

**Date: 20080402**

**Docket: IMM-2851-07**

**Citation: 2008 FC 418**

**Vancouver, British Columbia, April 2, 2008**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**NAELA HASAN**

**Applicant**

**and**

**THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] Ms. Naela Hasan (the “Applicant”) seeks judicial review of the decision of a Pre-Removal Risk Assessment Officer (the “PRRA Officer”), dated June 7, 2007 in which her application to be found to be a person at risk, pursuant to sections 96 and 97 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”) was rejected.

[2] The Applicant is a citizen of Pakistan. She married Aamir Hasan in August 1992 and separated from him in 2003. She is the mother of three Canadian-born children.

[3] In 2001, while in Canada with her husband and children, the Applicant and her husband made an inland application on the basis of humanitarian and compassionate grounds, pursuant to the former *Immigration Act*, R.S.C. 1985, c. I-2. The application was rejected in March 2007.

[4] Subsequently, the Applicant and her husband submitted a claim for refugee protection. This application was refused by the Refugee Protection Division in January 2003.

[5] According to her affidavit filed in support of this application for judicial review, the Applicant entered into an extramarital affair with a man in Canada and began cohabiting with him in June 2005. She deposed that this relationship ended in October 2006.

[6] The Applicant deposed that her estranged husband, upon learning of her extramarital affair, threatened to have her punished for the commission of “Zina”, an “extramarital relation in Islam.” She deposed that she was also threatened by her youngest brother concerning her affair in Canada.

[7] The Applicant was told, as well, that her mother believes that the brother may have registered a complaint against her with the police in Pakistan.

[8] The PRRA Officer reviewed the Applicant’s submissions and concluded that conditions began changing in Pakistan *vis-à-vis* the treatment of women, including the issue of Zina. He concluded that, having regard to these changes, including legislative changes, the Applicant would

not face a serious possibility of persecution or was not more likely to face a danger of torture, risk to life or risk of cruel and unusual treatment if returned to Pakistan.

[9] In view of the recent decision of the Supreme Court of Canada in *Dunsmuir v. New Brunswick*, 2008 SCC 9, the standard of reasonableness applies. The PRRA Officer's opinion is not reasonable, in light of the evidence of the threats made against the Applicant by her estranged husband and her brother.

[10] The application for judicial review is allowed and the matter is remitted to another PRRA Officer for redetermination. There is no question for certification arising.

**JUDGMENT**

The application for judicial review is allowed and this matter is remitted to another PRRA Officer for redetermination. There is no question for certification arising.

“E. Heneghan”

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Judge

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

**DOCKET:** IMM-2851-07

**STYLE OF CAUSE:** NAELA HASAN v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** March 6, 2008

**REASONS FOR JUDGMENT:** HENEGHAN J.

**DATED:** April 2, 2008

**APPEARANCES:**

Krassina Kostadinov FOR THE APPLICANT

Lorne McClenaghan FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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