Federal Court  Cour fédérale

Date: 20200204

Docket: IMM-2143-19

Citation: 2020 FC 196

Ottawa, Ontario, February 4, 2020

PRESENT: Mr. Justice Russell

BETWEEN:

DEENA ABDELSALAM
LOAY SAMEH BADR AHMED MOHAMED
HAMZA SAMEH BADR AHMED MOHAMED

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. INTRODUCTION

[1] This is an application under s 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*], for judicial review of the decision of a Senior Immigration Officer, dated February 28, 2019 [Decision], rejecting the Applicants' Pre-removal Risk Assessment [PRRA] application.

II. BACKGROUND

[2] The Applicants, Ms. Abdelsalam and her two sons Loay and Hamza, are citizens of Egypt. The Applicants currently reside in Windsor, Ontario near Ms. Abdelsalam's brother and his three children. Ms. Abdelsalam's husband lives in Cairo, Egypt.

[3] Ms. Abdelsalam entered Canada on May 21, 2016, with a valid visa. Her sons, Loay and Hamza, subsequently joined her in Canada on June 23, 2016. The Applicants made their refugee claim two months later on August 17, 2016. A Departure Order was issued on the same day.

[4] The Applicants claimed that they were refugees and persons in need of protection pursuant to ss 96 and 97(1) of the *IRPA* because they faced a serious risk of persecution and harm should they return to Egypt. The Applicants' central claim was that they were at risk of harm from the Muslim Brotherhood, notably due to their liberal interpretation of Islam, their opposition to the Brotherhood, and Ms. Abdelsalam's retention of incriminating documents against members and supporters of the Brotherhood in 2014.

[5] On January 16, 2017, the Refugee Protection Division of the Immigration and Refugee Board of Canada [RPD] rejected the Applicants' claims under ss 96 and 97(1) of the *IRPA*. The RPD found that the Applicants had failed to provide credible and trustworthy evidence to establish their claim that they are threatened by members of the Muslim Brotherhood and were unable to seek state protection in Egypt. In essence, the RPD found the Applicants' claims not credible. This finding was grounded in the Applicants' significant delay in leaving Egypt as well

as the many inconsistencies and implausibilities in Ms. Abdelsalam's testimony. Moreover, upon reviewing the National Documentation Package for Egypt, the RPD was not satisfied that adequate state protection was unavailable to the Applicants should they be threatened by the Muslim Brotherhood upon return.

[6] The Applicants appealed the RPD's decision to the Refugee Appeal Division [RAD] of the Immigration and Refugee Board of Canada. However, on July 31, 2017, the RAD dismissed the Applicants' appeal. The RAD agreed with the RPD that the Applicants' claims were not credible for largely the same reasons. It also found that the Applicants had failed to rebut the presumption of state protection in Egypt. The Applicants did not apply to this Court for a judicial review of the RAD's decision.

[7] The Applicants, however, submitted an application for Permanent Resident status in Canada on Humanitarian and Compassionate [H&C] grounds on November 14, 2017, and a PRRA application on January 5, 2019.

[8] In the context of their PRRA application, the Applicants provided written submissions as well as documentary evidence, including evidence that post-dated the RPD and RAD proceedings. The Applicants stated in their submissions that:

1. They are at risk of harm in Egypt from members and supporters of the Muslim Brotherhood;

2. Ms. Abdelsalam is at risk of harm in Egypt due to her gender;

3. They are at risk of harm because they have Christian friends in Egypt;

4. Their mental health would be negatively affected and they would be unable to obtain the mental health care they require in Egypt; and

5. Loay and Hamza are at risk of harm in Egypt due to the possibility of being kidnapped, being harmed by their teachers, and Egypt's compulsory military service.

[9] On February 28, 2019, the Officer rejected the Applicants' PRRA application. An addendum to the PRRA Decision was provided on March 5, 2019, in light of evidence included in the Applicants' application for Permanent Resident status on H&C grounds.

[10] On March 8, 2019, the same Officer refused their applications for Permanent Resident status on H&C grounds. A Direction to Report with a removal date of April 27, 2019, was issued to which Justice Brown ordered a Stay of Removal on April 26, 2019.

III. DECISION UNDER REVIEW

[11] In this application for judicial review, the Applicants contest the Decision to reject their PRRA application.

