

Federal Court



Cour fédérale

Date: 20150217

Docket: IMM-8170-13

Citation: 2015 FC 198

Toronto, Ontario, February 17, 2015

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

**RROK ZOGORJANI
MRI ZOGORJANI
PALE ZOGORJANI
VILSON ZOGORJANI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION AND
THE MINISTER OF PUBLIC SAFETY
AND EMERGENCY PREPAREDNESS**

Respondents

JUDGMENT AND REASONS

[1] This is a judicial review of a decision of a Senior Immigration Officer dated November 15, 2013, wherein the Applicants' Pre Removal Risk Assessment [PRRA] application was rejected.

[2] The Applicants are a husband and wife and their two children, all of whom are citizens of Albania. They came to Canada and claimed refugee protection. That claim was denied in a decision of the Refugee Protection Division dated April 18, 2012. They sought a PRRA assessment which was rejected. Their removal from Canada was stayed, by Order of this Court dated January 22, 2014, until the determination of the judicial review now before this Court.

[3] The Applicants' claim for refugee protection was based on allegations of a blood feud in Albania over a land claim dispute between the Applicants' family and another family. That claim was rejected.

[4] The Applicants submitted to the PRRA Officer further evidence comprising of two affidavits [the Aurora and Mri affidavits] and a certificate from a church in Albania. The PRRA Officer characterized their materials as "materially consistent with those already considered by the RPD" and not "capable of overcoming any of the RDP credibility findings".

[5] The Applicants' Counsel argues that the evidence is directed to new threats from the family engaged in the blood feud and goes beyond such a feud and constitutes a new threat of harm and death. As to credibility, the Applicants point out that the principal claimant, the father, suffered brain damage as a result of a beating in Albania and, in fact, at the RPD hearing, he had a special representative acting for him.

[6] The Respondents' Counsel argues that the decision was reasonable and within the bounds of reasonableness, as established in *Dunsmuir* and like decisions.

[7] Having reviewed the evidence submitted to the PRRA Officer I am satisfied that it was “new” in the sense contemplated by the Federal Court of Appeal in *Raza v. Canada (Minister of Citizenship and Immigration)*, 2007 FCA 385 and should have received full consideration by the Officer. The credibility of this new evidence was not challenged. It attests to new threats to the family as a whole, men women and children. It is different from traditional (if that is the word that can be used) Albanian blood feud that targets only men. The matter needs to be thoroughly considered.

[8] No party requested a certified question.

JUDGMENT

THIS COURT'S JUDGMENT is that:

1. The application is allowed;
2. The matter is to be reconsidered by a different PRRA Officer;
3. No question is certified;
4. No Order as to costs.

"Roger T. Hughes"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8170-13

STYLE OF CAUSE: RROK ZOGORJANI, MRI ZOGORJANI, PALE
ZOGORJANI, VILSON ZOGORJANI v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION AND THE
MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: FEBRUARY 17, 2015

JUDGMENT AND REASONS: HUGHES J.

DATED: FEBRUARY 17, 2015

APPEARANCES:

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