

**Date: 20070326**

**Docket: IMM-3256-06**

**Citation: 2007 FC 322**

**Montréal, Quebec, the 26th day of March 2007**

**PRESENT: THE HONOURABLE MADAM JUSTICE TREMBLAY-LAMER**

**BETWEEN:**

**MICHELLE ANAÏS REYES**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This is an application for judicial review of a decision by the Refugee Protection Division (RPD) of the Immigration and Refugee Board that the applicant was neither a “Convention refugee” nor a “person in need of protection”, as defined in sections 96 and 97 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (IRPA).

[2] In dealing with the claim of Carlos Reyes Rivas, the RPD also disposed of the claims of his daughter Michelle Reyes and of the applicant Myrna Reyes (docket number IMM-3257-06), who based their claims on that of the applicant. As a result, the reasons given in docket IMM-3255-06 apply *mutatis mutandis* to the present matter.

[3] For these reasons, the application for judicial review is allowed. The decision is set aside, and the matter is referred for redetermination before a differently constituted panel.

**JUDGMENT**

The application for judicial review will be allowed. The decision is set aside, and the matter is referred for redetermination before a differently constituted panel.

"Danièle Tremblay-Lamer"

Judge

Certified true translation  
Susan Deichert, Reviser

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

**DOCKET:** IMM-3256-06

**STYLE OF CAUSE:** MICHELLE ANAÏS REYES v. M.C. I.

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** March 13, 2007

**REASONS FOR JUDGMENT  
AND JUDGMENT BY:** THE HONOURABLE MADAM JUSTICE  
TREMBLAY-LAMER

**DATED:** March 26, 2007

**APPEARANCES:**

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