



N° de dossier de la SI / ID File No.: 0018-B9-00330-01-AH

Procès-verbal de l'audience (la partie décision seulement)
Records of Proceedings (decision part only)
Audience: PUBLIC

Entre	Le ministre de la Sécurité publique et de la Protection civile / The Minister of Public Safety and Emergency Preparedness	Between
et		and
Intéressé(e)(s)	MARIO GEORGE DASILVA	Person(s) Concerned
Date(s) de l'audience	OCTOBER 29, 2019	Date(s) of Hearing
Lieu de l'audience	MONTRÉAL	Place of Hearing
Date de la décision	OCTOBER 29, 2019	Date of Decision
Tribunal	D. TORDORF	Panel
Conseil du ministre	M. GALLANT	Counsel for the Minister
Conseil(s) pour l'intéressé(e) / les intéressé(e)(s)	S.O.	Counsel for the Person(s) Concerned
Représentant désigné	S.O.	Designated Representative
Interprète :	S.O.	Interpreter

BY THE MEMBER

- [1] This is the decision in the admissibility hearing of Mario George Dasilva.
- [2] The hearing was held in public.
- [3] Mr. Dasilva, you did not have counsel.
- [4] You were offered at various times of the various steps and you've said you wished to proceed without counsel.
- [5] The proof consisted of your sworn testimony.
- [6] As well as the documents deposited by the Minister's counsel.
- [7] Which I had entered into the record.
- [8] There was C1 which was the referral to hold the admissibility hearing dated the 9th, of March 2019.
- [9] There was the report 44(1) with an allegation under 37(1)(a) of the Act.
- [10] There was an email from IRCC confirming that you are not a Canadian citizen.
- [11] C4 was the document confirming that you are a permanent resident of Canada since the 21st, of April 1976.
- [12] C5 are the interview notes from the Officer Bork the 12th, of January 2018.
- [13] C6 are biker enforcement unit photographs and information on you dated December 27th, 2016.
- [14] And, was prepared by Constable Randy Toutin(ph) of the Ontario Provincial Police.
- [15] C7 was the unclassified expert report on the Hells Angels Motorcycle Group by Sergeant, Jacques Morin.
- [16] C8 was the CV of Sergeant Jacques Morin, who was with the Canadian Intelligence Service of Canada.
- [17] C9 was the Hells Angels World Organizational Chart.
- [18] C10 was the decision by my colleague in the case of Mr. Stables to Toronto Immigration Division, dated the 22nd, of October 2010.
- [19] In which, the Member found Mr. Stables to be, on reasonable grounds, to be believed to be a member of the Hells Angels.
- [20] And that the Hells Angels was a criminal organization for the purposes of 37(1)(a).
- [21] C11 is the federal court judgement confirming my colleague's decision and dismissing the judicial review by Mr. Stables.
- [22] I am satisfied that the following proof has been established.

- [23] That your name is Mario George Dasilva.
- [24] That your date of birth is the 27th, of February 1965.
- [25] That you are a citizen of Portugal.
- [26] You are not a citizen of Canada.
- [27] You became a permanent resident on the 21st, of April 1976.
- [28] According to your testimony, although born in Portugal, you left at 8 months old and you've never returned.
- [29] The only arrest you've had was regarding a possession of marijuana around 1987, for which you received a \$175.00 fine.
- [30] You confirmed that you are not currently a member of the Hells Angels Motorcycle Club.
- [31] That you were a member, however, from 2007 to 2012.
- [32] You described how one becomes a member and how you became a member.
- [33] A friend sponsors you and you first hang around.
- [34] Then you are a prospect.
- [35] Then you become a full member.
- [36] You said today that you would have joined in 2005 and became a full-fledged member in January 2007.
- [37] You say regarding the structure that there are just full members, a president and a vice president.
- [38] You went to monthly meetings for which you had to pay membership fees of \$250.00.
- [39] The meetings would include speaking of upcoming events in the country.
- [40] You did confirm that you participated in many Hells Angels motorcycle runs.
- [41] There were about 5 or 6 a year.
- [42] You gave the name of the president of the chapter.
- [43] One person's name Luciano(ph) and then another person you said Dougie Howell(ph).
- [44] You said that you decided to leave the Hells Angels following your mother's death.
- [45] You said she was killed on the 3rd, of January 2012.
- [46] You left the Hells Angels December 2012.
- [47] You wanted to get away.
- [48] The way you leave the Hells Angels is the way you get in the Hells Angels, you just simply leave.

