

Date: 20070326

Docket: IMM-3257-06

Citation: 2007 FC 323

[ENGLISH TRANSLATION]

Montréal, Quebec, March 26, 2007

PRESENT: The Honourable Madam Justice Tremblay-Lamer

BETWEEN:

MYRNA RIVAS

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 whereby the applicant is not a Convention refugee or 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 (the Act).

[2] In handling Carlos Reyes Rivas' claim, the RPD also heard the claims of his daughter, Michelle Reyes (docket no. IMM-3256-06), and of the female applicant, Myrna Reyes, who support

their claims on that of the male applicant. Consequently, the reasons in docket IMM-3255-06 apply *mutatis mutandis* to this matter.

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

JUDGEMENT

The application for judicial review is allowed. The decision is set aside, and the matter is sent back for redetermination before a newly constituted panel.

“Danièle Tremblay-Lamer”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3257-06

STYLE OF CAUSE: MYRNA RIVAS v. M.C.I.

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: March 13, 2007

REASONS FOR JUDGMENT AND JUDGMENT: TREMBLAY-LAMER J.

DATED: March 26, 2007

APPEARANCES:

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