

Federal Court



Cour fédérale

Date: 20110328

Docket: IMM-4830-10

Citation: 2011 FC 374

Toronto, Ontario, March 28, 2011

PRESENT: The Honourable Mr. Justice Campbell

BETWEEN:

SIRGUN BUDAKH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] The present Application concerns an Assyrian Christian citizen of Iraq who, with respect to being required to return to that country, on October 25, 2005 claimed refugee protection under s. 96 of the *Immigration and Refugee Protection Act*, 2001, c. 27 (*IRPA*) on the basis of a well-founded fear of persecution for reason of religion and under s. 97(1)(b) for risk to life or cruel and unusual treatment or punishment. By operation of the *IRPA*, it is only the Applicant's claim under s. 97 that has been determined by a Delegate of the Minister in the negative.

[2] The reason for the limited consideration of the Applicant's claim is the Applicant's criminal record in the United States. The steps under *IRPA* leading to the present review are as follows: on May 18, 2005, the Applicant's claim was suspended under s. 103(1)(a) pending determination of his possible ineligibility for serious criminality; on November 22, 2005, he was found to be inadmissible to Canada under s. 36 (1)(b) of the *IRPA* for "having been convicted of an offence outside Canada that, if committed in Canada, would constitute an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years, being a conviction for aggravated sexual assault in the state of Illinois in March 1999; on May 15, 2007 he was found to constitute a danger to the public of Canada under s. 101(2)(b) and leave for judicial review of the decision was dismissed; on August 18, 2008, with respect to a Pre-Removal Risk Assessment (PRRA) application filed April 7, 2008 under s. 112, he was found to be at risk if he was returned to Iraq; and on March 5, 2010, on due process, a review of the decision of August 18, 2008 by the Minister's Delegate resulted in a finding that, at that date, he was not at such risk. It is this latter decision that is the subject of the present Application.

[3] Because the Applicant had been determined to be inadmissible on the ground of serious criminality, the decision under review was conducted pursuant to s. 113(d) which requires that the PRRA determination only address the factors set out in s. 97 and, pursuant to s. 113(d)(i), a finding of whether the Applicant is a danger to the public in Canada at the date of the decision. It is important to note that the Minister's Delegate found that the Applicant is not a danger to the public. As a result, the present Application is limited to a review of the s. 97 features of the PRRA finding. For ease of reference, s. 97 is quoted in the Appendix to these reasons.

[4] The March 5, 2010 reversal of the August 18, 2008 positive PRRA determination is based on the finding that the 2008 opinion is “dated”. In my opinion, it is important to consider the content of the August 18, 2008 opinion because the task before the Minister’s Delegate was to determine in what way the personalized risk situation in Iraq had changed *vis a vis* the Applicant’s claimed identity as an Assyrian Christian. The reasons for the August 18, 2008 positive opinion as quoted in the decision under review are as follows:

The applicant is a member of the Assyrian Church of the East. He states that he is at risk throughout Iraq and due to his being a Christian and his having lived in the United States for half of his life. He believes he would be perceived as being anti-Muslim and a spy because he is a Christian who lived in the U.S. The applicant stated that there is no protection from the Iraqi government and that some members of the police are suspected of being anti-Christian. The applicant states that he cannot relocate to the North as the Kurdish authorities will not allow him to live there permanently. The applicant would have to be sponsored by a Kurdish resident and he states that his only relative who was living in the North (his father’s sister) is currently living in Syria with her husband and children.

(...)

The May 2008 U.K. Country of Origin Information Report for Iraq reported that insurgent propaganda often described the Multi-National Force (MNF) as “Christian Crusaders”. Many Iraqis, including insurgents, viewed Christians as collaborators of the MNF and infidels and therefore traitors to Iraq. Tens of thousands of Christians left their homes and fled to other countries, mainly Jordan and Syria.

The U.K. report also stated that others fled to the relative safety of the Kurdish-controlled (KRG) north to Christian villages. However, in its 2007 country report for Iraq, the Department of State reported that since May the KRG did not allow persons, including citizens from outside the region, to enter unless a Kurdish resident met them in person and guaranteed their stay. Similarly those from outside the region seeking to live within the jurisdiction of the KRG must have a local resident guarantor, and register on arrival with the KRG Residency Office.

