allow the decision-maker to determine whether the applicant faced a risk should she return to Cuba;

THE COURT CONCLUDES that the application for judicial review should be dismissed since counsel for the appellant, through his failure to inform the Court of the applicant's narrative, did not give the Court an opportunity to consider why the immigration officer's decision was not reasonable;

THE COURT FINDS that the immigration officer's decision is reasonable;

THE COURT ORDERS that the application for judicial review be dismissed; there is no question of general importance to certify.

“Michel M.J. Shore”

Judge