

Federal Court



Cour fédérale

**Date: 20260108**

**Docket: IMM-12527-23**

**Citation: 2026 FC 17**

**Ottawa, Ontario, January 8, 2026**

**PRESENT: Mr. Justice McHaffie**

**BETWEEN:**

**OMAR AHMAD OKLEH AL-OMARI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Refugee Appeal Division [RAD] refused Omar Al-Omari's refugee claim on the basis that he could benefit from adequate state protection in Jordan. Mr. Al-Omari seeks judicial review of that refusal, claiming the RAD's state protection analysis was unreasonable. He argues the RAD unreasonably focused on efforts made by Jordanian police and not the operational adequacy of those efforts, noting that the criminal who targeted him was able to attack him

twice, even after he made reports to the police, and continued to threaten him over the phone after he moved to another city. He also claims the RAD unreasonably refused to recognize a tribal element to the threats he faced.

[2] As detailed further below, Mr. Al-Omari has not satisfied me that the RAD's analysis of the availability of state protection was unreasonable. The RAD's reasons show it considered the harms faced by Mr. Al-Omari, the evidence of his reports to the police and the occasions on which he did not seek police assistance, and the objective country condition evidence regarding state protection in Jordan. It applied the correct legal analysis to this evidence and found Mr. Al-Omari had not rebutted the presumption that Jordan would be able to adequately protect him. This conclusion was reasonably open to the RAD on the evidence, and Mr. Al-Omari's claims of analytical failures are not justified. Nor has Mr. Al-Omari demonstrated that the threats and harms he faced were in any way connected to tribal matters or that the RAD's conclusions with respect to tribal justice issues were unreasonable.

[3] The application for judicial review is therefore dismissed.

## II. Issues and Standard of Review

[4] The only issue raised on this application for judicial review is whether the RAD's conclusion that Mr. Al-Omari had not rebutted the presumption of state protection was reasonable: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25.

[5] When the Court reviews a decision on the reasonableness standard, it does not undertake its own assessment of the merits of the matter. Its role is limited to ensuring that the decision at issue meets the requirements of a reasonable decision by being internally coherent, transparent, intelligible, and justified in light of the factual and legal constraints that bear on it: *Vavilov* at paras 15, 82–86, 101–105.

### III. Analysis

#### A. *Mr. Al-Omari's Claim*

[6] Mr. Al-Omari was a process server in Irbid, Jordan. In August 2021, he was tasked with serving court papers on a criminal gang member identified by the RAD as “AK.” When Mr. Al-Omari arrived at AK’s address, two men tricked him into following them to an abandoned house, where they attacked him at gunpoint and detained him. AK came into the room and opened the papers, to discover that the court had sentenced him to ten years in prison for attempted homicide. AK was furious but told Mr. Al-Omari he would be released on the condition that he report that he had neither seen nor served AK with the papers.

[7] Returning to his office, Mr. Al-Omari reported the incident to his manager and advised the police, who told him they had been trying to arrest AK for over two years. Mr. Al-Omari chose not to press charges, for fear of retaliation by AK. The next day, he received a call from AK, who accused him of calling the police on him and threatened him. The police had found the abandoned house and had arrested AK’s brother and his right-hand man, but had not located AK.

[8] Eleven days later, Mr. Al-Omari was running an errand when three men attacked him and tried to kidnap him. He evaded the attempt with the assistance of passersby. While escaping the scene, the attackers threatened that AK would find him again. After recovering from the attack for a week, Mr. Al-Omari filed a complaint with the police station. He received another threatening call from AK the same day. A few days after, a colleague reported that a suspicious man had been asking after him at work and looking for his home address. Mr. Al-Omari decided to move to his parents' home in another village while continuing to work as a process server in Irbid.

