

Federal Court



Cour fédérale

Date: 20160203

Docket: IMM-194-16

Citation: 2016 FC 125

Toronto, Ontario, February 3, 2016

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

SURASAK YAFU

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

ORDER AND REASONS

[1] Mr Surasak Yafu seeks an order staying his removal from Canada for Thailand on February 13, 2016 pending a final determination of his application for leave and judicial review of a negative pre-removal risk assessment (PRRA).

[2] In my view, Mr Yafu has failed to meet the three-part test for a stay, and I must, therefore, dismiss his motion.

I. Serious Issue

[3] Mr Yafu submits that the officer who carried out his PRRA failed to take adequate account of the numerous news sources he relied on to show the risk he would face from loan sharks in Thailand. However, the officer found some of the articles to be irrelevant because they pre-dated Mr Yafu's prior negative refugee determination. The officer found others to be unreliable. Further, the officer noted that some of the sources showed that police are addressing the problem with loan-sharking in Thailand.

[4] I can see no serious issue arising from the officer's treatment of the evidence Mr Yafu presented.

II. Irreparable Harm and Balance of Convenience

[5] Given my conclusion on a serious issue, it is not, strictly speaking, necessary to consider the other two branches of the test for a stay. However, I would note that the risk Mr Yafu alleges he will face in Thailand has twice been considered and twice found not to be well-founded. That same risk allegation cannot amount to irreparable harm. It follows that the balance of convenience favours the Minister.

ORDER

THIS COURT ORDERS that the motion is denied.

"James W. O'Reilly"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-194-16

STYLE OF CAUSE: SURASAK YAFU v THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: FEBRUARY 2, 2016

ORDER AND REASONS: O'REILLY J.

DATED: FEBRUARY 3, 2016

APPEARANCES:

Surasak Yafu
(Self-Represented)
Nimanthika Kaneira

FOR THE APPLICANT

FOR THE RESPONDENT

SOLICITORS OF RECORD:

William F. Pentney
Deputy Attorney General
Toronto, Ontario

FOR THE RESPONDENT