[12] In essence, the Officer found that, upon reviewing the Applicants' materials, the Applicants would not face more than a mere possibility of risk in Egypt pursuant to s 96 of the *IRPA*, or face a risk of torture, a risk to life, or a risk of cruel and unusual punishment in Egypt as described in s 97(1) of the *IRPA*. The Officer grounded the Decision in the Applicants' failure to

provide sufficient credible new evidence demonstrating that: (1) they face a personalized, forward-looking risk in Egypt; and (2) access to adequate state protection is unavailable to them in Egypt.

[13] First, regarding the Applicants' claims concerning the risk of harm from the Muslim Brotherhood, the Officer found that the new evidence provided by the Applicants, namely a 2018 police report regarding a break-in at her husband's apartment as well as research reports concerning the general conditions in Egypt, did not demonstrate that the Applicants would face a personalized risk of harm from the Muslim Brotherhood. This is because the police report did not indicate who broke into Ms. Abdelsalam's husband's apartment, nor whether they were associated with the Muslim Brotherhood. Meanwhile, the research reports only describe a general risk to all persons in Egypt and not a risk that is personal to the Applicants.

[14] Second, the Officer found that the evidence provided by the Applicants concerning the claim that Ms. Abdelsalam faces a risk of harm in Egypt due to her gender only demonstrates a generalized risk and not a personalized forward-looking risk. More specifically, though the articles and research reports provided by the Applicants show that harassment, discrimination, and violence against women is a serious problem in Egypt, particularly in large cities, the Officer found that they only demonstrate a generalized risk. As such, the Officer found that since Ms. Abdelsalam did not provide evidence that she has experienced violence, harassment, discrimination, or threat of harm due to her gender, no personalized forward-looking risk of harm exists on this ground.

[15] Third, the Officer found that the Applicants provided no evidence that the Muslim Brotherhood, or any other individuals in Egypt, have ever harmed them for being friends with Christians. As such, the Officer found it unlikely that the Applicants would face such a risk should they return to Egypt.

[16] Fourth, the Applicants argued that, should they be forced to return to Egypt, their mental health would be negatively affected, and they would be unable to obtain the mental health care they require. In the Addendum to the PRRA Decision dated March 5, 2019, the Officer reviewed the 2017 psychological report concerning Ms. Abdelsalam as well as the authorization for counselling services for Hamza submitted as a part of their Permanent Resident application on H&C grounds. The Officer concluded that the documents did not demonstrate the Applicants' present or future mental health needs. In fact, there was no indication that Hamza had attended the authorized counselling services or any evidence indicating that Ms. Abdelsalam attended the bi-weekly therapy sessions recommended by Dr. Carreira. Moreover, the Officer noted that the evidence indicated that there are established mental health services and facilities in Egypt, notably in large cities and, as such, the Applicants would be able to obtain mental health care should they require it.

[17] Fifth, the Officer found that Ms. Abdelsalam's sons, Loay and Hamza, do not face a personalized forward-looking risk of harm in Egypt. The Officer found that compulsory military service is a general country condition that affects all young men in Egypt and is therefore not a personalized risk. Nevertheless, the Officer states that it is possible to obtain an exemption in some situations, which Loay and Hamza may qualify for in three to four years' time. Regarding

the risk of harm by teachers, the Officer noted that the Applicants did not submit any evidence to support this personalized risk to the boys.

[18] Finally, the Officer found that should any of these alleged risks of harm arise in Egypt, the Applicants had not shown that state protection in Egypt is not adequate enough to protect them. Upon reviewing the new evidence submitted by the Applicants, the Officer found that there is a defined system of law and order in Egypt that is administered by security forces effectively controlled by civilian authorities. Although the Officer acknowledges instances of impunity by security forces, the Officer concluded that the Applicants had failed to rebut the presumption of state protection in Egypt. As such, the Officer refused the Applicants' PRRA application.

IV. ISSUES

[19] The issues to be determined in the present matter are the following:

1. Did the Officer err in their analysis of whether Ms. Abdelsalam faced a personalized forward-looking risk of harm in Egypt due to her gender?

2. Did the Officer err in their analysis of whether Ms. Abdelsalam's sons, Loay and Hamza, faced a personalized forward-looking risk of harm in Egypt?

V. STANDARD OF REVIEW

[20] This application was argued prior to the Supreme Court of Canada's recent decisions in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] and *Bell*

Canada v Canada (Attorney General), 2019 SCC 66. This Court's judgment was taken under reserve. The parties' submissions on the standard of review were therefore made under the *Dunsmuir v New Brunswick*, 2008 SCC 9 [*Dunsmuir*] framework. However, given the circumstances in this matter, and the Supreme Court of Canada's instructions in *Vavilov* at para 144, this Court found that it was not necessary to ask the parties to make additional submissions on the standard of review. I have applied the *Vavilov* framework in my consideration of the application and it does not change the applicable standards of review in this case nor my conclusions.

