

Federal Court



Cour fédérale

Date: 20160713

Docket: IMM-5078-15

Citation: 2016 FC 802

Ottawa, Ontario, July 13, 2016

PRESENT: The Honourable Madam Justice McVeigh

BETWEEN:

**ETLEVA MURRIZI, PRISILA MURRIZI,
TZESIKA MURRIZI, GJOVALIN MURRIZI**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Etleva Murrizi (née Luli), her husband, Gjovalin Murrizi, and her two daughters, Prisila Murrizi and Tzesika Murrizi [collectively, the Applicants], have brought an application for judicial review, challenging an October 22, 2015 decision of the Refugee Protection Division of the Immigration and Refugee Board [the RPD].

[2] In that decision, it was determined that the Applicants are not Convention refugees under section 96, nor persons in need of protection under section 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the IRPA].

[3] Mr. and Mrs. Murrizi are citizens of Albania, who had been living in Greece prior to their arrival in Canada. Their two children, Prisila and Tezika, are dual citizens of Greece and Albania. Mrs. Murrizi and the two children came to Canada in June 2012 and made their refugee claims in July 2012. Mr. Murrizi arrived in October 2012 and made his refugee claim in November 2012.

[4] Mrs. Murrizi's basis of claim narrative, as adopted by her husband and children, indicates that the Applicants fear persecution in Greece and Albania due to a blood feud between her extended family and the Gjoni family. The origins of the blood feud began in October 2011, when Mrs. Murrizi's cousin killed a man named Tonin Gjoni in Albania. Following the murder, the Gjoni family declared that they would seek blood feud revenge on the Luli family.

[5] In addition to the fear of persecution outlined in his wife's narrative, Mr. Murrizi indicated in his narrative that his extended family was also engaged in a blood feud with the Ndoci family and that he feared persecution in Albania and Greece on this basis as well. The origins of that blood feud began in 1998 when Dod Ndoci killed one of Mr. Murrizi's cousins. The Ndoci and Murrizi families have been unable to reconcile the blood feud and the Ndoci family has indicated that if no reconciliation is reached, every male member of the Murrizi family will be killed.

[6] The Applicants' claims were joined and heard together by the RPD on September 24, 2015. The RPD member considered the joint applications and dismissed the respective claims in a single set of reasons. The Applicants subsequently filed the present application, raising a number of issues before the Court. In my view, the determinative issue is whether the RPD erred by not considering each respective claim individually and on its own merits

[7] The RPD can, and often must, deal with multiple claimants in a single decision (R. 55, *Refugee Protection Division Rules*, SOR/2012-256; *Ramnauth v Canada (Minister of Citizenship and Immigration)*, 2004 FC 233 (FC) at para 9). However, the jurisprudence is unequivocal that if one of those claims raises distinct issues, it must be addressed separately (*Retnem v Canada (Minister of Employment and Immigration)*, [1991] FCJ No 428 (FCA) at paras 5-6; *Csonka v Canada (Minister of Employment and Immigration)*, [2001] FCJ No 1294 (FC) at paras 25-30; *Babos v Canada (Minister of Citizenship and Immigration)*, 2014 FC 346; *Ali v Canada (Minister of Citizenship and Immigration)*; 2015 FC 1061 at paras 24-26).

[8] In this respect, I agree with the Applicants that the RPD erred by failing to consider the distinct elements of Mr. Murrizi's claim. These elements, in the form of the additional blood feud with the Ndoci family, were squarely before the RPD, as confirmed by Mr. Murrizi's basis of claim narrative, as well as the transcript of the September 24, 2015 hearing.

[9] Nonetheless, the RPD failed to address this distinct issue separately from the harm outlined in Mrs. Murrizi's claim; namely, the blood feud with the Gjoni family.

[10] For this reason, the application will be allowed and the matter will be returned to the RPD for redetermination by a differently constituted panel.

JUDGMENT

THIS COURT'S JUDGMENT is that

1. The Application is allowed and the matter is sent back to be heard by a different decision maker.
2. No question is certified.

"Glennys L. McVeigh"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-5078-15

STYLE OF CAUSE: ETLEVA MURRIZI ET AL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: MAY 4, 2016

JUDGMENT AND REASONS: MCVEIGH J.

DATED: JULY 13, 2016

APPEARANCES:

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