

Federal Court



Cour fédérale

**Date: 20120924**

**Docket: IMM-577-12**

**Citation: 2012 FC 1115**

**Ottawa, Ontario, September 24, 2012**

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

**BETWEEN:**

**AHMJAD MEZBANI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This is an application for judicial review pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [Act] of a decision of an Immigration Officer (the Officer) of the High Commission of Canada in Islamabad, Pakistan. By letter dated November 23, 2011, the Officer refused the applicant's application for permanent residency visa, finding that the applicant was neither a member of the Convention refugee abroad class nor a member of the country of asylum class under sections 145 or 147 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [Regulations].

Factual Background

[2] Mr. Ahmjad Mezbani (the applicant) is an Iranian citizen currently living in Pakistan without legal status. The applicant was in an orphanage from April 2003 until January 2004 when he was released to his older brother's care, Ohmeed Mezbani (Ohmeed).

[3] The applicant has three (3) married sisters currently living in Iran. The applicant claims they are safe because they are married. His fourth sister, Elham Mezbani (Elham), is divorced and allegedly currently imprisoned in Iran, arrested in connection with Ohmeed's democracy work (Applicant's Record, p 46). The applicant's two (2) brothers, Ohmeed and Saeed Mezbani (Saeed), are now deceased.

[4] Saeed was imprisoned in early June 2000 for starting a protest after the public hanging of six young persons. Saeed was allegedly tortured and beaten in prison. He was released in March 2005 and went to live with Ohmeed and the applicant in Ahwaz, Iran. Following her divorce in autumn 2005, the applicant's sister Elham also went to live with Ohmeed, Saeed and the applicant.

[5] In February 2006, Ohmeed became involved with the Arab Democratic Party by attending meetings and distributing flyers describing democracy and human rights. In March 2006, the applicant and his sister Elham attended a demonstration. They were arrested by the Cepah (a police body in Iran that enforces religious and political codes) and taken to the interrogation centre. The applicant was interrogated and beaten for two (2) days. The applicant also claims to have been beaten three (3) times using the "joujeh-kabob" method, whereby his hands and feet were tied to a metal rod secured horizontally between two (2) chairs, thus allowing the police to hit him with a

cable while the rod is rotated. He also claims to have been beaten with cables and whips while in his cell.

[6] In May 2006, the Cepah allegedly came to the applicant's house demanding to see Ohmeed. Ohmeed was not at the house, and the Cepah asked that he report to them as soon as he returned. Fearing the Cepah, the applicant left the house to find Ohmeed and Saeed and warn them. They borrowed money from their elder sister and had her husband drive them from Ahwaz to Shiraz. From there they took a bus to Zaheydan near the Pakistani border where they prepared to arrange border crossing. Two (2) days later, worried about Elham whom they had left behind, Saeed went back to Ahwaz to get her. After four (4) days had passed since Saeed had left, Ohmeed and the applicant discovered that the Cepah had already arrested Elham and had arrested Saeed shortly after his return to Ahwaz. They decided to cross the border.

[7] On May 28, 2006, the applicant crossed the border into Pakistan with his brother Ohmeed and arrived in Quetta, Pakistan, on May 29 where they registered with the UNHCR. The applicant and his brother Ohmeed were denied official UN refugee status in November 2006. Subsequently, a Canadian church group (United Church of Canada – Two Rivers Pastoral Charge) accepted to sponsor them. The applicant and his brother Ohmeed moved from Quetta to Islamabad in April 2007 in order to be closer to the Canadian embassy.

[8] In late October 2007, during a short stay in the hospital due to kidney pain, the applicant's brother Ohmeed died unexpectedly. A funeral was organized in their home town of Ahwaz. Saeed, who was then imprisoned, was able to obtain a three (3)-day pass from the prison so he could

attend. With the help of relatives, he fled and made his way across the border to Pakistan. Saeed joined the applicant in Islamabad where they lived together. Saeed eventually registered with the UNCHR on February 7, 2008.

[9] On March 10, 2008, the applicant submits that he came home to find Saeed's body in their apartment. The autopsy revealed drug poisoning and the apartment door had been locked. Saeed had presumably committed suicide.