[21] In *Vavilov*, at paras 23-32, the majority sought to simplify how a court selects the standard of review applicable to the issues before it. The majority did away with the contextual and categorical approach taken in *Dunsmuir* in favour of instating a presumption that the reasonableness standard applies. However, the majority noted that this presumption can be set aside on the basis of (1) clear legislative intent to prescribe a different standard of review (*Vavilov*, at paras 33-52), and (2) certain scenarios where the rule of law requires the application of the standard of correctness, such as constitutional questions, general questions of law of central importance to the legal system as a whole and questions regarding the jurisdictional boundaries between two or more administrative bodies (*Vavilov*, at paras 53-64).

[22] There was no disagreement between the parties that the applicable standard of review in this matter was the standard of reasonableness.

[23] There is nothing to rebut the presumption that the standard of reasonableness applies in this case. The application of the standard of reasonableness to these issues is also consistent with the existing jurisprudence prior to the Supreme Court of Canada's decision in *Vavilov*. See *Mowloughi v Canada (Citizenship and Immigration)*, 2019 FC 270 at para 17 and *Selduz v Canada (Citizenship and Immigration)*, 2009 FC 361 at paras 9-10.

[24] When reviewing a decision on the standard of reasonableness, the analysis will be concerned with whether it "bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision" (*Vavilov*, at para 99). Reasonableness is a single standard of review that varies and "takes its colour from the context" (*Vavilov*, at para 89 citing *Canada (Minister of Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 59). These contextual constraints "dictate the limits and contours of the space in which the decision maker may act and the types of solutions it may adopt" (*Vavilov*, at para 90). Put in another way, the Court should intervene only when "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov*, at para 100). The Supreme Court of Canada lists two types of fundamental flaws that make a decision unreasonable: (1) a failure of rationality internal to the decision-maker's reasoning process; and (2) untenability "in light of the relevant factual and legal constraints that bear on it" (*Vavilov*, at para 101).

VI. STATUTORY PROVISIONS

[25] The following statutory provisions of the *IRPA* are relevant to this application for judicial review:

Convention refugee	**Définition de réfugié**
96 A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,	96 A qualité de réfugié au sens de la Convention — le réfugié — la personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un groupe social ou de ses opinions politiques :
(a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themself of the protection of each of those countries; or	a) soit se trouve hors de tout pays dont elle a la nationalité et ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de chacun de ces pays ;
(b) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.	b) soit, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle, ne peut ni, du fait de cette crainte, ne veut y retourner.
Person in need of protection	**Personne à protéger**
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	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) to a danger, believed on substantial grounds to exist, of torture within the meaning of Article 1 of the Convention Against Torture; or	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) to a risk to their life or to a risk of cruel and unusual treatment or punishment if	b) soit à une menace à sa vie ou au risque de traitements ou peines cruels et inusités dans le cas suivant :
(i) the person is unable or, because of that risk, unwilling to avail themself of the protection of that country,	(i) elle ne peut ou, de ce fait, ne veut se réclamer de la protection de ce pays,
(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,	(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) the risk is not inherent or incidental to lawful sanctions, unless imposed in disregard of accepted international standards, and	(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) the risk is not caused by the inability of that country to provide adequate health or medical care	(iv) la menace ou le risque ne résulte pas de l'incapacité du pays de fournir des soins médicaux ou de santé adéquats.

VII. ARGUMENTS

A. *Applicants*

[26] The Applicants argue that the Decision was unreasonable due to: (1) the Officer's failure to properly assess the gender-based personalized risk of harm faced by Ms. Abdelsalam in

Egypt; and (2) the failure to meaningfully assess the risk of harm Loay and Hamza will face in Egypt. For these reasons, the Applicants submit that the Decision cannot stand and must be set aside and remitted to another decision-maker.

(1) Risk of harm due to Ms. Abdelsalam's gender

[27] The Applicants argue that the Officer's assessment of Ms. Abdelsalam's claim that she faces a serious risk of harm in Egypt due to her gender was unreasonable because the Officer: (1) ignored the fact that Ms. Abdelsalam was specifically told by men to dress more conservatively; (2) failed to specifically address whether state protection is available in Egypt for gender-related persecution; and (3) failed to specifically analyze any of the relevant evidence provided.

