Federal Court  Cour fédérale

Date: 20170324

Docket: IMM-4064-16

Citation: 2017 FC 309

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Ottawa, Ontario, March 24, 2017

PRESENT: The Honourable Mr. Justice LeBlanc

BETWEEN:

MARIA HONORINA MABONZE

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The applicant, an Angolan national, is challenging the results of her pre-removal risk assessment [PRRA] that was conducted under section 112 of the *Immigration and Refugee Protection Act*, SC 2001, c. 27 [the Act]. She is essentially arguing that the immigration officer who conducted the assessment [the Officer] failed to consult and analyze the documentary evidence on the situation in Angola that the applicant provided in the appendix to her written

submissions in the form of links to websites, and that, in so doing, the Officer breached her duty of procedural fairness.

[2] The material facts in this application for judicial review can be summarized as follows. The applicant arrived in Canada via the United States in May 2013. She claimed refugee protection, which was denied in November 2013. The applicant stated that she feared returning to Angola because of the harm allegedly caused to her by the police while she was detained for having participated in a protest related to the elections that were to be held in the country. The Refugee Protection Division [RPD] did not find her story credible. More specifically, it did not believe that she had participated in the protest, that she had been arrested and detained by Angolan authorities, or even that she was a person of interest to them. The applicant, whom the RPD described as a non-political storekeeper, tried to appeal the Division's decision, but she was unable to get past the leave stage, as the Court denied her leave to appeal in March 2014.

[3] On March 10, 2016, the applicant submitted her PRRA application, which was based on the same story that the RPD found not to be credible. She argued that the RPD's failure to examine the state protection offered in Angola to citizens facing difficulties similar to her own was an error subject to a pre-removal risk assessment. She also argued that she had the profile of a persecuted person based on her belonging to a recognized at-risk social group, that is, Angolan women, in connection with the fact that she would be seen by the Angolan police authorities as an active protester or opponent to the regime. Lastly, she alleged that if she were to return to Angola, she would also risk being detained arbitrarily, harassed or even extorted because of her status as a rejected and deported refugee claimant.

[4] On August 9, 2016, the Officer dismissed the applicant's PRRA application, noting that aside from the usual form and written submissions, no other evidence was submitted to support the application, which was based essentially on the same risks as those presented to the RPD. In that regard, the Officer reiterated that the applicant was responsible for providing evidence on all the components of her PRRA application, and that, to meet this burden, it was insufficient simply to provide a list of links to websites on the country's general situation. The Officer, who proceeded to analyze the objective documentation on the situation of women and respect for human rights in Angola, concluded that, although the situation in that country is not perfect, there had been no significant changes since the RPD dismissed the applicant's refugee claim that would justify Canada granting her refugee protection.

[5] As I have already mentioned, the applicant is essentially arguing that the Court must intervene in this case on the sole ground that the Officer deemed it unnecessary to consult the websites listed in the appendix to her written submissions. She considers this to be a fatal breach of procedural fairness.

[6] In other circumstances, this argument would carry weight, but I cannot agree with it in this case, since the applicant has not demonstrated before either the Officer or the Court how and why the information on those websites could have influenced the merits of the case (*Canada (Minister of Citizenship and Immigration) v Patel*, 2002 FCA 55 at paragraph 5). In particular, the written submissions produced in support of the PRRA application contain no specific references to aspects of that information that would support the applicant's arguments. Furthermore, the applicant has not tried to demonstrate before the Court that this information contradicted the Officer's findings of fact on the situation in Angola.

[7] In my view, it is insufficient to submit a bundle of information to the administrative decision-maker in the hopes that he or she can find something to support the applicant's argument. I should reiterate that, for PRRAs, as with many other matters governed by the Act, the burden lies with the person submitting the application (*Mbaraga v Canada (Citizenship and Immigration)*, 2015 FC 580 at paragraph 31; *Bayavuge v Canada (Citizenship and Immigration)*, 2007 FC 65 at paragraph 43). Therefore, the burden was on the applicant to demonstrate the pertinence of that information and to draw the Officer's attention to the passages that might influence her decision, namely by specifying the parts that might apply to her situation. She did not do this, before either the Officer or the Court.

[8] The outcome would have been different if the Officer had failed to consider this information after having encountered passages that contradict or even shade her reading of the facts (*Vargas Bustos v Canada (Citizenship and Immigration)*, 2014 FC 114 at paragraph 39; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1998] FCJ No. 1425, 157 FTR 35). However, that is not the situation before the Court in this case.

[9] I also note that the applicant did not file an affidavit in support of this application, which by itself is also, theoretically, fatal (*Dhillon v Canada (Citizenship and Immigration)*, 2009 FC 614 at paragraphs 7, 9).

[10] The applicant's application for judicial review will therefore be dismissed. Neither party requested that a question be certified for the Federal Court of Appeal. I do not see any matters to be certified in the specific circumstances of this case, either.

JUDGMENT

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed;

2. No question is certified.

"René LeBlanc"
Judge

Certified true translation
This 12th day of August, 2019

Lionbridge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-4064-16
STYLE OF CAUSE:	MARIA HONORINA MABONZE v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
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