

Date: 20080204

Docket: IMM-1892-07

Citation: 2008 FC 148

Toronto, Ontario, February 4, 2008

PRESENT: The Honourable Mr. Justice Campbell

BETWEEN:

**SALWA CHAFIC EL SAWANE
and LAWRENCE HUSSEIN KANAAN**

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER AND ORDER

[1] The present Application concerns a Pre-Removal Risk Assessment (PRRA) of the evidence of the Principal Applicant, a Lebanese woman, who claims protection from her violent husband in Lebanon.

[2] Two features of the rejection of the Principal Applicant's claim are the PRRA Officer's statement of law that "aggrieved parties must make a complaint" (Decision, p. 31) and, with respect

to the violence that the Applicant suffered at the hands of her husband prior to fleeing to Canada, the Applicant failed to make a complaint (Decision, p. 27; p. 30).

[3] I find that the PRRA Officer's statement of law is not correct because it does not express that whether an applicant suffering violence can be expected to make a complaint depends on a contextual analysis of her real life situation (see *Garcia v. Canada (Minister of Citizenship and Immigration)* [2007] F.C.J. No. 118 (QL) at para. 19-20). I also find that the RPD's statement of fact is erroneous; indeed, it is not disputed that, according to the Principal Applicant's evidence, she did report the violence to the police on two occasions.

[4] As a result, I find that the PRRA decision is rendered in reviewable error.

ORDER

Accordingly, I set the decision aside and refer the matter back for re-determination before a differently constituted panel.

“Douglas R. Campbell”

Judge

FEDERAL COURT

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: IMM-1892-07

STYLE OF CAUSE: SALWA CHAFIC EL SAWANE and LAWRENCE
HUSSEIN KANAAN v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: FEBRUARY 4, 2008

**REASONS FOR ORDER
AND ORDER BY:** CAMPBELL J.

DATED: FEBRUARY 4, 2008

APPEARANCES:

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