[28] First, the Applicants submit that the Officer erred in labelling the gender-based risk of harm claimed by Ms. Abdelsalam as a general country condition of Egypt. This is because Ms. Abdelsalam has continuously stated since her refugee claim that she was told by supporters of the Muslim Brotherhood, with whom she worked, to stop wearing pants, make-up, and bright colours. Instead, they insisted she wear more conservative attire. For the Applicants, this example demonstrates that Ms. Abdelsalam faces a personalized risk of harm as a woman due to her liberal interpretation of Islam. As such, the Officer erred in their understanding of the risk faced by Ms. Abdelsalam.

[29] Second, the Applicants argue that the Officer not only failed to cite any evidence to support the finding that adequate state protection exists in Egypt, but failed to analyze whether

state protection exists for gender-based risks of harm. This is an important distinction for the Applicants given the evidence related to violence, harassment, and discrimination against women in Egypt.

[30] Thirdly, the Applicants submit that the Officer failed to take into account all relevant evidence in the assessment of Applicants' gender-based claims. They argue that this amounts to a cursory analysis, as demonstrated by the Officer's failure to cite any specific evidence in their findings concerning Ms. Abdelsalam's risk of gender-based harm in Egypt. Instead, the Applicants highlight that much of the new evidence provided confirms the serious risk women like Ms. Abdelsalam currently face in Egypt as well as the inadequacy of state protection for gender-related persecution.

(2) Risk of harm to Loay and Hamza

[31] The Applicants argue that the Officer also failed to conduct a meaningful analysis of the risk of harm faced by Loay and Hamza in Egypt.

[32] The Applicants state that the objective evidence does not support the Officer's finding that Loay and Hamza would not face a risk of harm in Egypt. The Applicants specifically cite two reports which detail the trauma children suffer when growing up in social crisis and conflict, and how this leads to Post-Traumatic Stress Disorder. They submit that these are critical pieces of evidence that should have been explicitly analyzed in the Decision.

[33] The Applicants note that the Officer failed to cite any relevant documents relating to the country conditions for children even though they were under an obligation to conduct further research if necessary pursuant to s 10.3 of Policy PP 3 in the Pre-removal Risk Assessment policy manual. Moreover, the Applicants argue that the Officer failed to cite any evidence to support the finding that adequate state protection is available in Egypt for children being persecuted by their teachers or at risk of kidnapping.

[34] Finally, the Applicants argue that the Officer failed to meaningfully analyze the risk of kidnapping Loay and Hamza would face in Egypt by mistakenly conflating the RPD and the RAD's credibility findings with a finding that a serious risk of kidnapping did not exist.

[35] For these reasons, the Applicants say that this judicial review should be granted.

B. *Respondent*

[36] The Respondent argues that the Applicants have the burden to provide sufficient evidence to establish that they qualify as refugees or persons in need of protection under ss 96 & 97(1) of the *IRPA*. In this case, the Applicants did not meet this burden and the Officer reasonably rejected their PRRA application.

[37] Specifically, the Respondent submits that the Decision was reasonable because the Applicants failed to provide sufficient evidence of: (1) a personalized gender-based risk of harm to Ms. Abdelsalam; and (2) a personalized risk of harm to Ms. Abdelsalam's sons, Loay and Hamza.

[38] The Respondent notes that, as this Court has stated, an officer's reasons need not be perfect or extensive but must be sufficient to communicate the basis of a decision. See *Vancouver International Airport Authority v Public Service Alliance of Canada*, 2010 FCA 158 and *Huang v Canada (Citizenship and Immigration)*, 2018 FC 940. The Respondent submits that the Decision meets this criterion.

(1) Risk of harm due to Ms. Abdelsalam's gender

[39] The Respondent argues that the Applicants failed to provide sufficient specific evidence to demonstrate that Ms. Abdelsalam would face a personalized, forward-looking risk of harm in Egypt due to her gender, particularly when the negative credibility findings by the RPD and the RAD are considered.

[40] The Respondent highlights the fact that the Applicants only provided general evidence to support their claim of a personal gender-based risk of harm. This Court has found that this sort of general evidence is unlikely to establish a sufficient risk of harm capable of grounding a PRRA claim. The Respondent cites this Court's decisions in *Sallai v Canada (Citizenship and Immigration)*, 2019 FC 446 at paras 66-71, and notably *Alba v Canada (Citizenship and Immigration)*, 2007 FC 1116 at paras 3-4 which notes:

> [3] It is not sufficient for claimants to provide documentary evidence about problematic situations in their country in order to be recognized as "Convention refugees" or "persons in need of protection". **The claimants must also demonstrate a connection between that evidence and their *personal situation*, which they failed to do** (*Rahaman v. Canada (Minister of Citizenship and Immigration)*, 2002 FCA 89, [2002] F.C.J. No. 302 (F.C.A.) (QL)).
>
> [4] Documentary evidence about the current general situation in a refugee claimant's country cannot by itself establish that the

> refugee claim is well-founded (*Alexibich v. Canada (Minister of Citizenship and Immigration)*, 2002 FCT 53, [2002] F.C.J. No. 57 (QL); *Ithibu v. Canada (Minister of Citizenship and Immigration)*, 2001 FCT 288, [2001] F.C.J. No. 499 (QL)).
>
> [Emphasis in original.]