- [49] You left in good terms.
- [50] You had to give everything back, however.
- [51] You were allowed to keep your tattoos.
- [52] You were asked if you had any Hells Angels tattoos on you and you pointed to your left shin.
- [53] It shows when you entered the Hells Angels and when you left.
- [54] So date in and date out.
- [55] The description, you said, is of a deathhead.
- [56] You say there is about 15 to 20 chapters of the Hells Angels in Canada.
- [57] You explain what the 1% means.
- [58] That certain of you do not agree with certain laws.
- [59] For instance, you do not believe in police corruption and you still do not believe in police corruption.
- [60] Now, in C5, in the interview with the immigration officer, you confirmed a lot of that information.
- [61] You were a member of the Simcoe County Chapter.
- [62] You also explained how you became a member.
- [63] Being a hang around and then a prospect and then a full member.
- [64] You did describe what the 1% means, which is on a patch.
- [65] You did wear the patch.
- [66] You still believe in that.
- [67] According to the notes of C5, you would have said 1% of the society do not live by the police rules.
- [68] You were asked about photos of yourself wearing the regalia of the Hells Angels.
- [69] The jacket, the t-shirt, and you said that you recognized that that was you in the photos.
- [70] You do, however, deny that the Hells Angels is a criminal organization.
- [71] There were maybe 12 or 13 members in your chapter and none of them had any criminal records.
- [72] You didn't produce any documentary evidence.
- [73] So I have to determine whether or not there are reasonable grounds to believe that you were a member of the organization the Hells Angels and I have sufficient information.
- [74] You had the patches.

- [75] You had the regalia.
- [76] You had the tattoos.
- [77] You paid the membership fees.
- [78] You had described how you became a Hells Angels which is consistent with the documentary evidence.
- [79] You have proof on your shin of when you entered the Hells Angels and when you were dated out.
- [80] I have reasonable grounds to believe that you were a member of the Hells Angels motorcycle club.
- [81] Now whether or not the Hells Angels Motorcycle Club is an organization for the purposes of 37(1)(a), you did not produce any contrary documentary evidence than what the Minister's counsel has produced.
- [82] I have C7, which talks about the history and evolution of the Hells Angels.
- [83] I have no doubt that this is a credible and trustworthy document.
- [84] I have information that there is a certain hierarchy to the organization.
- [85] It is considered to be one of the four main motorcycle clubs in the world.
- [86] It has got, according the organizational chart, it has chapters all around the world.
- [87] That is in C9.
- [88] You confirmed that.
- [89] According to the information in C7, this organization is involved in widespread and important criminality including violent crimes, drug trafficking, extortion and prostitution, firearms and explosive offences.
- [90] There is identifying features of their members, which include patches that identify that certain of their actions.
- [91] Specific colours. Red lettering on a black background worn on denim jackets and vests.
- [92] Diamond shaped 1% patch.
- [93] There are certain requirements to be a member.
- [94] There are certain requirements to be a member.
- [95] You explained what you had to do to become a member.
- [96] Loyalty is an important aspect of being a member.
- [97] According to the information, I have sufficient information that the Hells Angels Motorcycle Club would be an criminal organization for the purposes of 37(1)(a) as the activities that they are involved in would constitute indictable offences under our Act of Parliament.

[98] We also have, although it is not really proof, it is just jurisprudence but we do have C11 which is a federal court judgement, which maintained that the information that was before my colleagues was sufficient to find that the Hells Angels Motorcycle Club was an organization for the purposes of 37(1)(a).

[99] In the circumstances, I find you described under 37(1)(a) and I issue against you a deportation order.

[100] A deportation order means that it would affect your permanent residency in Canada.

[101] You do not have a right to appeal before the immigration appeal division.

[102] You do have a right to bring this decision before the Federal Court and judicial review.

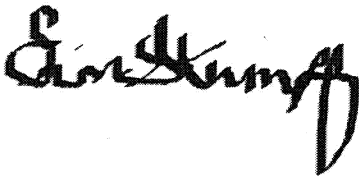
[103] Just like Mr. Stapleton did.

[104] In the circumstances, this ends your admissibility hearing.

[105] Thank you.

--- DECISION CONCLUDED

I hereby certify that this is
a true and faithful transcription
of the concluded hearing.



Erin Stumpf, Transcriber
International Reporting Inc.

November 4, 2019