

Federal Court



Cour fédérale

**Date: 20120419**

**Docket: IMM-6210-11**

**Citation: 2012 FC 456**

**Toronto, Ontario, April 19, 2012**

**PRESENT: The Honourable Mr. Justice Campbell**

**BETWEEN:**

**MATHANKUMAR AMBALAVANAR**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR ORDER AND ORDER**

[1] The Applicant claims refugee protection under s. 96 and s. 97 of the *IRPA* on the basis of his ethnicity as a Tamil man from Jaffna in the North of Sri Lanka. After conducting a prospective risk analysis based on the present in-country circumstances in Sri Lanka, the RPD found that the Applicant is not a Convention refugee or a person in need of protection.

[2] The Applicant's claim is understood by the RPD in the following way:

He said his family had experienced harassment by the Liberation Tigers of Tamil Eelam (LTTE, Tigers) and then later by security

forces. He said he and his schoolmates were targeted for recruitment by the LTTE and occasionally brought to the LTTE camp for indoctrination classes. In February 1997, he and some classmates were detained by the Sri Lankan Army (SLA) at the Nallur check post. He was released the next day after questioning on LTTE connections and some beating. As he was one of 4 siblings at home, which was close to an army check post, the SLA occasionally dropped in to check on them. He studied in Colombo from March 2006 to September 2007. In December 2009, while going to church on his motorbike in Jafna, he was accosted by 4 men in a white van, asked about some names then beaten up. As they were in civilian clothes and spoke in Sinhalese and Tamil he believes they were members of the SLA and paramilitaries. In January 2010, after trying to lodge a complaint against the beating at the Jaffna police station, which was not taken, 2 men in civilian clothes forced their way into his home, pushed his father aside and ordered him not to make any move while they ransacked his room before they left with threats. That month, he sent a letter of complaint on the December 2009 incident to the Department of Justice in Colombo but has never received a reply. In March 2010, he said he barely got away when 3 men came to his friend's house where he was staying. When he and his father went to try to reclaim a piece of land they owned in Kovilkulam, Vavuniya, they were chased away by members of the PLOTE (Peoples Liberation Organization of Tamil Eelam) who had occupied it and built 4 houses on it. He said that after he left Sri Lanka, PLOTE members had extorted money from his father when they visited his parents' house looking for him.

[Emphasis added]

(Decision, para. 3)

It is uncontested that after the emphasized incident occurred an effort was made to reclaim the land taken by appealing to the Provincial Land Commissioner (see Tribunal Record, pp. 58 – 59). In the present Application, Counsel for the Applicant argues that the land incident causes a prospective fear of risk from the PLOTE to arise, which was not addressed by the RPD. I find that I cannot agree with this argument because no clear argument, supported by evidence, was advanced to the RPD to establish that, merely by the Applicant returning to Sri Lanka, the PLOTE would become an agent of persecution or risk. As a result, I find no reviewable error in the decision under review.



**ORDER**

**THIS COURT ORDERS that:**

1. The present Application is dismissed;
2. There is no question to certify.

“Douglas R. Campbell”

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-6210-11

**STYLE OF CAUSE:** MATHANKUMAR AMBALAVANAR  
v THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** APRIL 17, 2012

**REASONS FOR ORDER  
AND ORDER BY:** CAMPBELL J.

**DATED:** APRIL 19, 2012

**APPEARANCES:**

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Alexis Singer FOR THE RESPONDENT

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