[10] The applicant alleges that the situation of refugees such as himself in Pakistan is precarious. The applicant claims that a return to Iran would be dangerous: he could be arrested for leaving without permission and accused of spying and selling Iranian secrets to Pakistan. He also states that his situation would be worse if the Cepah realized he was previously arrested and detained for attending a demonstration. The applicant claims the Cepah would consider him as being involved with Ohmeed's political activities (distributing democracy flyers) and Saeed's escape from prison because they are family.

[11] The applicant was interviewed by the Officer at the High Commission of Canada in Islamabad, Pakistan, on September 29, 2011.

#### Impugned Decision

[12] The Officer's decision was rendered by way of a letter dated November 23, 2011. There are also CAIPS notes in support of his decision. The Officer expressed concerns with regards to the applicant's identity and credibility, and as such determined that he did not meet the requirements for

immigration to Canada. The Officer stated from the outset that the applicant did not indicate that he had difficulties in understanding the interpreter who was present at the interview.

[13] The Officer noted that the applicant was unable to recount his age or give a timeline of events during the interview. He further noted that the applicant had initially said that he was too young to remember details of his brother's problems, but later attributed them to political activities. The Officer concluded that this was contradictory. The Officer also found no good grounds for the applicant's stated fear that he would be perceived as part of the political activities in which his brother was involved.

[14] The Officer stated the criteria for a person in the country of asylum class and a convention refugee and concluded that the applicant met neither. He concluded that he was not satisfied that there was a reasonable chance they would be persecuted, nor that there was "good grounds for yours (sic) fear of persecution should you all return to the country of your origin".

#### Issues

[15] The issues raised in this case are as follows:

- a. *Was the applicant treated fairly, particularly with regards to the adequacy of the interpretation?*
- b. *Was the Officer's assessment of credibility reasonable?*

### Statutory Framework

[16] Several provisions of the Act and the Regulations are applicable in the present case. They are included in the Annex.

### Standard of Review

[17] The parties agree that the standard of review as it pertains to procedural fairness is that of correctness (*Dunsmuir v New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190 [*Dunsmuir*]; *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 43, [2009] 1 SCR 339). For such issues, the Court will not show deference to the decision-maker, but will rather undertake its own analysis of the question (*Dunsmuir*, above, at paras 50 and 129). On the other hand, when deciding whether an applicant is a member of the Convention refugee abroad class, the officer is entitled to deference since it is a mixed question of fact and law – therefore, the standard of reasonableness applies (*Kamara v Canada (Minister of Citizenship and Immigration)*, 2008 FC 785, 168 ACWS (3d) 372; *Sivakumaran v Canada (Minister of Citizenship and Immigration)*, 2011 FC 590, [2011] FCJ No 788 (QL); *Dunsmuir*, above).

[18] Thus, in this case, the question pertaining to the adequacy of the interpretation will be reviewed on a standard of correctness since it concerns procedural fairness. All other issues pertaining to assessments of credibility and evidence are reviewable on a standard of reasonableness.

Analysis

- a. *Was the applicant treated fairly, particularly with regards to the adequacy of the interpretation?*

[19] The applicant submits that the Dari interpretation which was provided at the interview was a breach of procedural fairness because he requested a Persian interpreter, and does not express himself well in Dari. The respondent argues that the applicant should have raised the issue during the interview, and because he didn't, he is now barred from raising it before this Court.

[20] The documents submitted by the applicant show that he had indicated the preferred language of "Farsi (Persian)" for the interview on his Application for Permanent Residence in Canada (Applicant's Record, p 32). At paragraph 6 of his affidavit, the Officer indicates that it is standard practice to have the receptionist at the High Commission of Canada take the documents from incoming applicants and ask their language of preference for the interview (Respondent's Record, p 4). As exhibit A to his affidavit, the Officer submits a scanned copy of the applicant's letter upon which is handwritten "SJV – Dari" (Respondent's Record, p 6).

[21] The Officer's CAIPS notes indicate: "Interpreter: FMG – DARI" and "Confirmed preferred language and understanding between interpreter and applicant" (Applicant's Record, p 79) and the Officer's affidavit states that "Mr. Mezbani confirmed his wish for the interview to be conducted in Dari." (Respondent's Record, p 4, at para 10). The Court notes that the Officer was not cross-examined on his affidavit and no evidence to the contrary was adduced to refute the Officer's statement.