[9] A couple of months later, Mr. Al-Omari was driving home when another car drove alongside him. Mr. Al-Omari saw AK, who demanded that he pull over. When he refused, another man in AK's car started shooting, but he managed to speed away. Mr. Al-Omari again reported this incident to the police. He transferred to another city and resumed work. Ten days later, Mr. Al-Omari received another call from AK, who said that he knew Mr. Al-Omari had relocated, and that he would find him. Fearing for his life, Mr. Al-Omari fled to Canada, while his family remained in Jordan. In July 2022 and in early 2023, he received reports from his wife that men had asked after him at his new home. In April 2023, AK himself appeared at his home asking after Mr. Al-Omari, but left when his wife threatened to call the police. These incidents were not reported to the police.

[10] At his hearing before the Refugee Protection Division [RPD], Mr. Al-Omari noted that AK was the member of a very large tribe. He said his father had reached out to the tribe to try to resolve the problem, but was unsuccessful because the tribe did not control AK and his gang.

B. *The RAD's Decision*

[11] The RAD, like the RPD, accepted Mr. Al-Omari's narrative as credible. However, it found he had not rebutted the presumption that his state of nationality could adequately protect him from the risks posed by AK. The availability of adequate state protection obviates the need for the surrogate protection that Canada gives to refugees. The RAD therefore found that Mr. Al-Omari did not meet the definition of a Convention refugee or a person in need of protection under sections 96 or 97, respectively, of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[12] The RAD cited a number of well-established principles in respect of the state protection analysis, flowing from the Supreme Court of Canada's pivotal decision in *Ward* and subsequent cases applying it: *Canada (Attorney General) v Ward*, 1993 CanLII 105, [1993] 2 SCR 689; *Canada (Minister of Employment and Immigration) v Villafranca*, 1992 CanLII 8569 (FCA); *Canada (Citizenship and Immigration) v Kadenko*, 1996 CanLII 3981, [1996] FCJ No 1376 (FCA); *Camargo v Canada (Citizenship and Immigration)*, 2015 FC 1044; *Lakatos v Canada (Citizenship and Immigration)*, 2018 FC 367; *Burai v Canada (Citizenship and Immigration)*, 2020 FC 966.

[13] In particular, the RAD's reasons, and the parties' arguments on this application, place in juxtaposition two of these well-accepted principles. The first is that the adequacy of state protection must be assessed as a matter of operational effectiveness and not simply one focused on the state's efforts to protect: *Camargo* at para 26; *Lakatos* at para 21; *Burai* at para 25. The

second is that the standard for assessing state protection is not that of perfection or of guaranteed protection but rather the state's inability to adequately protect the claimant: *Villafranca* at para 7; *Kadenko* at paras 3–5; *Burai* at para 24, citing *Ward* at p 724.

[14] The RAD found that Mr. Al-Omari had not exhausted all steps reasonably available to him to seek state protection in Jordan, noting that he had not reported the various phone threats he had received both before and after moving away from Irbid. Nor had he or his wife reported AK's more recent visits to their home after Mr. Al-Omari had left Jordan. The RAD recognized that Mr. Al-Omari had not reported these calls due to his subjective belief that the police would not take any action. However, it found this belief was not justified given the police's prior responses to Mr. Al-Omari's reports.

[15] In this regard, the RAD considered that the police had taken "appropriate and significant steps to bring AK and his gang to justice," referring to the ten-year sentence given to AK and to the arrest of senior members of his gang. It agreed with the RPD that these steps were strong evidence of the operational adequacy of the state protection from AK, a finding that Mr. Al-Omari had not challenged on appeal to the RAD. The RAD also noted that Mr. Al-Omari's evidence was that the police continued to pursue AK in response to the complaints he had filed.

[16] The RAD did not accept Mr. Al-Omari's argument that the fact that AK was still at large, and that the police had not provided him with ongoing physical protection, was sufficient to rebut the presumption of adequate state protection. It again noted that Mr. Al-Omari had not

reported significant actions by AK to the police and underscored that the standard of protection was adequacy and not perfection.