I find the documentary evidence clearly demonstrates that Christians are at risk in Iraq. I do not find that the DOS report or the U.K. Operational Guidance note provides evidence that the situation for Christians has substantially improved since the UNHCR report.

(Decision, pp. 5 – 6)

[5] While the decision of August 18, 2008 makes a critical finding of the risk the Applicant would face as a Christian in Iraq, the application before the Minister's Delegate makes it clear that an evaluation is required of the personalized risk the Applicant would face as an Assyrian Christian.

In the decision, this point is acknowledged by the Minister's Delegate:

Counsel has raised several risk-related themes in his March 2010 submissions, the crux of which appears to be Counsel's contention that Mr. Budakh fears religious persecution because he is an Assyrian-Christian:

To begin with, it is of critical importance for the Minister to acknowledge, once again, the plight of the Assyrian - Christian populations of Iraq. For example, for many years, Assyrian-Christians of Iraq, similar to other minority groups, have been exposed to cruel and unjust persecutory policies and practices of discrimination and harassment on account of both the predominant various Muslim religious groups of Iraq and the Iraqi government, itself. Moreover, the fact that Saddam Hussein and the Baath Party no longer rule Iraq, has not reduced the over-all serious risks which Assyrian-Christians currently face in Iraq, particularly from members of various Muslim religious groups, both Shia and Sunni. In fact, it is the prevailing view that the plight of Assyrian-Christians in Iraq has worsened since the time of the U.S. occupation in 2003, on account of the rise of radical Muslim fundamentalism throughout the middle-east and elsewhere. The fact that Mr. Budakh received a positive Pre-Removal Risk Assessment (PRRA) against Iraq on August 18, 2008 and that Canada Immigration (CBSA) has had a formal suspension of all removals to Iraq in place, since 2003, only underscores the aforementioned.

To reiterate, the Applicant's circumstances warrant protection as he has a well-founded fear of persecution and would continue to face a catalogue of compelling and identifiable risks, ranging from serious discriminatory, physical and emotional abuse through socio-economic victimization, should he be returned to Iraq, his country of citizenship, as a consequence of:

1. His known membership in particular social groups, namely the non-Arabic/Christian minority of Iraq
2. His imputed critical political opinion on account of his background and profile
3. His over-all religious, ethnic, political and societal undesirability.

(...)

No doubt, the Assyrian/Chaldean-Christian minority of Iraq continues to exist under severe disability and, historically, has played a grossly subordinate role to the considerably larger Muslim-Iraqi population, ostensibly because of its perceived political, cultural and ideological threat to the welfare of the Iraqi State.

(Decision, pp. 6 – 7)

[6] Counsel for the Applicant also makes it clear that the risks the Applicant would face if he is required to return to Iraq is not a generalized risk. This argument is also acknowledged by the Minister's Delegate:

Counsel also submits that despite all Iraqis being subject to difficulties at present, Christians are particularly targeted:

Needless to say, the ample documentary evidence confirms that all Iraqis are potentially at serious risk of being harmed and mistreated by individuals and organizations, both competing for power and attempting to settle a score, in the absence of a stable Iraqi government and police forces, willing and able to enforce the rule of law. However, the serious risks faced by the applicant is not a general risk faced by all Iraqis.

To begin with, the applicant is a member of the Assyrian-Christian minority, which comprise about 3% of the population of Iraq, having been reduced from almost 2 million to about 800,000 since the end of the Gulf War of 1991.

Although the Baath Party is no longer in power in Iraq, it is evident that Saddam loyalists continue to operate, wreaking havoc and terror through bombings, beheadings, murders and shootings of civilians, members of Coalition Forces, civilian representations of non-governmental organizations, including aid and religious organizations, the media, opponents of the former regime and Iraqis (including police, security officers, recruits, translators and drivers), who are perceived to be cooperating with the Coalition Forces.

(Decision, p. 7)

[7] In response to these submissions, the Minister's Delegate said this:

While Counsel submits that Christians are subjected to greater ill-treatment than other Iraqis, he does not compare and contrast their situation with that of the majority religious/ethnic groups (Shias, Sunnis, Kurds etc). A recent U.S. report explains the security threats in Iraq in detail and describes the various militias involved being the Sunni and Shia militias (Jaish al Mahdi, Al-Qadea in Iraq etc.) and describes that the violence in Iraq is largely about a Sunni-Shia power struggle. Christians are not mentioned as being targeted by these major insurgent groups as they are not identified as a threat to the major players in the Central and Southern regions.

