

Federal Court



Cour fédérale

**Date: 20170613**

**Docket: IMM-3455-16**

**Citation: 2017 FC 582**

**Ottawa, Ontario, June 13, 2017**

**PRESENT: The Honourable Mr. Justice O'Reilly**

**BETWEEN:**

**NASIRA MAZHARY**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] In 1989, Ms Nasira Mazhary's brother-in-law was kidnapped by the Khadamat-e Aetla'at-e Dawlati, which is Afghanistan's State Information Service (KHAD). She, her husband, and their three sons fled to Pakistan, where the couple had four additional children.

[2] When Ms Mazhary's husband was attacked in 2011, the family believed the Taliban was responsible, a reprisal for the fact that their daughters received an education, had careers and supported the International Organization for Migration. Concerned for their daughters' safety, the parents told them not to come home. A few months later, her husband received a phone call telling him that he was lucky to have been "saved" that day. Ms Mazhary applied for refugee protection from outside Canada.

[3] In 2015, an immigration officer in Islamabad interviewed Ms Mazhary, her husband, and one of their daughters, Palwasha. The officer accepted Palwasha's claim, but denied Ms Mazhary's and those of the other family members included in her application. The officer found that Ms Mazhary did not face well-founded fear of persecution and was ineligible for asylum in Canada.

[4] Ms Mazhary argues that the officer's decision was unreasonable because it neglected to take account of the risk the family faced in Pakistan and failed to provide adequate reasons for rejecting her claim. In addition, she contends that the officer failed to consider whether she met the criteria for admission to Canada as a member of the country of asylum class. Ms Mazhary asks me to quash the officer's decision and order another officer to reconsider her application.

[5] I can find no basis on which to overturn the officer's decision, so I must dismiss this application for judicial review. In my view, the officer's decision was not unreasonable on the evidence provided.

[6] The sole issue is whether the officer's decision was unreasonable.

## II. The Officer's Decision

[7] In the officer's decision letter, he stated that Ms Mazhary had not shown that she faced a well-founded fear of persecution in Pakistan, and did not meet the criteria for acceptance as a member of the country of asylum class because she was not "seriously and personally affected by . . . civil war, armed conflict or massive violation of human rights in Afghanistan".

[8] The officer's notes contain additional grounds for rejecting Ms Mazhary's application. The officer found that most of the problems the family faced in Pakistan were related to the dangers facing their daughters, but the daughters had already been approved for permanent residence in Canada. The son who periodically works in Afghanistan did not appear to have any problems there. The officer rejected Ms Mazhary's claim, but accepted that of her daughter, Palwasha.

## III. Was the Officer's Decision Unreasonable?

[9] Ms Mazhary maintains that the officer failed to acknowledge the risk to all members of the family arising from the fact that the daughters were allowed to obtain higher education and pursue careers. Mr Mazhary had been targeted on that basis. It was likely, therefore, that Ms Mazhary could equally be persecuted. Further, Ms Mazhary argues that the officer's reasons were inadequate because he failed to provide a sufficient analysis for his conclusion that she was not entitled to refugee protection even though her daughter was. Finally, Ms Mazhary submits

that the officer failed completely in his consideration of whether she met the criteria of the country of asylum class.

[10] I disagree with Ms Mazhary's submissions.

[11] Any risk to the family that derived from the activities of the daughters was no longer present; the daughters are no longer in Pakistan. The officer provided an adequate explanation for why Ms Mazhary no longer faced a well-founded risk of persecution.

[12] With respect to the claim to be a member of the country of asylum class, the officer noted that the events that caused Ms Mazhary to fear living in Afghanistan took place more than 25 years ago. There was no evidence before the officer of an ongoing risk. In fact, as mentioned, the evidence showed that Ms Mazhary's son periodically works in Afghanistan without difficulty.

[13] Accordingly, I cannot conclude that the officer's decision was unreasonable on the evidence.

#### IV. Conclusion and Disposition

[14] The officer considered the evidence supporting Ms Mazhary's claim and his conclusion that she had not provided sufficient proof of persecution in Pakistan or danger in Afghanistan was not unreasonable on the evidence. I must, therefore, dismiss this application for judicial review. Neither party proposed a question of general importance for certification, and none is stated.

**JUDGMENT IN IMM-3455-16**

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

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

“James W. O’Reilly”

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Judge

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

**DOCKET:** IMM-3455-16

**STYLE OF CAUSE:** NASIRA MAZHARY v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** APRIL 19, 2017

**JUDGMENT AND REASONS:** O'REILLY J.

**DATED:** JUNE 13, 2017

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