

Federal Court



Cour fédérale

**Date: 20150413**

**Docket: IMM-1431-14**

**Citation: 2015 FC 454**

**Toronto, Ontario, April 13, 2015**

**PRESENT: The Honourable Madam Justice Simpson**

**BETWEEN:**

**KABILAN RASALINGAM**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**ORDER AND REASONS**

**(Delivered Orally from the Bench in Toronto, Ontario on April 9, 2015)**

[1] Kabilan Rasalingam (the Applicant) has applied for judicial review of a decision dated January 7, 2014 made by a Senior Immigration Officer (the PRRA Officer) wherein he rejected the Applicant's Pre-Removal Risk Assessment (PRRA) application. This application is made pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (the IRPA).

I. Background

[2] The Applicant is a 25 year-old citizen of Sri Lanka of Tamil ethnicity. He fled Sri Lanka in July 2010 and made a refugee claim when he arrived in Canada based on his fear of persecution at the hands of the Sri Lankan army.

[3] In a decision dated October 12, 2011 the Refugee Protection Division of the Immigration and Refugee Board (the RPD) dismissed the Applicant's claim after finding that the Applicant would not face persecution as a young Tamil male in Sri Lanka. The Applicant's credibility and insufficient objective evidence to substantiate his claim were the determinative issues in that decision. The Applicant subsequently filed an application for leave and judicial review which was dismissed at the leave stage.

[4] In December 2012, the Applicant applied for a PRRA. The PRRA Officer reviewed the Applicant's new evidence which included two letters from his mother, as well as a letter from a Rural Officer.

[5] The material item in the new evidence, in my view, was the second letter from the Applicant's mother, dated April 30, 2012 (the New Evidence). In that letter, she explained that a man named Chandra from the Sri Lankan army had visited their family home looking for the Applicant. Another unnamed army officer apparently inquired about whether the Applicant had joined the LTTE in Canada. She noted that a friend who was arrested at the same time as the Applicant had been re-arrested and not yet released, but no reason was given for his arrest.

[6] The PRRA Officer identified several problems with the New Evidence including the fact that, the Applicant's mother did not indicate why the army was interested in the Applicant's whereabouts. As well, she did not provide any evidence to corroborate the arrest of the friend; she did not provide specific dates, times or locations for the inquiries made by Chandra and she did not explain why one Officer believed the Applicant to be in Sri Lanka, while the other thought he might be in Canada. Finally, the PRRA Officer noted that there was no evidence that the Applicant's mother had been visited by members of the army since 2012. The most recent visit had occurred eight months before the PRRA application was submitted.

[7] For all these reasons, the PRRA Officer found the letter to be "vague, speculative in nature and written by someone with an interest in the outcome of this assessment". The PRRA Officer also concluded that "the evidence before me does not support that he is being sought or targeted by the Sri Lankan army or others in Sri Lanka".

## II. The Issue

[8] The issue is whether in reaching the conclusion described above, the PRRA Officer made a negative credibility finding or simply concluded that the New Evidence was insufficient.

## III. Discussion

[9] In my view, looking at the decision as a whole, it is clear that the PRRA Officer's principal concern was that the New Evidence was not current and was not detailed enough to be helpful.

[10] The PRRA Officer also expressed concern that the New Evidence came in part from an interested party and was not corroborated. This concern presumably led him to question its probative value in the sense that, without corroboration, the worry would be that it might not be credible. However, in my view, credibility never became a material issue. It was the sufficiency of the evidence that was the concern.

[11] For these reasons, the application will be dismissed.

[12] No question was posed for certification for appeal pursuant to section 74(d) of the IRPA.

**ORDER**

**THIS COURT ORDERS** that the application is dismissed.

“Sandra J. Simpson”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-1431-14

**STYLE OF CAUSE:** KABILAN RASALINGAM v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** APRIL 9, 2015

**ORDER AND REASONS:** SIMPSON J.

**DATED:** APRIL 13, 2015

**APPEARANCES:**

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