

Federal Court



Cour fédérale

**Date: 20141212**

**Docket: IMM-5145-13**

**Citation: 2014 FC 1204**

**Ottawa, Ontario, December 12, 2014**

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

**BETWEEN:**

**GHAZI HAMMOUD HOSSIN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Mr. Hossin asks the Court to set aside the decision of the Refugee Protection Division finding that he was not a Convention refugee or a person in need of protection. After a full review of the Record, I am unable to agree with him that the decision under review was unreasonable. Accordingly, this application will be dismissed.

[2] Mr. Hossin, is a citizen of Iraq and a Sunni Muslim. In 2007, he was forced to flee to Ghetherifa because of sectarian conflict. Upon arriving there he says that he discovered that the town was under the control of Al Qaeda which was encouraging people to fight against American forces and the Shia population. Mr. Hossin says that he began to speak out against this in private but that Al Qaeda found out what he was doing and saying and they threatened to kill him. He sent his family away and testified as to a number of incidents that happened to him and family members, including the deaths of his brother, his brother's son and a cousin.

[3] The Member found that the applicant had failed to prove that he was being pursued by Al Qaeda or that those whose actions he complained of were members of Al Qaeda. He observed that they might very well be an armed Sunni group or merely Al Qaeda supporters.

[4] The crux of the decision, and that which counsel focused upon in oral submissions, is contained in the following two paragraphs.

The UNHCR Guidelines go on to state, when discussing Al Qaeda:

As a result of diminished popular support, opposition from the Sahwa forces increased USF-I/ISF offensives as well as high-profile arrests of leaders, the group [Al Qaeda] was weakened and no longer holds territorial control of vast areas of central Iraq.

The panel finds that, even if the group, who allegedly targeted the claimant, were members of Al Qaeda or loosely connected to Al Qaeda, it would appear they no longer have the capacity or reach suggested by the claimant.

[5] Counsel submits that this is an unreasonable finding and that the record contains documentary evidence that expressly states the contrary to the Member's finding.

[6] The Court has carefully examined the documents referenced by the applicant. The *UNHCR Guidelines* upon which the Board relies is dated May 31, 2012. All of the documents relied on by the applicant pre-date it and, in any event, many are not truly contradictory to the finding of the Member.

[7] In the Court's view, the Member relied on the most current information concerning a country that is currently in a state of turmoil. It is noted that many parts of Iraq are now under the control of ISIS. Having relied upon what was then current information, and given the forward looking nature of the exercise, the Board's decision as to the capacity of Al Qaeda in the area from which the applicant hails, is reasonable. Accordingly, this application cannot succeed.

[8] No question was proposed to be certified.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** this application is dismissed and no question is certified.

"Russel W. Zinn"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-5145-13

**STYLE OF CAUSE:** GHAZI HAMMOUD HOSSIN v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** DECEMBER 9, 2014

**JUDGMENT AND REASONS:** ZINN J.

**DATED:** DECEMBER 12, 2014

**APPEARANCES:**

G. Michael Sherritt

FOR THE APPLICANT

Norah Dorcine

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

G. Michael Sherritt  
Barrister & Solicitor  
Calgary, Alberta

FOR THE APPLICANT

William F. Pentney  
Deputy Attorney General of Canada  
Toronto, Ontario

FOR THE RESPONDENT