

**Date: 20061219**

**Docket: IMM-910-06**

**Citation: 2006 FC 1496**

**BETWEEN:**

**MIRIAM MABEL MARQUEZ MORALES  
MIRIAM DANIELA GONZALEZ MARQUEZ  
RODRIGO JESUS GONZALEZ DOSAL**

**Applicants**

**and**

**MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT**

**Pinard J.**

[1] This is an application for judicial review of a decision dated January 16, 2006, by the Refugee Protection Division of the Immigration and Refugee Board (the IRB), that the applicants are neither Convention “refugees” nor “persons in need of protection” according to the definitions in sections 96 and 97, respectively, of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, on the ground that they lack credibility.

[2] The panel also found that the applicants failed to establish that they could not avail themselves of the protection of the State of Mexico should they return to their country.

[3] On the issue of State protection, the applicants submit that the IRB decision is unreasonable, since the documentary evidence before the panel indicates that the Mexican police and courts are corrupt. Although the documentary evidence reports kidnappings and police corruption in Mexico, it also suggests that this country is addressing the situation and reforming its police force. In my view, it is therefore not unreasonable to find that this documentary evidence does not indicate in a clear and convincing manner that the State is unable to protect the applicant. Moreover, the IRB correctly found that the applicants had, in fact, availed themselves of State protection: the Attorney General acted on the complaint of the applicant, Miriam Mabel Marquez Morales, and arrested Vincente Caiseros, an assailant whom she had identified that same day. She also filed a complaint against the father of Vincente Caiseros, a former police officer, but the applicants left Mexico almost immediately, without waiting for the outcome of this other complaint.

[4] The applicants must provide clear and convincing evidence of the State's inability to protect them, and they failed to do so (see *Canada (Attorney General) v. Ward*, [1993] 2 S.C.R. 689). Thus, the applicants have not persuaded me that the IRB decision, as it concerns State protection, is unreasonable. That alone is sufficient to dismiss the application for judicial review, without considering the applicants' lack of credibility.

[5] Accordingly, the application for judicial review is dismissed.

“Yvon Pinard”

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Judge

Ottawa, Ontario  
December 19, 2006

Certified true translation  
Mary Jo Egan, LLB

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-910-06

**STYLE OF CAUSE:** MIRIAM MABEL MARQUEZ MORALES, MIRIAM DANIELA GONZALEZ MARQUEZ, RODRIGO JESUS GONZALEZ DOSAL v. MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** November 8, 2006

**REASONS FOR JUDGMENT BY:** The Honourable Mr. Justice Pinard

**DATED:** December 19, 2006

**APPEARANCES:**

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Lisa Maziade FOR THE RESPONDENT

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