

Federal Court



Cour fédérale

**Date: 20251009**

**Docket: IMM-5047-22**

**Citation: 2025 FC 1671**

**Montreal, Quebec, October 9, 2025**

**PRESENT: Madam Justice Gagné**

**BETWEEN:**

**ZIAUDIN MATIN AND SAMIR MATIN**

**Applicants**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicants are a father and a son from Afghanistan who were granted refugee status in the Philippines. They seek judicial review of a decision from an Immigration Officer in Manila who refused their application for permanent residence in Canada as members of the convention refugees abroad class. The Officer found that since they had found a durable solution

in the Philippines, the Applicants did not meet the requirements of paragraph 139(1)(d) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [IRPR].

## II. Facts

[2] Samir Matin (the son) fled from Afghanistan to the Philippines in 2010, has since married a Filipino national, and they have two Filipino children. Ziaudin Matin (the father) arrived in the Philippines in 2018.

[3] Member of the Applicants' family are now living in Germany (mother and one brother), Indonesia (a sister) and Canada (a brother).

[4] The Applicants currently live in the Philippines and have been granted refugee status. They both applied for permanent resident visas as members of the Convention Refugee Abroad class or Humanitarian-protected Persons Abroad designated class in 2019. They are seeking resettlement to Canada as a permanent and durable solution to the instability and exclusion they state they continue to face in the Philippines, including racial discrimination, lack of secure legal status, and an inability to access lawful employment or social protections.

[5] The Applicants were interviewed at the Canadian Embassy in Manila in March 2022. Since no Dari interpreter was available, the son acted as an interpreter for the father. The father explained to the officer that he does not work in the Philippines and relies entirely on his son. The son explained that he had been unemployed for his first three years after arriving in the Philippines and earned a basic income after his wife opened her clothing store in 2013, until it

closed due to the outbreak of the COVID-19 in March 2020. He has been unemployed since and the family's only source of income is now his wife's YouTube channel which was put online a few months before the interview. The son explained that due to racism, discrimination and harassment, he had been unable to secure a job in the Philippines and it was impossible for him to support his wife, children, and elderly father. He adds that although he has obtained a Refugee Travel Document from the Philippines, he was refused a visa to visit his mother in Germany on a few occasions, using his Refugee Travel Document. Finally, he stated that he attempted to obtain citizenship in the Philippines but was unable to hire a lawyer to assist him for lack of funding. He also believes he could not obtain the citizenship as he does not own property or have a lucrative career.

[6] After the interview, the Applicants received a letter from the officer expressing concerns that they had durable solutions in the Philippines and for that reason, they did not meet the requirement for a permanent residence in Canada. The Applicants replied to the officer's letter and provided supporting letters from the Community and Family Services International [CFSI], a United Nation affiliated human rights organization, and from the Applicants' brother/son. The Applicants reiterated the financial challenges they meet in the Philippines and the discrimination they suffer because of their "uncertain refugee status".

[7] Both applications were refused on May 4, 2022.

### III. Decision Under Review

[8] The officer found the Applicants inadmissible under section 96 of the *Immigration and Refugee Protection Act*, SC 2001, c. 27 [IRPA], because they had a durable, long-term solution in the Philippines.

[9] The officer notes that the Philippines are a signatory party to the 1951 *United Nations Convention* and the 1967 *Protocol Relating to the Status of Refugees* and finds that as recognized refugees, the Applicants are afforded the same rights and privileges as Filipino Citizens, apart from land ownership and the exercise of political rights to either vote or run for political office. These include the right to life, freedom from torture/persecution, freedom of movement, of religion, as well as access to housing, the job market, social/health services and education. The officer also found that the Applicants' status was indefinite and could not be arbitrarily revoked, and that they had a path towards naturalization and citizenship. As such, the Applicants have a reasonable possibility, within a reasonable period, of a durable solution in the Philippines.

[10] The officer noted that the Canadian brother/son's letter was asking him to reconsider his decision, referring to the procedural fairness letter as a decision. The officer considered this letter as a request to consider Humanitarian and Compassionate [H&C] factors in his decision and the family's desire to be reunited in Canada. As for the CFSI's letter, the officer noted that its primary content dealt with the son Applicant's financial hardship because foreigners did not benefit from the pandemic "ayuda" or any aid from the government, while both of his retail stores went bankrupt because of the pandemic. This focus on the Applicants' economic situation

was in fact consistent with what transpired from the interviews. However, when the son was asked whether he had ever been denied employment, he responded that he had not and that once he was offered a job in Bataan, but he refused it because the salary was too low. He preferred working for his own business. As such, the officer found that the Applicants had characteristics more in line with economic migrants than refugees requiring protection.

[11] Finally, the officer states that he had expressed his concerns in a procedural fairness letter and that neither the interview, nor the response to the procedural fairness letter alleviated his concerns.

#### IV. Issues and Standard of Review

[12] In my view this matter raises a single issue: Did the officer make a reviewable error by finding the Applicants had a durable solution in the Philippines?