[22] The applicant raises *Xu v Canada (Minister of Citizenship and Immigration)*, 2007 FC 274, 155 ACWS (3d) 930, where, as in the present case, the interview was not recorded in its original form and is simply recorded by way of the officer's notes of the English interpretation. However, in that case, the earliest opportunity to raise a discrepancy between what was said and what was noted down was after the applicant had the opportunity to see the notes due to the translator's shortcomings. The case at bar is to be distinguished from the case in *Xu*, above, since *Xu* was purely a case of mistranslation – the interpreter spoke the applicant's language. In the present case, the applicant knew right away that his interpreter was not speaking Persian, but Dari (Applicant's Record, Applicant's affidavit, p 8, para 10).

[23] In *Zaree v Canada (MCI)*, 2011 FC 889 at paras 8-9, [2011] FCJ No 1097 (QL), Justice Martineau made the following observations and the Court agrees:

[8] ... where problems of interpretation could be reasonably addressed by the refugee claimant at the time of the hearing, there is an obligation to address them then and not later, in judicial review proceedings. ...

[9] In practice, translation problems may be apparent and easily detectable during the hearing; this is the case when the errors committed occur initially, meaning that they appear in the refugee claimant's mother tongue, which the refugee claimant can detect when he or she is communicating with the interpreter. However, translation problems may also occur later on: the interpreter may fully understand and speak the refugee claimant's mother tongue, but may improperly translate his or her account into the language of the hearing. This situation is more harmful and translation problems may not be detected at the hearing by a refugee claimant who does not speak, or who understands very little of, the language of the hearing (English or French). In such cases, it is unreasonable to expect him or her to have complained of flawed translation at the hearing.

[Emphasis added]



[24] Given the evidence in the present case, the Court is of the opinion that the issue of interpretation could reasonably have been addressed by the applicant at the beginning of the interview, or even when the Officer asked him if he could understand English because the applicant was answering before the questions were translated (Applicant's Record, p 82). The applicant had the obligation to voice any objection with regards to the interpretation during the interview (*Mohammadian v Canada (Minister of Citizenship and Immigration)*, [2000] 3 FC 371, 96 ACWS (3d) 116, aff'd 2001 FCA 191 [*Mohammadian*], and *Zaree*, above) but failed to do so. While the Court sympathizes with the fact that the applicant was scared, he nonetheless had to address this issue as soon as possible. Because he did not, and effectively continued with the interview, he cannot raise the argument before this Court at the judicial review stage. Given the Court's conclusion on this issue, there is no need to address the applicant's Charter argument.

b. *Was the Officer's assessment of credibility reasonable?*

[25] The Officer drew a negative conclusion with regards to the applicant's credibility, specifically because of his answers regarding his date of birth, and his general recounting of the timeline of events.

[26] For the reasons that follow, the Court finds that the conclusions as to credibility are not reasonable. While it is true that assessing credibility is within the expertise of the officer (*Aguebor v Canada (Minister of Employment and Immigration)* (FCA), (1993), 160 NR 315, 42 ACWS (3d) 886 [*Aguebor*]), particularly because he or she is there in person when the applicant answers the questions, the negative conclusions must nevertheless be supported by the evidence (see *Mboudou v Canada (Minister of Citizenship and Immigration)*, 2012 FC 881, [2012] FCJ No 973 (QL)).

[27] The Officer stated that the applicant made contradictory statements with regards to his age. The applicant's year of birth is reported on his forms as being 1990 (Applicant's Record, p 32). The applicant repeats twice during the interview that he is twenty-one (21) years old, which is consistent with a 1990 year of birth because the interview took place in 2011 (Applicant's Record, p 82). He also makes consistent statements about his age by stating he was seventeen (17) when his brother died in 2007 (again, consistent with a 1990 year of birth; Applicant's Record, p 84) and turning eighteen (18) "this month", a statement made in the additional information submitted as part of Schedule 2, dated March 12, 2008 (also consistent with a 1990 year of birth, Applicant's Record, pp 47 and 57).

[28] In the CAIPS notes, the Officer states that the applicant said he was fourteen (14) when he came to Pakistan (Applicant's Record, p 84). In fact, the applicant stated he was 14 or 16 (Applicant's Record p 82). The age of sixteen (16) is in fact consistent with a year of birth of 1990 since he crossed the border in May 2006, as shown on the UNCHR papers. The only contradictory statement made by the applicant is an answer given using the Persian calendar where he stated year 1368 as his year of birth, and the officer added in parentheses "(1989) (22 YRS OLD)" (Applicant's Record, p 82), and while it is true that the NARA card provided by the applicant appears to contain errors, the applicant said "give it to me and I will explain" (Applicant's Record, p 83), but he was not offered an opportunity to provide his explanation to the Officer.