[17] The RAD reviewed the objective documentary evidence regarding policing and protection in Jordan, finding that the preponderance of that evidence supported a finding that Jordan provides operationally adequate protection in the circumstances. It considered the state of democracy in Jordan and the evidence regarding policing structures and responsiveness. While recognizing a recent rise in crime and the presence of official corruption in Jordan, it found that neither was sufficient to rebut the presumption of state protection, noting that both the documentary evidence and Mr. Al-Omari's own experiences showed that police were responsive to requests for assistance.

[18] The RAD also rejected the contention that the threats and attacks from AK amounted to a tribal dispute. It agreed that the evidence indicated that the matter was simply a personal vendetta and that AK's membership in a tribe did not render the matter a tribal one. Nor was there evidence that the Jordanian police perceived the matter as one engaging tribal justice. The RAD therefore concluded that there was no nexus to a Convention ground that would bring his claim within the scope of section 96 of the *IRPA* and that, in any case, the availability of state protection was determinative of Mr. Al-Omari's claim under both sections 96 and 97 of the *IRPA*.

C. *The RAD's Decision is Reasonable*

[19] On this application for judicial review, Mr. Al-Omari challenges two aspects of the RAD's decision: (1) its finding that the protection provided by Jordanian police was adequate; and (2) its finding that the dispute with AK had no tribal connection. For the following reasons, I conclude that Mr. Al-Omari has not established that the RAD's decision was unreasonable in either regard.

(1) The RAD reasonably considered operational adequacy

[20] As Mr. Al-Omari concedes, the RAD recognized that state protection had to be considered at the operational level, rather than simply as a matter of state efforts to provide protection. However, Mr. Al-Omari contends that the RAD unreasonably failed to consider that his own unsuccessful efforts to obtain state protection showed that he was unable to receive operationally adequate protection in Jordan. He notes that his reports to the police after the initial incident with AK, the attempted kidnapping, and the car shooting incident, simply resulted in continued threats and escalating violence. He argues that the RAD failed to consider this background and therefore failed to analyze operational adequacy against the relevant accepted facts.

[21] I cannot agree. The RAD directly addressed the fact that Mr. Al-Omari's complaints to the Jordanian police had not resulted in AK being located and captured. The RAD cannot therefore be said to have failed to consider this background in assessing whether state protection was operationally adequate. Rather, the RAD found that the fact that AK was still at large did not

suffice to rebut the presumption of adequate state protection, particularly since Mr. Al-Omari had not provided the police with information about AK's telephone threats and his appearance at his house. The RAD concluded that the evidence, both from Mr. Al-Omari and the country condition documents, indicated that state protection was operationally adequate even though AK had not himself been apprehended.

[22] Mr. Al-Omari's arguments effectively amount to an assertion that since AK had not been caught—such that he remained able to continue to attack Mr. Al-Omari and threaten him by phone—the state protection offered by the police was by definition inadequate, and the contrary conclusion was by definition unreasonable. However, this argument does not accord with the Federal Court of Appeal's recognition that adequate state protection does not require a guarantee of protection or perfection in policing: *Villafranca* at para 7; *Kadenko* at paras 3–5; *Burai* at para 24. While “protection must be real, and it must be adequate,” this does not turn the requirement for adequate state protection into an invariable requirement that a criminal agent of harm be successfully apprehended: *Lakatos* at para 21.

[23] Ongoing attacks and threats are certainly relevant to the question of whether police have the ability to protect a claimant. Depending on the circumstances, extensive and continued violence despite police involvement may point to a state's inability to protect. However, the assessment of adequate state protection is necessarily specific to the facts and the claim, and the existence of ongoing threats after police have been informed does not automatically dictate a conclusion that state protection is operationally inadequate.