(Decision, p. 7)

This remark exposes a striking diversion from the substance of the Applicant's application in two respects: with the making of the remark, on the issue of prospective risk, the Applicant's identity as an Assyrian Christian is not mentioned again, and, indeed, rather than address the risk according to the Applicant's acknowledged identity as an Assyrian Christian, the Minister's Delegate decided on risk by defining the Applicant as only a "Christian"; and, rather than acknowledge that the

Applicant's claim is one of personalized risk as an Assyrian Christian, or even as a Christian, the attempt is made to characterize the risk as only general being that faced by all Iraqis as a result of the Sunni-Shia power struggle.

[8] From the point of the diversion, the balance of the decision is devoted to providing a number of observations that ground the conclusion that Christians are not subjected to personalized risk in Iraq: the Christian population of Iraq is dwindling not because "they are disproportionately falling prey to sectarian violence", but rather to a "growing Christian-Iraqi Diaspora" and "there is no evidence of a religious 'genocide'" (Decision, p. 8); "Iraq has seen an improvement in the security situation" (p. 9) and there is an "improvement in stability" (p. 10); "the government responded to protect the Christian community and Christian families who had previously fled were [sic] returning home to Mosul" (p. 11), and this response "demonstrates that effective law enforcement in Iraq is beginning to be realized and that the Christian community's faith and reliance on law enforcement officials is returning (p. 11); there were "approximately 17 reported attacks on Christians in Iraq in the first 6 months of 2008" and the Christians targeted were mostly owners of certain businesses, those that contravene Muslim norms, Christian activists, Christian proselytizers, apostates, and priests (p. 11); "there is little evidence to suggest that state-agents have been responsible for any ill-treatment of the Christian population", "rather the attacks on Christians have been perpetrated by militias and criminals" (pp. 11 – 12) and "these attacks have been a by-product of the wider security challenges faced in Iraq and not a main component of the violence (p. 12); and "the government in Iraq is committed to providing state protection to the Christian minorities" (p. 12).

[9] Indeed, the Minister's Delegate also makes an Internal Flight Alternative finding:

Having considered Mr. Budakh's personal circumstances, I have considered it most likely that he would either wish to re-establish himself in Baghdad (where he is from) or in the Kurdish Controlled North (where his parents are from and where there is a large concentration of Christians).

(Decision, p. 12)

[10] The conclusion to the decision is as follows:

Conclusion on Risk:

I am satisfied, based on an extensive review of the country conditions in Iraq that Mr. Budakh, as a Christian, may reasonably decide to relocate to anywhere in Iraq, keeping in mind that he would likely be most familiar with Baghdad, and that the Northern Governorates are considered the most safe.

Mr. Budakh is an adult male who is neither elderly nor a youth and there is no evidence before me that he is gay or transgender. He is not encumbered by dependents. There is no evidence before me that Mr. Budakh is politically active, and although he is Christian, there is no evidence before me that he is a priest or likely to try to proselytize if returned to Iraq. There is also no evidence before me that he is likely to try to sell alcohol or otherwise contravene Islamic norms. Therefore, while Iraq is still facing security challenges from criminal elements and insurgent/militia groups and there is no guarantee that Mr. Budakh will not face the same difficulties as other Iraqis - there is insufficient evidence before me that Mr. Budkah [sic] would face individualized risk of being targeted for ill treatment by any state or non-state actors.

Consequently, for all of the afore stated reasons, I am satisfied on a balance of probabilities that Mr. Budakh is not likely to face personalized risks as identified in section 97 of IRPA - namely that he is unlikely to be tortured, face cruel or unusual treatment or be killed if returned to Iraq.

(Decision, p. 14)

[11] Counsel for the Applicant argues that the decision of the Minister's Delegate is fundamentally flawed because it fails to decide on the basis of the Applicant's claimed identity; the Internal Flight Alternative finding is erroneous; and the generalized risk finding misapplies the evidence.

[12] Counsel for the Minister's primary argument in response is that the Applicant is required to prove risk on a balance of probabilities, and the statistical evidence of the 17 attacks on Christians out of a Christian population of between 600,000 to 800,000 (Decision, p. 10) does not support such a finding. During the course of oral argument, Counsel for the Minister argued that any judicial review concern about the Internal Flight Alternative Finding is a "red herring" because the finding is not necessary to consider because the Applicant has failed to prove risk on a balance of probabilities. In addition, Counsel for the Minister argues that the Minister's Delegate's finding on generalized risk is supported by the jurisprudence of the Court.