[29] The Officer also notes a contradiction where the applicant would have initially said that "he was too young to know the details of the problems his brother was into", only to later state specific political allegiances (Applicant's Record, p 84). The Court also finds that this conclusion is

unsupported. The Officer asked the applicant “WHY DID YOU LEAVE?”, not what his brother’s problems were (Applicant’s Record, p 83). The answer that followed, “I was too young. I don’t know, I came with my brother”, is in response to the inquiry of why he also left.

[30] Another inconsistency in the Officer’s negative credibility finding concerns the year when the applicant arrived in Pakistan. While the Officer states: “SIR YOU SAID YOU CAME IN 2007” (Applicant’s Record, p 83), the applicant in fact never said he came in 2007. Throughout the interview, he had consistently stated coming to Pakistan in 2006.

[31] The Officer stated that the applicant’s brother and sisters remained behind (in Iran) without harm or threat, thus showing that the applicant has no “good grounds” to fear going back to Iran. The Court finds this conclusion unreasonable in light of the evidence provided by the applicant that his only two brothers were deceased by the time of the interview (there was therefore no “brother” to speak of in Iran) and that his only unmarried sister was imprisoned. The applicant clearly stated that his other sisters were safe because they were married and no longer “related” to him and his brothers. The Officer’s conclusion that he was not satisfied that “there are good grounds for yours [sic] fear of persecution should you all return to the country of your origin” (Applicant’s Record, p 5, [Emphasis added]) casts much doubt on whether the Officer consulted the narrative provided by the applicant which clearly outlines his two brothers’ deaths.

[32] When discussing the possibility of returning to a different part of Iran, the applicant expressed fear that he would be treated as a spy for having lived in Pakistan. When the Officer challenged him, saying that there were “THOUSANDS OF AFGHANIS WHO GO FROM

PAKISTAN TO IRAN ALL THE TIME”, the applicant remarked that he in fact was Irani, not Afghani.

[33] Finally, the Officer seems to ignore the account submitted by the applicant that his sister was apprehended solely for her relation to Ohmeed, and subsequently imprisoned. This information is relevant in adding plausibility to the applicant’s fears should he return to Iran.

[34] In light of all the above, and while the Court agrees with the respondent that, as a general principle, the Officer is entitled to a significant degree of deference, in the case at bar, the Court cannot but find that the Officer’s errors and inconsistencies – when taken as a whole – render his decision unreasonable and not defensible in respect of facts and law. The application for judicial review will be allowed.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that**

1. The application for judicial review is allowed, the decision of the Officer is quashed and the matter remitted to a different Officer for reconsideration.
2. There is no question for certification.

“Richard Boivin”

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Judge

## Annex

The applicable provisions of the *Immigration and Refugee Protection Act* are the following:

<p>PART 1 IMMIGRATION TO CANADA</p> <p>DIVISION 1 REQUIREMENTS BEFORE ENTERING CANADA AND SELECTION</p> <p><i>Requirements Before Entering Canada</i></p> <p>Application before entering Canada</p> <p><b>11.</b> (1) A foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document may be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act.</p> <p>...</p>	<p>PARTIE 1 IMMIGRATION AU CANADA</p> <p>SECTION 1 FORMALITES PREALABLES A L'ENTREE ET SELECTION</p> <p><i>Formalités préalables à l'entrée</i></p> <p>Visa et documents</p> <p><b>11.</b> (1) L'étranger doit, préalablement à son entrée au Canada, demander à l'agent les visa et autres documents requis par règlement. L'agent peut les délivrer sur preuve, à la suite d'un contrôle, que l'étranger n'est pas interdit de territoire et se conforme à la présente loi.</p> <p>[...]</p>
<p>PART 2 REFUGEE PROTECTION</p> <p>DIVISION 1 REFUGEE PROTECTION, CONVENTION REFUGEES AND PERSONS IN NEED OF PROTECTION</p> <p>...</p> <p>Convention refugee</p> <p><b>96.</b> A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,</p>	<p>PARTIE 2 PROTECTION DES REFUGIES</p> <p>SECTION 1 NOTIONS D'ASILE, DE REFUGIE ET DE PERSONNE A PROTEGER</p> <p>[...]</p> <p>Définition de « réfugié »</p> <p><b>96.</b> A qualité de réfugié au sens de la Convention – le réfugié – la personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un</p>

groupe social ou de ses  
opinions politiques :