[24] In the present case, AK's prior criminal activity had already resulted in his conviction and sentencing. Mr. Al-Omari's reports to the police resulted in concrete action, investigation, and even the arrest of AK's brother and right-hand man. It was reasonable for the RAD to find that in these circumstances, the fact that the police's actions did not result in the arrest of AK himself was not sufficient to rebut the presumption of adequate state protection. As the RAD noted, AK's ongoing telephone threats and his appearance at Mr. Al-Omari's house after he fled to Canada were not reported to police such that they might have used them in their investigations or acted on them to provide greater protection to Mr. Al-Omari and his family. The RAD considered these facts together with the other evidence of the adequacy of state protection in Jordan and found that, while not perfect, the protection available to Mr. Al-Omari was adequate. This was a reasonable conclusion that was available to the RAD on the record before it.

(2) The RAD reasonably found that there was no tribal connection

[25] Mr. Al-Omari argues that the RAD's finding that AK's personal vendetta against him had no tribal connection was unreasonable and contrary to the evidence. He contends that serving AK with court documents "can be seen as dishonoring" AK's tribe, which can spark tribal vengeance. He refers to country condition documents that refer to a system of tribal law and justice that co-exists with civil law in Jordan.

[26] The central difficulty with this submission is that there is no evidence that Mr. Al-Omari serving AK with court documents *was* in fact viewed by AK or his gang as dishonouring AK's tribe. Despite the fact that AK and his gang had spoken to Mr. Al-Omari on a number of occasions, there was no evidence that they ever referred to the matter as a tribal one or as an

issue of dishonour to the tribe. As the RAD reasonably held, there was no evidence that AK's actions were motivated by tribal issues rather than personal and criminal ones. Mr. Al-Omari's assertion that his service of documents "can be seen" as dishonouring AK's tribe is therefore little more than speculation. Notably, the country condition evidence that Mr. Al-Omari cites refers to "honour crimes." However, it particularly indicates that tribal law applies when "there is a crime or conflict among tribes, for example, if someone kills or dishonors a woman from another tribe." It similarly states that tribal law "seems to be focused on the control of women and family issues." None of these descriptions apply to AK's targeting of Mr. Al-Omari.

[27] Nor was there any evidence that the police's response to Mr. Al-Omari's complaints, or their efforts to protect Mr. Al-Omari or bring AK to justice, were in any way affected by tribal affiliations. To the contrary, the only evidence that raised the question of tribal justice was Mr. Al-Omari's evidence that his father's independent efforts to speak to leaders of AK's tribe were unsuccessful because he was not controlled by them.

[28] It was therefore not unreasonable for the RAD to conclude that there was no tribal connection that would provide a nexus to a Convention ground. In any event, as the RAD noted, the existence of adequate state protection means that an applicant is neither a Convention refugee nor a person in need of protection: *Ward* at pp 718–721; *Lakatos* at para 18. Since there was no evidence that any tribal issue affected either the nature of the risk to Mr. Al-Omari or the availability of protection available to him, the RAD's conclusion that there was adequate state protection precluded a positive finding under section 96 of the *IRPA* even if there had been a nexus to a Convention ground.

IV. Conclusion

[29] As Mr. Al-Omari has not established that the RAD's analysis of state protection was unreasonable, the application for judicial review must be dismissed.

[30] Neither party proposed a question for certification pursuant to paragraph 74(d) of the *IRPA*. I agree that no question suitable for certification arises in the matter.

[31] Finally, to reflect the correct spelling of Mr. Al-Omari's name, the style of cause will be amended to identify the applicant as Omar Ahmad Okleh Al-Omari.

**JUDGMENT IN IMM-12527-23**

**THIS COURT'S JUDGMENT is that**

1. The application for judicial review is dismissed.
2. The style of cause is amended to identify the applicant as Omar Ahmad Okleh Al-Omari.

“Nicholas McHaffie”

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Judge

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

**DOCKET:** IMM-12527-23

**STYLE OF CAUSE:** OMAR AHMAD OKLEH AL-OMARI v THE MINISTER  
OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** JULY 2, 2025

**JUDGMENT AND REASONS:** MCHAFFIE J.

**DATED:** JANUARY 8, 2026

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