[41] The Respondent disagrees with the Applicants' suggestion that the Officer's analysis was "cursory" because it did not explicitly refer to the all the relevant evidence in this case. The Respondent notes that it is trite law that a decision-maker does not need to cite all relevant evidence as it is presumed that they considered all of it.

[42] In essence, the Respondent argues that the Decision was reasonable because it is insufficient for the Applicants to insist that Ms. Abdelsalam is a person in need of Canada's protection without demonstrating a personal link to the general evidence on which she relies. This is because one does not qualify as a refugee or person in need or protection pursuant to ss 96 and 97 of the *IRPA* by simply being a woman in Egypt.

(2) Risk of harm to Loay and Hamza

[43] The Respondent also submits that the Officer's finding that Loay and Hamza did not face a personalized risk of harm in Egypt was reasonable. The Respondent notes that the Applicants only provided generalized evidence on the country conditions in Egypt without demonstrating a personalized link to the boys.

[44] The Respondent also disagrees with the Applicants' argument that the Officer had an obligation to conduct further research pursuant to Policy PP 3. The Respondent notes that this policy is not binding on the Officer and it is the Applicants' burden to provide sufficient evidence.

[45] Finally, the Respondent states that it was reasonable for the Officer to defer to the findings of the RPD and RAD as a baseline and cites this Court's decision in *Kopalapillai v Canada (Citizenship and Immigration)*, 2019 FC 501 at para 27:

> The Officer's reasons for rejecting the new evidence offered by Mr. Kopalapillai were transparent and intelligible. An immigration officer conducting a PRRA may give little or no weight to evidence that addresses risks previously assessed by the RPD; whose source is not impartial; or that is vague, inconsistent or lacks corroboration (*Liyanage v Canada (Citizenship and Immigration)*, 2019 FC 194 at paras 17-21, 30-31).

[46] For these reasons, the Respondent says that this application for judicial review should be dismissed.

VIII. ANALYSIS

[47] The Applicants make several allegations of reviewable error in the Decision. However, their central thesis is that the Officer failed to address the evidence of risk – particularly against women – described in the country condition documentation, and the evidence of the lack of state protection for those at risk, particularly women.

[48] This allegation is problematic in the present case because it is trite law that a PRRA officer is not to address appeals from the RPD or the RAD, or to re-assess risks and evidence those tribunals have already addressed and rejected.

[49] As the Officer points out in their Decision:

> A PRRA application is not meant to be an appeal of a negative IRB decision (in this case, the decisions of the RPD & RAD), but rather an assessment, based on new evidence, of the risk of persecution, torture, risk to life or risk of cruel and unusual treatment or punishment that an applicant would face if they were to be returned to their country of origin.

[50] The new evidence in the present case was the

> Applicants' PRRA application, written submissions, and documentary evidence that either post-dates the applicants' RPD and/or RAD proceedings, or that pertains to a new statement of risk that the applicants have brought forward.

[51] The Officer notes that the Applicants alleged in their PRRA submission "the same statement of risk that was considered by both the RPD, and the RAD of the IRB."

[52] The Officer also points out that the new evidence they are obliged to consider "consists of written submissions, a police report dated September 15, 2018, and several recent research reports and articles concerning general country conditions in Egypt."

[53] The gravamen of the Applicants' attack on this Decision is found in the Applicants' written Memorandum of Argument:

70. This objective information DOES NOT support the PRRA findings here. In other words, the PRRA assessment done in this instance was both incorrect and unreasonable.

71. It is submitted that the PRRA Officer overlooked important information, reached unreasonable conclusions and made veiled credibility findings with blatantly inadequate assessment of country conditions regarding risk as was seen here, the Court must intervene.

72. It is submitted that the Officer displayed a zeal "to find instances of contradiction in the applicant's testimony" and further was "over-vigilant in its microscopic examination of the evidence."

