

Federal Court



Cour fédérale

Date: 20230915

Docket: IMM-4374-22

Citation: 2023 FC 1246

Ottawa, Ontario, September 15, 2023

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

GARCIA CELIS LUZ DARY

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicant, Garcia Celis Luz Dary, made an application for refugee protection through a Pre-Removal Risk Assessment (“PRRA”) application. A Senior Immigration Officer of Immigration, Refugees and Citizenship Canada [IRCC] denied the Applicant’s Pre-Removal Risk Assessment (“PRRA”) application. She challenges this determination on judicial review.

[2] A judicial review hearing was scheduled to take place in person on August 31, 2023. The Applicant is not represented by counsel. Prior to the hearing date, the Court Registry had contact with the Applicant and confirmed that she would be attending the hearing. On the day of the

hearing, she did not appear. After canvassing the issue with the Respondent, I decided to not hear any oral submissions, and directed that I would be deciding the application based on the written materials.

[3] I do not find any basis to interfere with the Officer's decision. The Applicant raises two issues on judicial review: errors in the Officer's state protection analysis, and errors in the Officer's credibility assessment. The arguments on these issues are stated in general terms and not made in reference to the specifics of the Officer's decision. After carefully reviewing the Officer's decision, I find the Officer made no findings with respect to state protection or credibility in their decision. The Officer rejected the application because they found that the Applicant had failed to establish an objective basis for her risk in Colombia. This determinative finding is not challenged by the Applicant on judicial review.

[4] The Applicant provided an affidavit on judicial review where she raised new incidents relating to risk in Colombia and Portugal that had not been put forward before the PRRA Officer. There is no explanation as to why these incidents were not raised earlier. There is no other supporting documentation provided relating to these incidents. I agree with the Respondent that it is not appropriate for me to consider this new evidence in reviewing the Officer's decision on judicial review because it was not before the Officer when they made their decision and does not fit within any of the exceptions for admission of new evidence (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at para 20).

[5] The application for judicial review is dismissed.

THIS COURT'S JUDGMENT is that:

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

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4374-22

STYLE OF CAUSE: GARCIA CELIS LUZ DARY v MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: AUGUST 31, 2023

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: SEPTEMBER 15, 2023

APPEARANCES:

Garcia Celis Luz Dary ON HER OWN BEHALF

Eli Lo Re FOR THE RESPONDENT

SOLICITORS OF RECORD:

Department of Justice Canada FOR THE RESPONDENT
Toronto, Ontario