[13] I agree with Counsel for the Applicant and find that on each of the three issues advanced the decision is made in reviewable error.

[14] First, the Applicant is entitled to a PRRA finding on the basis of his identity as Assyrian Christian, not just as a Christian as found by the Minister's Delegate. In addition, I agree with Counsel for the Applicant that the decision in *Cepeda-Gutierrez v. Canada (Minister of Citizenship and Immigration)* (1998), 157 FTR 35 applies in the present case; that is, the more probative the evidence, the more likely the Court will find error when the Board ignores it (see: *Karayel v. Canada (Minister of Citizenship and Immigration)*, 2010 FC 1305 at para. 16). Cogent evidence

existed in the record before the Minister's Delegate that Christians, and, particularly, Assyrian Christians suffer greatly at the hands of the Muslim population of Iraq. The following is an example of evidence before the Minister's Delegate as referenced at paragraph 18 of the Applicant's Further Memorandum of Argument:

Further, in the recent United Nations IRIN Report entitled "Iraq: Christian community faces new wave of violence," dated July 15, 2009, the following is noted:

A new wave of violence targeting Iraq's Christian community has raised questions about the safety of religious minorities amid concerns about Iraqi forces' ability to maintain security after the 30 June withdrawal of US combat forces from cities to outlying bases. On 12 July, there were five attacks on churches in Baghdad and one assassination in the north that left five dead and more than 20 injured, according to Iraqi Interior Ministry's statements.

"These [systematic] attacks on that specific day mean that there are well-organized militant groups who are still active unleashing violence and terrorism against Iraqis in general and Christians specifically," Younandem Kana, a Christian MP, told Irin.

"Extremist Islamists are systematically aiming at driving out the remaining 100,000 Assyro-Chaldaic Christians from the Iraqi capital," Kamal Sido, a near-east consultant for the Society for Threatened People(GfbV), aid in a statement on 13 July".

Finally, the recent United States Commission on International Religious Freedom (USCIRF) Annual Report 2009— Countries of Particular Concern: Iraq, dated May 1, 2009, the following is noted:

In December 2008, the Commission recommended that the U.S. Department of State should designate Iraq as a "country of particular concern," or CPC, based on the ongoing, severe abuses of religious freedom in the country and the government's toleration of these abuses, particularly against Iraq's smallest and most vulnerable religious minorities.

The religious freedom situation in Iraq remains grave, particularly for the smallest most vulnerable religious minorities which include ChaldolAssyrian and other Christians, Sabean Mandaeáñs, and Yazidis.

In 2003, there were approximately 1.4 million Christians in Iraq, including Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East, Syriac Orthodox, Armenians (Catholic and Orthodox), Protestants, and Evangelicals. Today, it is estimated that only 500,000 to 700,000 indigenous Christians remain in the country. Christian leaders have warned that the result of this flight may be “the end of Christianity in Iraq.”

[Emphasis added]

I find that the Minister’s Delegate’s failure to address the evidence of the specific reality of risk suffered by Assyrian Christians in Iraq warrants setting the decision aside.

[15] Second, with respect to the purported Internal Flight Alternatives of the Kurdish Controlled North, for such a finding to be made the alternative must be reasonable, and in order for it to be reasonable, it must be found to be possible for the Applicant to access. Counsel for the Applicant’s argument that the identified alternative in the North is impossible for the Applicant to access is not addressed in any meaningful way in the decision rendered. Thus, in my opinion, the Internal Flight Alternative finding is unreasonable.

[16] And third, because the purported generalized risk finding is not based on the Applicant’s claimed identity, in my opinion, it is fundamentally flawed. In any event, in making the generalized risk argument, Counsel for the Minister relies on Justice Snider’s decision in *Osorio v. Canada (Minister of Citizenship and Immigration)*, 2005 FC 1459 to argue that since “generally” is commonly used to mean “prevalent” or “widespread”, simply because a subcategory can be crafted out of the citizenry at large does not remove that group from the generalized risk category. As I understand the argument, and with reference to the Minister’s Delegate’s remark that the violence in

Iraq is largely about the Sunni-Shia power struggle which pervades the country, the Minister's Delegate reasonably determined that the risk faced by the Applicant as a Christian is faced generally by other individuals (Respondent's Further Memorandum of Argument, para. 35). On my reading of the decision in *Osorio*, the outcome of a finding as to whether an applicant will face a generalized risk depends on the nature of the group to which he or she belongs, and the nature of the risk. That is, every case must be determined on its own merits.