(a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of each of those countries; or

a) soit se trouve hors de tout pays dont elle a la nationalité et ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de chacun de ces pays;

(b) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.

b) soit, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle, ne peut ni, du fait de cette crainte, ne veut y retourner.

As well, certain provisions of the *Immigration and Refugee Protection Regulations* apply in the case at hand:

PART 8  
REFUGEE CLASSES

PARTIE 8  
CATEGORIES DE REFUGIES

DIVISION 1  
CONVENTION REFUGEES ABROAD,  
HUMANITARIAN-PROTECTED PERSONS  
ABROAD AND PROTECTED TEMPORARY  
RESIDENTS

SECTION 1  
REFUGIES AU SENS DE LA CONVENTION  
OUTRE-FRONTIERES, PERSONNES PROTEGEES  
A TITRE HUMANITAIRE OUTRE-FRONTIERES  
ET RESIDENTS TEMPORAIRES PROTEGES

*General*

*Dispositions générales*

General Requirements

Exigences générales

**139.** (1) A permanent resident visa shall be issued to a foreign national in need of refugee protection, and their accompanying family members, if following an examination it is established that

**139.** (1) Un visa de résident permanent est délivré à l'étranger qui a besoin de protection et aux membres de sa famille qui l'accompagnent si, à l'issue d'un contrôle, les éléments suivants sont établis :

(a) the foreign national is outside Canada;

a) l'étranger se trouve hors du Canada;

(b) the foreign national has submitted an application in accordance with section 150;

b) il a présenté une demande conformément à l'article 150;

(c) the foreign national is seeking to come to Canada to establish permanent residence;

c) il cherche à entrer au Canada pour s'y établir en permanence;

(d) the foreign national is a person in respect of whom there is no reasonable prospect, within a reasonable period, of a durable solution in a country other than Canada, namely

(i) voluntary repatriation or resettlement in their country of nationality or habitual residence, or

(ii) resettlement or an offer of resettlement in another country;

(e) the foreign national is a member of one of the classes prescribed by this Division;

(f) one of the following is the case, namely

(i) the sponsor's sponsorship application for the foreign national and their family members included in the application for protection has been approved under these Regulations,

(ii) in the case of a member of the Convention refugee abroad class, financial assistance in the form of funds from a governmental resettlement assistance program is available in Canada for the foreign national and their family members included in the application for protection, or

(iii) the foreign national has sufficient financial resources to provide for the lodging, care and maintenance, and for the resettlement in Canada, of themselves and their family members included in the application for protection;

(g) if the foreign national intends to reside in a province other than the Province of Quebec, the foreign national and their family members included in the application for protection will

d) aucune possibilité raisonnable de solution durable n'est, à son égard, réalisable dans un délai raisonnable dans un pays autre que le Canada, à savoir :

(i) soit le rapatriement volontaire ou la réinstallation dans le pays dont il a la nationalité ou dans lequel il avait sa résidence habituelle,

(ii) soit la réinstallation ou une offre de réinstallation dans un autre pays;

e) il fait partie d'une catégorie établie dans la présente section;

f) selon le cas :

(i) la demande de parrainage du répondant à l'égard de l'étranger et des membres de sa famille visés par la demande de protection a été accueillie au titre du présent règlement,

(ii) s'agissant de l'étranger qui appartient à la catégorie des réfugiés au sens de la Convention outre-frontières, une aide financière publique est disponible au Canada, au titre d'un programme d'aide, pour la réinstallation de l'étranger et des membres de sa famille visés par la demande de protection,

(iii) il possède les ressources financières nécessaires pour subvenir à ses besoins et à ceux des membres de sa famille visés par la demande de protection, y compris leur logement et leur réinstallation au Canada;

g) dans le cas où l'étranger cherche à s'établir dans une province autre que la province de Québec, lui et les membres de sa famille visés par la demande de



be able to become successfully established in Canada, taking into account the following factors:

- (i) their resourcefulness and other similar qualities that assist in integration in a new society,
- (ii) the presence of their relatives, including the relatives of a spouse or a common-law partner, or their sponsor in the expected community of resettlement,
- (iii) their potential for employment in Canada, given their education, work experience and skills, and
- (iv) their ability to learn to communicate in one of the official languages of Canada;

(h) if the foreign national intends to reside in the Province of Quebec, the competent authority of that Province is of the opinion that the foreign national and their family members included in the application for protection meet the selection criteria of the Province; and

- (i) subject to subsection (3), the foreign national and their family members included in the application for protection are not inadmissible.