73. It is also submitted that the processing of the risk analysis was done in a cursory manner and that a meaningful analysis was not conducted. This is evident in the failure of the Officer to consider or cite any country condition documents. Further, it is submitted that give [*sic*] the gravity of the situation the issue of responses of government to gender based violence requires reasonable address.

74. The Applicants submit the Officer failed to take into account all relevant evidence in its assessment of the application, as it failed to acknowledge in the Officer's Notes any of the above-noted references.

75. The British Columbia Court of Appeal stated in Faryna v. Chorny: In, short the real test of the truth of a story of a witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions.

76. Given that the Officer ignored the totality of the documentary evidence on country conditions and specifically the Amnesty International document, Circles of Hell, on gender-based risk profiles and RIR EGY105005 on state protection. As such, his finding was unreasonable. It is trite law that explanations which are not obviously implausible must be taken into account.

77. The PRRA Officer did not believe the evidence that the threats to Deena were linked in any gender-based factor. The Officer also found that the evidence of systematic violence even against women established only a generalized risk, not one personal to Deena despite her statements that she was told how to

> dress which should be in a ultra-conservative Islamic manner and told how to raise her sons.
>
> 78. Given the Officer's own misconstruction of the evidence influenced its credibility determination, the finding was unreasonable and cannot be allowed to stand.
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> 79. Given that the Officer ignored the Applicants' evidence as well as relevant country condition evidence, the finding was unreasonable. It is trite law that explanations which are not obviously implausible must be taken into account.
>
> [Citations omitted.]

[54] These allegations fail to take into account the limited assessment that a PRRA officer is required to undertake. The Officer concludes that, for the most, the documentation put forward in the PRRA application regarding the risk from the Muslim Brotherhood involves the same statement of risk that was considered by both the RPD and the RAD. Based largely on this evidence, the RPD found that Ms. Abdelsalam was not credible with respect to this alleged risk and had failed to rebut the presumption of state protection. This decision was endorsed by the RAD.

[55] The Applicants may well think that the decisions of the RPD and RAD were wrong, but they failed to challenge them in this Court and cannot do so indirectly now by faulting the PRRA Officer for not considering and assessing those risks *de novo*. This includes the state protection findings of the RPD and the RAD.

[56] In so far as the Applicants now wish to expand their claim for ss 96 and 97 protection to Ms. Abdelsalam's status as a woman, this is not a new risk. Indeed, the documentation she relies upon does not state a risk or ground for protection that was not manifestly obvious at the time

when the Applicants were before the RPD and RAD. Having failed to demonstrate that they are at risk from the Muslim Brotherhood, the Applicants attempted to assert a new basis for protection. In any event, their evidence only demonstrates a generalized risk to women. In their written submissions to the Officer, the Applicants pretty well confined themselves to general country conditions for women in Egypt and only mentioned one matter of dress where Ms. Abdelsalam felt she was not treated appropriately:

> 29. As well the dress of women is being restricted to reflect the radical religious beliefs. Deena herself was told not to wear pants to work and also to make sure her clothing was conservative. Deena had to restrict what she wore. She did not get to choose what she felt was conservative. Men chose for women and defined what is respectable to wear in public.

[57] Having been told on one occasion not to wear pants to work in the past, Ms. Abdelsalam is now claiming that she faces a personalized future risk that qualifies for protection under ss 96 and 97 of the *IRPA*. This is not convincing and does not equate to s 96 persecution or s 97 risk.

[58] As regards the risks to Ms. Abdelsalam as a woman in Egypt, this is not a new risk. There is nothing in the Applicants' submissions or in the evidence indicating that this risk has changed in any way since their application for protection before the RPD and the RAD. Significantly, Ms. Abdelsalam's husband, and father of the children, continues to live and work in Egypt and there is no suggestion that he has manifested any of the general discriminatory conservative attitudes or behaviours feared by Ms. Abdelsalam. And being told not to wear pants to work on one occasion in the past does not equate to s 96 persecution or s 97 risk.

[59] Concerning any new evidence on this issue, the Decision makes it clear that the Officer examined it and concluded that it did not support any personalized risk to Ms. Abdelsalam. As the Officer points out:

> The applicants' PRRA submissions also state that the PA will be at risk of harm in Egypt because she is a woman. In support of this statement of risk the applicants have submitted several research reports and articles concerning country conditions in Egypt.
>
> I have reviewed the research reports and articles that the applicants have submitted and find that they indicate that violence against women, as well as harassment and discrimination of women is a serious, ongoing issue in Egypt, particularly in the larger cities. However, I note that the ongoing issues in Egypt of violence, harassment and discrimination against women, while unfortunate, are general country condition of Egypt. I note that there is no indication in the applicants' PRRA materials that the PA has ever experienced violence, harassment, or discrimination in Egypt because she is a woman. As well, there is no indication in the applicants' PRRA materials that the PA has ever been threatened with harm in Egypt because she is a woman. Accordingly, I do not find that the applicants' PRRA materials demonstrate that the PA would face a personalized, forward looking risk of harm in Egypt because she is a woman.

