

Federal Court



Cour fédérale

Date: 20110706

Docket: IMM-5317-10

Citation: 2011 FC 828

Ottawa, Ontario, July 6, 2011

PRESENT: The Honourable Mr. Justice Phelan

BETWEEN:

JOSE MANUEL LEANDRO

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

I. BACKGROUND

[1] The Applicant is a citizen of Portugal. He has been in Canada for 45 years. He is addicted to alcohol and crack cocaine and had 31 criminal convictions between September 1977 and May 2010. He added a further conviction on January 4, 2011 while this judicial review was awaiting a hearing.

[2] On April 23, 2009, the Applicant was ordered deported from Canada because of his then latest conviction.

[3] The Applicant appealed the removal order to the Immigration Appeal Division (IAD), which appeal was denied.

[4] The IAD examined the six *Ribic* factors, noted that it had a wide discretion and that the *Ribic* factors were not exhaustive.

[5] While the IAD recognized that the Applicant had family support and that he would experience hardship upon return to Portugal, it concluded that any positive factors were outweighed by a low possibility of rehabilitation, lack of establishment and absence of family dependence on him.

II. ANALYSIS

[6] The standard of review is well established as that of reasonableness (*Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12).

[7] The Applicant is essentially asking this Court to re-weigh the evidence, and assess the *Ribic* factors to reach a different conclusion.

[8] The IAD's reasons were clear and logical. The IAD considered all the relevant factors. There is nothing unreasonable in the weighing of the relevant factors.

III. CONCLUSION

[9] It is not the Court's function to substitute its assessment of the evidence. There is no error and this judicial review will be dismissed. There is no question for certification.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

“Michael L. Phelan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5317-10

STYLE OF CAUSE: JOSE MANUEL LEANDRO

and

THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: April 5, 2011

**REASONS FOR JUDGMENT
AND JUDGMENT:** Phelan J.

DATED: July 6, 2011

APPEARANCES:

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Mr. Brad Gotkin FOR THE RESPONDENT

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