...

*Convention Refugee Abroad*

Member of Convention Refugees Abroad Class

**145.** A foreign national is a Convention refugee abroad and a member of the

protection pourront réussir leur établissement au Canada, compte tenu des facteurs suivants :

- (i) leur ingéniosité et autres qualités semblables pouvant les aider à s'intégrer à une nouvelle société,
- (ii) la présence, dans la collectivité de réinstallation prévue, de membres de leur parenté, y compris celle de l'époux ou du conjoint de fait de l'étranger, ou de leur répondant,
- (iii) leurs perspectives d'emploi au Canada vu leur niveau de scolarité, leurs antécédents professionnels et leurs compétences,
- (iv) leur aptitude à apprendre à communiquer dans l'une des deux langues officielles du Canada;

h) dans le cas où l'étranger cherche à s'établir dans la province de Québec, les autorités compétentes de cette province sont d'avis que celui-ci et les membres de sa famille visés par la demande de protection satisfont aux critères de sélection de cette province;

- i) sous réserve du paragraphe (3), ni lui ni les membres de sa famille visés par la demande de protection ne sont interdits de territoire.

[...]

*Réfugiés au sens de la Convention outre-frontières*

Qualité

**145.** Est un réfugié au sens de la Convention outre-frontières et appartient à

Convention refugees abroad class if the foreign national has been determined, outside Canada, by an officer to be a Convention refugee.

la catégorie des réfugiés au sens de cette convention l'étranger à qui un agent a reconnu la qualité de réfugié alors qu'il se trouvait hors du Canada.

*Humanitarian-protected Persons Abroad*

*Personnes protégées à titre humanitaire outre-frontières*

Person in similar circumstances to those of a Convention refugee

Personne dans une situation semblable à celle d'un réfugié au sens de la Convention

**146.** (1) For the purposes of subsection 12(3) of the Act, a person in similar circumstances to those of a Convention refugee is a member of the country of asylum class.

**146.** (1) Pour l'application du paragraphe 12(3) de la Loi, la personne dans une situation semblable à celle d'un réfugié au sens de la Convention appartient à la catégorie de personnes de pays d'accueil.

Humanitarian-protected persons abroad

Personnes protégées à titre humanitaire outre-frontières

(2) The country of asylum class is prescribed as a humanitarian-protected persons abroad class of persons who may be issued permanent resident visas on the basis of the requirements of this Division.

(2) La catégorie de personnes de pays d'accueil est une catégorie réglementaire de personnes protégées à titre humanitaire outre-frontières qui peuvent obtenir un visa de résident permanent sur le fondement des exigences prévues à la présente section.

Member of country of asylum class

Catégorie de personnes de pays d'accueil

**147.** A foreign national is a member of the country of asylum class if they have been determined by an officer to be in need of resettlement because

**147.** Appartient à la catégorie de personnes de pays d'accueil l'étranger considéré par un agent comme ayant besoin de se réinstaller en raison des circonstances suivantes :

(a) they are outside all of their countries of nationality and habitual residence; and

a) il se trouve hors de tout pays dont il a la nationalité ou dans lequel il avait sa résidence habituelle;

(b) they have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries.

b) une guerre civile, un conflit armé ou une violation massive des droits de la personne dans chacun des pays en cause ont eu et continuent d'avoir des conséquences graves et personnelles pour lui.

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

**DOCKET:** IMM-577-12

**STYLE OF CAUSE:** Ahmjad Mezbani v MCI

**PLACE OF HEARING:** Fredericton, New Brunswick

**DATE OF HEARING:** September 10, 2012

**REASONS FOR JUDGMENT:** BOIVIN J.

**DATED:** September 24, 2012

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