

**Date: 20081028**

**Docket: IMM-1016-08**

**Citation: 2008 FC 1206**

**BETWEEN:**

**ANA ROCIO ALVAREZ BECERRA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR ORDER**

**GIBSON D.J.**

**I. Introduction**

[1] These reasons follow the hearing at Toronto on the 21<sup>st</sup> of October, 2008, of an application for judicial review of a decision of the Refugee Protection Division (the “Tribunal”) wherein the Tribunal determined the Applicant not to be a Convention refugee and not to be a person otherwise in need of Canada’s protection. The decision under review is dated the 28<sup>th</sup> of January, 2008.

## II. Background

[2] The Applicant is a female citizen of Mexico in her late 20s.

[3] The Applicant alleges that she engaged in a lesbian relationship with the daughter of her employer. Her employer became aware of this relationship. The Applicant received a series of threatening telephone calls. While riding a motorcycle, she and the passenger were struck by a car in circumstances that led the Applicant to believe that the encounter was intentional. The Applicant and her passenger were seriously injured in the encounter. The Applicant underwent surgery in hospital followed by a period of rehabilitation. The Applicant alleges that before her rehabilitation was completed, she was required to return to work. Threatening telephone calls continued to the Applicant even after she was forced to leave her work and changed her residence within Mexico.

[4] The Applicant attempted to file a complaint with the police. Her attempt was rejected. Subsequently, her father successfully filed a complaint which was never effectively followed up upon and which was eventually withdrawn under pressure.

[5] The Applicant fled to Canada and claimed Convention refugee status.

## III. The Decision under Review

[6] The Tribunal summarized documentary evidence before it, though not all such documentation, to determine first, whether there was in place in Mexico a legislative framework and an implementation strategy to provide adequate, but not perfect, protection for gay citizens who live

within Mexico City. It concluded that there was such a legislative framework and implementation strategy. It wrote:

This review satisfies me the situation for gays and lesbians may vary from state to state or even large cities to small towns and rural areas. However, in the D.F. [the Federal District within Mexico City], there is in place a legal system that provides redress to the rule of law for citizens who have suffered persecution or serious harm as a result of their sexuality. Further, the various reports indicate that the situation has shown steady improvement as noted by the recent changes in the anti-discriminatory laws.

[7] The presiding member of the Tribunal then posed the following question to himself:

Would the fact that the agent of persecution is an influential person with connections to both government and police personal result in the claimant being deprived from adequate legal recourse and protection should she be found and suffer persecution or have reason to believe she will be persecuted in the future?

[8] Once again, after reviewing documentary evidence before him, the Tribunal member concluded:

My reviews satisfies me that, while there may be areas of Mexico where serious efforts to provide adequate protection as a result of corruption and criminality are not being made, in the D.F., within Mexico City, this is not the case.

[9] The Tribunal then summarized the submissions of counsel for the Applicant and concluded:

Considering:

- there is a legislative framework and implementation strategy in place to provide protection for gay citizens of Mexico in the D.F. within Mexico City;
- the claimant has failed to show with clear

evidence that these efforts would not provide her he with adequate protection should she require it in the future;

- there is no evidence before me that would support that the D.F. within Mexico City would not be a reasonable location for the claimant,
- I am satisfied that the claimant has failed to show she would not be protected by the state in all areas of Mexico and that the D.F. within Mexico City is a viable IFA.

#### IV. Brief Analysis and Conclusion

[10] It is trite law that a Tribunal does not have to refer in its reasons to each and every piece of documentary evidence before it. It is sufficient that its cites from credible documentation that is before it and that provides evidence that supports its conclusion. Such is the case here. I am satisfied that the Tribunal neither ignored evidence put forward on behalf of the Applicant nor was unreasonably selective in its reliance on documentary evidence before it. A range of this Court's decisions on judicial reviews based on essentially similar factual backgrounds arising in Mexico have reached the same conclusion as that here under review.

[11] Against a standard of review of reasonableness reflecting appropriate deference to the Tribunal the decision of which is here under review, I am satisfied that the decision was reasonably open.

[12] For the foregoing reasons, this application for judicial review will be dismissed.

[13] At the close of hearing counsel were advised of the Court's conclusion. Neither counsel recommended certification of a question. The Court itself is satisfied that no serious question of general importance that would be dispositive on an appeal of this decision arises. No question will be certified.

“Frederick E. Gibson”

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Deputy Judge

OTTAWA, ONTARIO  
October 28, 2008

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-1016-08

**STYLE OF CAUSE:** ANA ROCIO ALVAREZ BECERRA v.  
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** October 21, 2008

**REASONS FOR ORDER:** GIBSON D.J.

**DATED:** October 28, 2008

**APPEARANCES:**

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