[13] The Applicants raise several other issues or sub-issues, including whether the officer applied an improper test in assessing the Applicants' need for protection from Afghanistan, or breached the principles of procedural fairness. However, these issues were not the crux of the Officer's findings, which focused on the Philippines as a durable solution.

[14] It is undisputed that the standard of review is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65).

V. Analysis

[15] The Applicants submit that in finding that they had a durable solution in the Philippines, the officer failed to consider and was not responsive to their evidence.

[16] The Officer's findings on the rights conferred upon the Applicants ignore the fact that there is no legislation that provides for or protects the rights of refugees in the Philippines and the Convention has not been adopted in the Filipino legislature. This is further supported by Affidavit evidence from the *United Nations High Commissioner for Refugees*, who notes there are several challenges associated with naturalization, including discrimination by gender, as male Filipinos can pass on citizenship to their wives, but not the other way around.

[17] In finding the Applicants had a durable solution in the Philippines, the Officer noted that the Applicants appear to have access to social and health services, housing, education, and employment. However, the Applicants dispute that finding, and point to the CFSI letter, suggesting that local agencies are not aware of refugee rights, so the same access and benefits are not provided. Additionally, per the Applicants, a reasonable durable solution assessment must consider whether an applicant is meaningfully integrated into the host country with real access, in fact, to basic rights and long-term stability (citing *Kediye v Canada (Minister of Citizenship and Immigration)*, 2021 FC 888 at para 26, and *Mohamud v Canada (Citizenship and Immigration)*, 2025 FC 293, at para 12).

[18] The Applicants further submit that the officer's conclusion that they had meaningful access to employment is fundamentally flawed. In support of the officer's conclusion, the officer pointed to jobs held at the Applicant's wife's clothing stores from 2013-2020, and that the Applicant had applied for and was successful in attaining work in the past. However, the Applicants submit that this finding distorts the context, and suggest the officer misattributed the Applicant's spouse's business activities to him, which materially overstated his financial stability.

[19] Unfortunately, none of the Applicants' arguments convince me that the officer's decision warrants the Court's intervention.

[20] It is incumbent on the Applicants to establish that their status does not constitute a durable solution in their country of refuge (*Issa v Canada (Citizenship and Immigration)*, 2019 FC 1365, at para 19). The Applicants did not dispute that they have many of the same rights and privileges as Filipino citizens. The facts that were in front of the decision-maker in this regard, is that the Applicants were able to rent an apartment, obtain employment, and be earning more than the average Filipino family during an extended period, including at the time of the decision. The fact that the son was working for a clothing business owned by his Filipino wife does not change the fact that he was gainfully employed from 2013-2020. The Applicants suffered from the pandemic, as many individuals involved in the retail businesses around the world did.

[21] Further, as noted by the Respondent, the Applicants' argument on refugee status should be dismissed because the Applicants conflate the finding that they had refugee status in the

Philippines, with the durable solution finding. Indeed, the Applicants fail to reconcile their argument with the fact that the officer did not base his finding that the Applicants had a durable solution in the Philippines solely on the fact that they had refugee status in the country. Rather, this finding was based on a holistic assessment of the Applicants' life in the Philippines, including the rights conferred upon the Applicants as refugees, and access to employment and housing. The Applicants make arguments that go beyond what was put to the officer and seek to reverse the onus onto the officer to explain why they may not be able to obtain citizenship in the Philippines.

[22] IRCC Guidelines note that there are several factors to consider when assessing local integration, including Country conditions, applicant's individual circumstances, comparison of the circumstances to IRCC's guidelines, while legal status as a long-term resident is also a key indicator. The desire to reunite in Canada with family members does not negate the durable solution factor, nor does it allow to disregard paragraph 139(1)(d) of the IRPR. The Applicants are in fact long-term residents, as they had been living in the Philippines respectively since 2010 and 2018. Their refugee status in the Philippines could not be arbitrarily revoked and was granted indefinitely. Although not perfect, it provides the Applicants a durable solution.

## VI. Conclusion

[23] In my view, this issue is determinative. The Officer satisfactorily engaged with the evidence before him and the Applicants did not convince me of any error in his assessment of the evidence that would render his decision unreasonable.

[24] The parties have not proposed any question of general importance for certification and no such question arises from the facts of this case.

**JUDGMENT in file IMM-5047-22**

**THIS COURT'S JUDGMENT is that:**

1. The Application for judicial review is dismissed.
2. No question of general importance is certified.

"Jocelyne Gagné"

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Judge

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

**DOCKET:** IMM-5047-22

**STYLE OF CAUSE:** ZIAUDIN MATIN AND SAMIR MATIN v MINISTER  
OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** AUGUST 25, 2025

**REASONS FOR JUDGMENT  
AND JUDGMENT:** GAGNÉ J.

**DATED:** OCTOBER 9, 2025

**APPEARANCES:**

Neerja Saini	FOR THE APPLICANTS
Charles Jubenville	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

JAIN IMMIGRATION LAW Barristers and Solicitors Toronto, Ontario	FOR THE APPLICANTS
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT