

Federal Court



Cour fédérale

Date: 20241004

Docket: IMM-8522-21

Citation: 2024 FC 1564

Ottawa, Ontario, October 4, 2024

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

AICHA ABDI DABAR

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Ms. Dabar is seeking judicial review of the denial of her application for a pre-removal risk assessment [PRRA]. She argues that the PRRA officer unreasonably found that she would not have a well-founded fear of persecution based on mental illness and gender upon returning to her country of origin, Djibouti. I am dismissing her application, because the officer's analysis of the evidence was reasonable and based on established legal principles.

I. Background

[2] Ms. Dabar is a citizen of Djibouti. She alleges that because of her support for the *Mouvement pour le renouveau démocratique et le développement* [MRD], an opposition party, the police severely assaulted her and closed her store, taking away all her stock. She eventually fled to Canada and claimed refugee protection, alleging a fear of political persecution. The Refugee Protection Division [RPD] of the Immigration and Refugee Board [IRB] dismissed her claim, because it found her not to be credible. Her appeal to the Refugee Appeal Division [RAD] of the IRB was never perfected and was dismissed. Her application to re-open the case was dismissed.

[3] Ms. Dabar then applied for a PRRA. She relied on risks related to her political opinion, ethnicity, gender and mental illness. With respect to political opinion, the PRRA officer found that the new evidence filed by Ms. Dabar did not overcome the RPD's credibility findings. The officer then acknowledged the documentary evidence regarding discrimination against women in Djibouti, in particular against single women, but noted that Ms. Dabar successfully operated a business, that she is still married and that she could rely on her family's support. The officer also found that there was little evidence that Ms. Dabar would be personally affected by discrimination based on her ethnic origin. Lastly, with respect to mental illness, the officer found that the origin of Ms. Dabar's post-traumatic stress disorder [PTSD] was unclear, and that she could pursue remote treatment over the Internet if mental health support in Djibouti was too limited.

II. Analysis

[4] I am dismissing Ms. Dabar's application, because the PRRA officer's decision was reasonable. The officer did not misapprehend the evidence and provided a logical chain of analysis to justify the rejection of Ms. Dabar's claim. Certain aspects of the reasons could have been more carefully worded, but this do not affect the reasonableness of the whole. After all, judicial review is not a "line-by-line treasure hunt for error": *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paragraph 102, [2019] 4 SCR 653 [*Vavilov*]. Neither is judicial review an opportunity to advocate for a different weighing of the evidence. The Court will intervene only if the officer "fundamentally misapprehended or failed to account for the evidence before it": *Vavilov*, at paragraph 126.

A. *Persecution Based on Mental Illness*

[5] In her PRRA application, Ms. Dabar relied mainly on the report of a psychotherapist to allege that her return to Djibouti would expose her to persecution based on her mental health condition. The report recounts her allegations of persecution based on political opinion, which were found not credible by the RPD. It also mentions discrimination based on ethnicity; the PRRA officer found that this did not amount to a personalized risk of persecution and Ms. Dabar does not challenge that aspect of the decision. The report then states that Ms. Dabar exhibits certain symptoms consistent with PTSD, briefly describes the treatment sessions she is undergoing and concludes by stating that "[t]he lack of support and appropriate trauma informed services may exasperate [*sic*] Mrs. Abdi Dabar's symptoms mentioned above and impede her

recovery.” Ms. Dabar also relies on country condition evidence showing that mental health services are largely non-existent in Djibouti.

[6] Based on this evidence, Ms. Dabar argued that her removal to Djibouti would exacerbate her condition, because this is where the abuse that caused her PTSD occurred. She also alleged that the lack of treatment would be detrimental to her mental health, and that there is discrimination against persons with a mental health condition in Djibouti.

[7] In my view, the PRRA officer reasonably rejected these submissions. First, as the allegations of political persecution were found not credible, it is unclear what the source of Ms. Dabar’s symptoms is. While the officer accepted the psychotherapist’s statement that Ms. Dabar has symptoms consistent with PTSD, the origin of these symptoms has not been proved. Thus, it was reasonable to give little weight to the psychotherapist’s assertion that Ms. Dabar is “fearful of having to return to Djibouti due to her previous association with the opposition and the possible consequences.” It was equally reasonable for the officer to conclude that “[a]s for returning to the place where she suffered abuses, as previously demonstrated, I find there is insufficient evidence to establish such abuses occurred.”

[8] In this connection, Ms. Dabar argued that the PRRA officer could not disregard the “factual basis” of the psychotherapist’s report without making an implied credibility finding, which cannot be done unless a hearing is held. I disagree. As she does not challenge the PRRA officer’s findings regarding ethnicity and, most importantly, political persecution, I must assume that the events she alleged did not take place. A PRRA applicant cannot overcome a previous

negative credibility finding simply by telling the story found not credible to a health professional and have the professional repeat it in their report: *Boyce v Canada (Citizenship and Immigration)*, 2016 FC 922 at paragraphs 52–62; *Tacoa Veljovic v Canada (Citizenship and Immigration)*, 2023 FC 1069 at paragraph 44.

[9] Second, it was reasonable for the officer to conclude that removing Ms. Dabar to Djibouti in spite of her PTSD symptoms does not amount to persecution. Ms. Dabar takes issue with the officer’s statement that she could continue her psychological treatment through the Internet from Djibouti. I agree that this statement is problematic, as it is unclear whether Ms. Dabar will have a sufficiently stable Internet connexion and the financial resources to pay for the treatment once she no longer lives in Canada. Nevertheless, this does not affect the reasonableness of the outcome, because the unavailability of health services in a particular country is generally not understood as a valid ground to claim refugee status. Ms. Dabar has not provided any authority supporting the contrary proposition. With respect to risks covered by section 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the Act], subparagraph 97(1)(b)(iv) explicitly excludes risks flowing from a country’s “inability” to provide adequate health care. See, in this regard, *Covarrubias v Canada (Minister of Citizenship and Immigration)*, 2006 FCA 365 at paragraphs 20–41, [2007] 3 FCR 169. In this regard, one should not confuse a PRRA and an application for relief on humanitarian and compassionate grounds pursuant to section 25 of the Act. Issues regarding the availability of mental health services are more properly addressed under the latter process.

[10] Third, the PRRA officer reasonably rejected Ms. Dabar's argument that "there is widespread social stigma and discrimination surrounding mental health issues in Djibouti", as she failed to point to any evidence supporting this assertion and showing that she would be personally affected to the point that it would amount to persecution.

B. *Persecution Based on Gender*

[11] Ms. Dabar also challenges the rejection of her allegations of persecution based on gender. She provided evidence that women in Djibouti are subject to various forms of discrimination. The PRRA officer acknowledged that there is discrimination against women, but found that these conditions existed when Ms. Dabar was living in Djibouti and did not prevent her from operating a business. The officer also noted that there was no indication that these conditions had deteriorated since then.

[12] Ms. Dabar argues that the officer's reasoning amounts to a backward-looking assessment of risk instead of the forward-looking assessment mandated by sections 96 and 97 of the Act. I disagree. The officer was entitled to rely on Ms. Dabar's past experience to conclude that she would not face the kind of serious, systematic discrimination that rises to the level of persecution in the future. She has been able to operate a business for at least two years despite her gender. Thus, given that she did not point to evidence documenting a deterioration of gender discrimination in Djibouti since her departure, Ms. Dabar is unlikely to face gender-based persecution in the future, which is the threshold that she must meet under section 96 of the Act. This does not make the assessment backward-looking.

[13] It was also reasonable for the PRRA officer to find that Ms. Dabar could rely on her family for assistance when returning to Djibouti. In her statutory declaration in support of her PRRA application, Ms. Dabar stated that she has a sister and two brothers in Djibouti, but added that they are poor and that it would be difficult for her to live with them. Given this, it was not unreasonable for the PRRA officer to find that her family would at least be able to provide transitional assistance.

[14] In her written submissions, Ms. Dabar argues that the PRRA officer's finding that she could operate a business in Djibouti was contrary to the evidence, because she was forced to close down her store. However, as I explained earlier, I must proceed on the basis that these events did not take place. While Ms. Dabar claimed that the government forcibly closed her store in October 2016, the RPD found that she operated her business until March 2017 and, as a result, that it was not shut down by the government. Given these findings, Ms. Dabar has not persuaded me that the PRRA officer's finding is unreasonable.

C. *Other Issues*

[15] Ms. Dabar also challenges specific statements in the PRRA decision concerning a short stay in Somaliland and the manner in which she presently supports herself in Canada. These statements were made as part of the officer's detailed review of Ms. Dabar's statutory declaration. While these statements may be incorrect, they do not appear to play any role in the officer's analysis of Ms. Dabar's four asserted grounds of persecution, in a subsequent part of their reasons. I am not persuaded that they play any determinative role in the PRRA officer's reasoning.

III. Disposition

[16] For these reasons, the PRRA officer's decision was reasonable. Accordingly, Ms. Dabar's application for judicial review will be dismissed.

JUDGMENT in IMM-8522-21

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8522-21

STYLE OF CAUSE: AICHA ABDI DABAR v THE MINISTER OF
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APPEARANCES:

Arghavan Gerami

FOR THE APPLICANT

Meg Jones

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Gerami Law PC
Barrister and Solicitor
Ottawa, Ontario

FOR THE APPLICANT

Attorney General of Canada
Ottawa, Ontario

FOR THE RESPONDENT