[60] Regarding the alleged threats from the Muslim Brotherhood, the Decision makes it clear that the Officer has examined the evidence put forward by the Applicants and concluded it does not demonstrate personalized risk:

> I have also reviewed the recent research reports and articles that the applicants have submitted concerning country conditions in Egypt and find that they indicate that there are a number of serious, ongoing issues in Egypt, such as incidents of violence perpetrated by terrorists, incidents of impunity in the government and security forces, discrimination against minority groups, and an economy that is worsening. However, while I acknowledge that the research reports and articles that the applicants have submitted indicate that conditions in Egypt are imperfect, I note that the country conditions that these research reports and articles detail are general in nature and affect all of Egypt's citizens and residents. I do not find, therefore, that the applicants' research reports and articles

> indicate that the applicants would face a personalized, forward looking risk of harm if they were to return to Egypt.

[61] As regards Loay and Hamza, the problem is, once again, that there is no evidence of a personalized risk of persecution or harm, or that state protection would not be available. Despite the exemptions noted by the Officer, even if the boys are forced to undertake compulsory military service at some time in the future, this is a "general country condition that affects all young men in Egypt." Therefore, it cannot be regarded as a forward-looking personalized risk to the boys that would qualify for protection under ss 96 and 97 of the *IRPA*.

[62] The Applicants also say that the Officer failed to note the evidence on the mental health risks faced if they are returned to Egypt. Because the Officer was also dealing with the Applicants' H&C application, he specifically took into account the medical evidence submitted in that application when considering the Applicants' ss 96 and 97 risks. The analysis is comprehensive and important so that I produce it in full here:

> Risk of harm to the applicants' mental health
>
> The applicants' PRRA submissions state that if the applicants' [*sic*] had to return to Egypt the mental health of the MA, Loay Sameh Badr Ahmed Mohamed, and of the PA, would be negatively affected. As well, the applicants' PRRA submission state that the PA would be unable to obtain the mental health care that she requires in Egypt.
>
> The applicants' PRRA submissions state that the MA, Loay Sameh Badr Ahmed Mohamed, has been "*psychologically … traumatized*" as a result of previously being kidnapped, though not physically harmed, by members of the Muslim Brotherhood.
>
> I note, however, that the kidnapping of the MA, Loay Sameh Badr Ahmed Mohamed, was detailed as one of the incidents concerning the statement of risk that the applicants had considered by both the RPD and by the RAD (this statement of risk being that the

applicants would be at risk of harm in Egypt from members of the Muslim Brotherhood). I am mindful that the PA, who testified for herself and for the MAs, was found by the RPD to not be credible with respect to this claim of risk.

I have given significant weight to the RPD's credibility findings with respect to the PA, as I note that the RPD is a highly specialized immigration tribunal that has a great deal of experience assessing applicants' credibility.

As well, I note that no medical documentation, such as a psychological report, has been submitted to indicate that the MA, Loay Sarneh Badr Ahmed Mohamed, has either experienced, or is currently experiencing, any mental health issues.

With respect to the PA's mental health, I note that the PA states in her affidavit:

> I am very stressed and worried about being able to care for my children if we are returned to Egypt. I don't sleep well. I worry all of the time. The very thought of being returned to Egypt causes me to become upset, worried, and causes mental health symptoms for me.
>
> I know that mental health care in Egypt is very poor and there is a very strong taboo against getting treatment for depression and anxiety. I will not be able to get proper health care in Egypt if I am returned there.

However, no medical documentation, such as a psychological report, has been submitted to indicate that the PA has either experienced, or is currently experiencing, any mental health issues.

