

Federal Court



Cour fédérale

Date: 20150319

Docket: IMM-6316-13

Citation: 2015 FC 352

Toronto, Ontario, March 19, 2015

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

**COREY MOHASDAUS KEIL
JOSETTE NEQUETT JAMES
(A.K.A. JOSETTE NEQUETTE
LYNETTE JAMES)**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is judicial review of a decision of a Member of the Refugee Protection Division dated August 1, 2013 wherein the Applicant's claim for refugee protection in Canada was rejected.

[2] The Applicants are adult citizens of St. Vincent. The male Applicant served as a police officer there, the female Applicant is his finance. Both left St. Vincent in early 2012 and came to Canada where they sought refugee protection.

[3] The Member found the Applicants both to be credible. The male Applicant, a police officer, was subjected to attacks on his person and his life by unknown assailants but probably gang members involved in the drug trade resentful of the “hot shot cop”. In one such incident, the Applicants’ car was tampered with such that the brakes failed causing the vehicle to go over a cliff, nearly killing both Applicants.

[4] The only issue is that of state of protection. The Member found that St. Vincent afforded adequate state protection to the Applicants. I find that determination to be unreasonable. The male Applicant, a police officer, made his situation known to police. Some protection was afforded. Then the incident with the tampered brakes to the Applicants’ vehicle occurred. The female Applicant made a fulsome complaint to the police. The police response was that she should “probably leave for a while” to avoid the person or persons who sent e-mail messages such as “tell your fucking man don’t ask me who I am cause [I] am the man who is going to end both of u fucking world”.

[5] In this case, the police told the police man and his fiancée to leave the country. Some protection! *Quis custodiet ipsos custodies?*

[6] Clearly state protection is inadequate for the Applicants. It is entirely unreasonable to expect them to return to St. Vincent.

[7] The application is allowed. No party requested a certified question.

JUDGMENT

THIS COURT THEREFORE ORDERS AND ADJUDGES that:

1. The application is allowed;
2. The matter is to be re-determined by a different Member mindful of these
Reasons;
3. No question is certified;
4. No Order as to costs.

"Roger T. Hughes"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6316-13

STYLE OF CAUSE: COREY MOHASDAUS KEIL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 19, 2015

JUDGMENT AND REASONS: HUGHES J.

DATED: MARCH 19, 2015

APPEARANCES:

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