

Federal Court



Cour fédérale

**Date: 20130614**

**Docket: IMM-10911-12**

**Citation: 2013 FC 657**

**[UNREVISED ENGLISH CERTIFIED TRANSLATION]**

**Ottawa, Ontario, June 14, 2013**

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

**BETWEEN:**

**BRAHIM MEGARI**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] The applicant, Mr. Brahim Megari, an Algerian citizen, is the principal applicant on an application for judicial review of a decision by the Refugee Protection Division [RPD] of the Immigration and Refugee Board dated September 27, 2012.

[2] The RPD decision rejected the principal applicant's refugee claim but accepted the refugee claim of Nouara Megari, the mother of Lamia Megari.

[3] The decision reflects that the RPD noted that Nouara Megari, as the mother of the disabled child, remains her daughter's primary caregiver. Since the mother has become her daughter's protector, she could reasonably be persecuted by protecting her daughter if they were returned to Algeria.

[4] The RPD found the principal applicant credible when testifying about his daughter and spouse. The principal applicant candidly admitted that he feared nothing and no one and that he was able to defend himself; it was his daughter he feared for.

[5] Considering that the RPD's decision was based entirely on the principal applicant's evidence in reaching its conclusion, supported but providing sufficient reasons, the decision, bearing in mind that it is reasonable, will stand.

[6] Accordingly, the Court dismisses the application for judicial review.

**JUDGMENT**

**THE COURT ORDERS** that the application for judicial review is dismissed with no question of general importance to certify.

**Obiter**

Before this family is separated, the family, father Brahim Megari, aged 63, mother Nouara Megari, aged 58 and daughter, age 31, this case potentially requires an assessment based on humanitarian and compassionate considerations.

“Michel M.J. Shore”

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Judge

Certified true translation  
Mary Jo Egan, LLB

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

**DOCKET:** IMM-10911-12

**STYLE OF CAUSE:** BRAHIM MEGARI v MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** June 13, 2013

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

**DATED:** June 14, 2013

**APPEARANCES:**

Liette Robillard FOR THE APPLICANT

Daniel Baum FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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