

Federal Court



Cour fédérale

Date: 20200113

Docket: IMM-2105-19

Citation: 2020 FC 35

Ottawa, Ontario, January 13, 2020

PRESENT: Madam Justice Simpson

BETWEEN:

SINAN RAAD FATOOHI

Applicant

and

**THE MINISTER OF IMMIGRATION,
REFUGEES AND CITIZENSHIP CANADA**

Respondent

JUDGMENT AND REASONS

(Delivered Orally from the Bench, in Toronto, Ontario on December 11, 2019)

I. Proceeding

[1] This application is for judicial review of a decision of a Senior Immigration Officer [the Officer] dated December 14, 2017 [the Decision], in which the Officer reached a negative decision on the Applicant's Pre-Removal Risk Assessment [PRRA] based on the finding that he was not at personalized risk under section 97 of the IRPA in Iraq due to his Christianity [the

Decision]. This application was brought pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the IRPA].

II. Background

[2] The Applicant is a 31-year-old male citizen of Iraq. His claim of section 97 risk in his PRRA application was based in part on fear due to his profile as a practising Christian in Iraq.

[3] On May 9, 2006, the Applicant arrived in Canada with his family. They were granted permanent residence in Canada through his father's successful application to the Federal Skilled Worker Class.

[4] On December 14, 2011, however, the Applicant was convicted of robbery, disguise with intent, and failing to comply with a probation order.

[5] On July 18, 2012, CBSA alleged that the Applicant was inadmissible to Canada for serious criminality under section 36(1)(a) of the IRPA. Following an admissibility hearing, the Applicant was found inadmissible, and a deportation order was issued on December 3, 2012.

[6] The Applicant's PRRA application which was based solely on section 97 of the IRPA began in April 2017 and the negative Decision dated December 14, 2017 is the decision under review.

III. Decision

[7] The only dispositive issue is whether the PRRA Officer failed to disclose extrinsic evidence on which he or she relied.

[8] The Decision makes the following two comments about the sources. The first is found on page 3 of the Decision and it reads:

I have also considered country documentation, legislation and jurisprudence obtained through independent research.

[9] As well, at the end of the Decision, on page 5 under the heading “Sources Consulted” the Officer says:

Sources were also cited throughout the text of my notes. Note the sources used were all publicly available on the Internet using Google and employing standard search terms.

And then below this heading, the only document listed is the United States Commission on International Religious Freedom Annual Report of 2016.

[10] The Respondent submits that a review of the Decision shows that the two sources cited were the document just mentioned and one Federal Court case. All the other documents mentioned were provided by counsel for the Applicant. I am persuaded that there is no indication in the Decision that the Officer relied on any other documents.

IV. Conclusion

[11] In my view, it is mere speculation on the Applicant's part that documents which post dated his PRRA submissions were relied on by the Officer. Accordingly, an order will be made dismissing this application for judicial review.

V. Certification

[12] No question was posed for certification for appeal.

JUDGMENT IN IMM-2105-19

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

"Sandra J. Simpson"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2105-19

STYLE OF CAUSE: SINAN RAAD FATOOHI v THE MINISTER OF
IMMIGRATION, REFUGEES AND CITIZENSHIP
CANADA

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: DECEMBER 11, 2019

JUDGMENT AND REASONS: SIMPSON J.

DATED: JANUARY 13, 2020

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