Nonetheless, I note that I am considering the applicants' H&C application at the same time as the applicants' PRRA, and I note that the applicants have submitted several research reports concerning the mental health care system in Egypt in support of their H&C application. One of these research reports is from the World Health Organization (WHO) and is titled: *WHO – ALMS Report on Mental Health System in Egypt*. This report states:

> A mental health policy and plan, as well as mental health legislation exist in Egypt … All mental disorders and all mental health problems of clinical concern are covered in social insurance schemes. At least 80% of the population has free access to

> essential psychotropic medicines. A national human rights review body exists. A national mental health authority exists which provides advice to the government on mental health policies and legislation.
>
> As well, this research report indicates that there are established inpatient, and outpatient mental health facilities in Egypt, with most of the mental health facilities in Egypt being present near large cities.
>
> Further, this research report indicates that there are trained mental health professionals in Egypt, which as of 2003 included "*1 000 psychiatrists,… 147 other medical doctors, not specialized in psychiatry,… 1,806 nurses,… 75 psychologists,… 188 social workers,... and 238 other health or mental health workers.*"
>
> Overall, having reviewed the research reports that the applicants have submitted in support of their H&C application concerning the mental health care system in Egypt, and in the absence of any medical documentation concerning either the present state of the applicants' mental health and/or the applicants' mental health needs, if any, I do not find that the applicants would be unable to obtain any mental health care that they might require in Egypt.

[63] The Applicants say that they produced evidence of their current mental health issues and that the Officer overlooked evidence that demonstrates that health care in Egypt is not adequate for their needs.

[64] The evidence concerning the psychological needs of Ms. Abdelsalam is, in fact, specifically addressed by the same Officer in the related H&C decision as follows:

> I note that the applicants have submitted a Psychological Report for the PA from Psychologist, Dr. Cristovaro Carreira. The Psychological Report from Dr. Cristovaro Carreira is dated February 16, 2018, and in this report Dr. Carreira diagnoses the applicant with Panic Disorder and Adjustment Disorder, with mixed anxiety and depressed mood, and recommends that the PA "*participate in biweekly sessions of cognitive-behaviour therapy with a qualified therapist in order to address her depression and*

anxiety and panic symptoms, in order to bolster her coping skills." However, I note that no medical documentation has been submitted to indicate either that the PA attended the biweekly sessions of cognitive-behaviour therapy that Dr. Carreira recommended for her, or to indicate that the PA accessed any other form of treatment for her mental health issues.

I note that Dr. Carreira also states in the Psychological Report that the PA's mental health will likely deteriorate if the PA returns to Egypt. However, I note that there is little in Dr. Carreira's report to indicate that the PA would be unable to obtain any mental health care that she might require in Egypt.

In addition, I note that the Psychological Report from Dr. Carreira concerning the PA is over a year old. While acknowledge that the applicants' recent H&C submissions state that the PA "*continues to experience anxiety and depression regarding life in Egypt and what she, in particular, has been through… [and] continues to see her health care practitioner as needed*" I note that no updated medical documentation has been provided to either support this statement, or to indicate what the PA's present, or future, mental health needs might be.

Further, I note that the applicants have submitted an approval for counselling services for the MA, Hamza Sameh Badr Ahmed Mohamed. This document is dated May 12, 2017, and states that the Victim Quick Response Program of the Ministry for the Attorney General in Ontario has approved a request for funding for counselling services for the MA, Hamza Sameh Badr Ahmed Mohamed. However, I note that the applicants have not submitted any documentation to indicate whether Hamza attended the counselling that he was approved for. I also note that the applicants have not submitted any medical documentation to indicate that Hamza is presently experiencing any mental health issues, or to indicate that he presently requires any form of mental health care, or to indicate that he would require any mental health care in future.

Having carefully reviewed the applicants' materials I do not find that they demonstrate either what the applicants' present mental health needs are, or what the applicants' future mental health needs might be.

[65] The Applicants cite the article titled “Are Psychiatric Hospitals in Egypt Hurting Mental Health Care?” as evidence that mental health remains a taboo in Egypt, but this whole article does not contradict the evidence relied upon by the Officer or require specific mention.

[66] In addition, the Applicants have not provided admissible evidence to offset the Officer’s conclusions on their mental health needs.

[67] Of course, I can understand entirely that the Applicants feel that Canada is a much better place to live than Egypt and that they would be happier and healthier here. Nonetheless, much more is required to establish s 96 persecution and/or s 97 risk than what was submitted to the Officer. I have examined each of their arguments and can find no reviewable error in the Officer’s Decision.

IX. CERTIFICATION

[68] Counsel agree there is no question for certification and the Court concurs.

JUDGMENT IN IMM-2143-19

THIS COURT'S JUDGMENT is that

1. The application is dismissed.

2. There is no question for certification.

"James Russell"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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STYLE OF CAUSE:	DEENA ABDELSALAM ET AL v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	TORONTO, ONTARIO
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APPEARANCES:

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