[17] In *Osorio*, the applicant asserted a fear on behalf of himself and his young Canadian-born son that, should they return to Colombia, they would suffer risk from FARC. On the nature of the claim, Justice Snider made the following findings at paragraphs 22, and 24 to 27:

I first note that the Board, in the paragraph concluding this section of their Reasons, states its finding that the risk of the son-in-law "is no greater than or different to the general risk faced by all persons in [Colombia]." From this, it appears that the Board understood the correct test. The question is whether a risk to a sub-group – in this case, parents – can be a risk contemplated by s. 97(1)(b)(ii). The Board evidently believed that it is. The question before me is whether this extension of the concept of "faced generally" was correct or reasonable. In my view, it was.

[...]

It seems to me that common sense must determine the meaning of s. 97(1)(b)(ii). To put the matter simply: if the Applicants are correct that parents in Colombia are a group facing a risk not faced generally by other individuals in Colombia, then it follows that every Colombian national who is a parent and who comes to Canada is automatically a person in need or protection. This cannot be so.

The risk described by the Applicants and the Board in this case is a risk faced by millions of Colombians; indeed, all Colombians who have or will have children are members of this population. It is difficult to define a broader or more general group within a nation than the group consisting of "parents".

Further, I can see nothing in s. 97(1)(b)(ii) that requires the Board to interpret “generally” as applying to all citizens. The word “generally” is commonly used to mean “prevalent” or “widespread”. Parliament deliberately chose to include the word “generally” in s. 97(1)(b)(ii), thereby leaving to the Board the issue of deciding whether a particular group meets the definition. Provided that its conclusion is reasonable, as it is here, I see no need to intervene.

In conclusion, the Board reasonably concluded that the risk to which the son-in-law and his wife would be subject is a general risk and does not make them persons in need of protection under s. 97.

[Emphasis added]

[18] In the present case, the obligation rested with the Minister’s Delegate to determine on the evidence whether Assyrian Christians are a particular group that meets the definition in s. 97(1)(b)(ii) of the *IRPA*. In this regard, it was necessary to consider how the generalized Muslim-to-Muslim violence relates to, or contrasts with, Muslim-to-Assyrian Christian violence. This obligation was not met by the Minister’s Delegate.

[19] I have one final comment with respect to Counsel for the Minister’s argument.

[20] As mentioned, the Applicant was convicted of aggravated sexual assault in the state of Illinois in March 1999. The offence was committed when he was 23 years of age; he was sentenced to 7 years incarceration, and was released in 2002. The sentence reflects the acute seriousness of the crime; the Applicant sexually assaulted a 16-year old young woman while she was unconscious. While going through the immigration process with respect to his claim for protection as recounted above, the Applicant was released from detention after posting a \$5,000 cash bond and a \$10,000 performance bond. There is no suggestion in the evidence that there has been any further criminality. Indeed, after a thorough examination of the evidence, the Minister’s Delegate was “not

satisfied that at this point in time, there are reasonable grounds to believe [the Applicant] is a present and future danger to the public (Decision, p. 22).

[21] In the course of the rendering the decision under review, the Minister's Delegate fairly, and with care, approached the subject of the sexual assault and the issue of whether the Applicant is a present danger. While I have passed judicial review comment on the risk decision, I find the decision as a whole to be straight-forward and free of extraneous considerations. On this latter point, I have serious concerns about the written argument delivered by Counsel for the Minister. The Respondent's Further Memorandum of Argument opens with this comment:

When one benefits from the generous hospitality of a host nation, one does not violate the host nation's trust and generosity by savagely violating one of its children. The Applicant claims to be a Christian facing possible persecution in Iraq. However, as the Applicant is considered a serious criminal under IRPA for having been convicted in the U.S. of drugging, raping and almost killing an underage girl, he is only entitled to a restricted consideration of personalized [emphasis in the original] risk under section 97 of IRPA and not the refugee grounds under section 97 [sic]. Humanitarian issues of hardship are not considered under the PRRA. While life may prove difficult in Iraq for the Applicant, the difficulty he may face is of his own making.

