

Federal Court



Cour fédérale

Date: 20161109

Docket: IMM-3533-16

Citation: 2016 FC 1252

Vancouver, British Columbia, November 9, 2016

PRESENT: The Honourable Mr. Justice Campbell

BETWEEN:

TERENCIO DE JESUS RAUDALES ZUNIGA

Applicant

and

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT

[1] **WHEREAS THE PRESENT APPLICATION** concerns a citizen of Honduras who applied for a Pre-Removal Risk Assessment (PRRA) as a returnee to Honduras;

[2] **AND WHEREAS** the Applicant's application as a returnee was dismissed by a PRRA Officer by decision dated August 16, 2016 (Tribunal Record p. 2);

[3] **AND WHEREAS** in support of the application, Counsel for the Applicant specifically relied on the UNHCR *Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Honduras (Guidelines)* dated July 27, 2016 (see Tribunal Record p. 16) as follows:

The Guidelines also note that deportees and returning migrants who bring resources from overseas, or who are perceived to do so, are also reported to be an identifiable target for extortion by the gangs.

[Emphasis in the original]

(Tribunal Record p. 14).

[4] **AND WHEREAS** in the decision under review, the PRRA Officer refers to the *Guidelines* but does not specifically address the returnee argument advanced by Counsel for the Applicant;

[5] **I FIND THAT** the decision under review is unreasonable.

THIS COURT'S JUDGMENT is that:

For the reasons provided, the decision under review is set aside, and the matter is referred back to a different decision-maker for redetermination.

There is no question to certify.

"Douglas R. Campbell"
Judge