The second paragraph of the argument is as follows:

While the Applicant may have not raped anyone in the last 12 years, such that he may be considered to pose an immediate danger to Canadians, Canadians should not have to suffer the Applicant's presence as a neighbour. This is what Parliament intended in providing only a restricted PRRA for serious criminals.

And at paragraph 4 this view is expressed:

The Minister's Delegate identified that 600,000 to 800,000 Iraqi Christians suffered 17 reported attacks in the first six months of 2008. The Respondent submits that these attacks, as regrettable as they may be, do not demonstrate that the Applicant will personally

be at risk of an attack on a balance of probabilities [emphasis in the original]. The Applicant's identification of documents that detail sporadic incidents of violence against Christians in Iraq that were not mentioned in the Minister's Delegate's reasons is an insufficient basis to warrant revisiting the risk assessment. The Applicant's desire to have this Honourable Court to [sic] reweigh the documentary evidence before the Minister's Delegate is an insufficient bases [sic] to warrant intervention. The Applicant has benefited from Canada's generosity for too long as a serious criminal. It is time for the Applicant to leave.

[Emphasis added]

I find that this language is completely inappropriate because it is inflammatory and can be taken to be an attempt to persuade an outcome to the present Application through the introduction of a completely extraneous consideration to the issues to be determined. The Applicant's criminal conduct was dealt with according to law, and his immigration status is in the process of being dealt with according to law. The argument reads like a sentencing submission for greater penalty for the offence which was committed, and for which the penalty has already been paid. In my opinion, there is no room for this kind of irrelevant rhetoric in a solemn judicial inquiry.

ORDER

Accordingly, the decision under review is set aside.

There is no question to certify.

“Douglas R. Campbell”

Judge

APPENDIX

Section 97 of the *Immigration and Refugee Protection Act*, 2001, c. 27 reads as follows:

Person in need of protection

97. (1) A person in need of protection is a person in Canada whose removal to their country or countries of nationality or, if they do not have a country of nationality, their country of former habitual residence, would subject them personally

- (a) to a danger, believed on substantial grounds to exist, of torture within the meaning of Article 1 of the Convention Against Torture; or
- (b) to a risk to their life or to a risk of cruel and unusual treatment or punishment if
 - (i) the person is unable or, because of that risk, unwilling to avail themselves of the protection of that country,
 - (ii) the risk would be faced by the person in every part of that country and is not faced generally by other individuals in or from that country,
 - (iii) the risk is not inherent or incidental to lawful sanctions, unless imposed in disregard of accepted international standards, and
 - (iv) the risk is not caused by the inability of that country to provide adequate health or medical care.

Person in need of protection

(2) A person in Canada who is a member of a class of persons prescribed by the regulations as being in need of protection is also a person in need of protection.

Personne à protéger

97. (1) A qualité de personne à protéger la personne qui se trouve au Canada et serait personnellement, par son renvoi vers tout pays dont elle a la nationalité ou, si elle n'a pas de nationalité, dans lequel elle avait sa résidence habituelle, exposée :

- a) soit au risque, s'il y a des motifs sérieux de le croire, d'être soumise à la torture au sens de l'article premier de la Convention contre la torture;
- b) soit à une menace à sa vie ou au risque de traitements ou peines cruels et inusités dans le cas suivant :
 - (i) elle ne peut ou, de ce fait, ne veut se réclamer de la protection de ce pays,
 - (ii) elle y est exposée en tout lieu de ce pays alors que d'autres personnes originaires de ce pays ou qui s'y trouvent ne le sont généralement pas,
 - (iii) la menace ou le risque ne résulte pas de sanctions légitimes — sauf celles infligées au mépris des normes internationales — et inhérents à celles-ci ou occasionnés par elles,
 - (iv) la menace ou le risque ne résulte pas de l'incapacité du pays de fournir des soins médicaux ou de santé adéquats.

Personne à protéger

(2) A également qualité de personne à protéger la personne qui se trouve au Canada et fait partie d'une catégorie de personnes auxquelles est reconnu par règlement le besoin de protection.

FEDERAL COURT

SOLICITORS OF RECORD

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DATED: MARCH 28, 2011

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