

Federal Court



Cour fédérale

**Date: 20121016**

**Docket: IMM-1003-12**

**Citation: 2012 FC 1206**

**Ottawa, Ontario, October 16, 2012**

**PRESENT: The Honourable Mr. Justice Rennie**

**BETWEEN:**

**LATIFEH AHMADPOUR**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] The applicant seeks judicial review of a Pre-Removal Risk Assessment (PRRA) Officer's decision dated December 19, 2011. For the reasons that follow the application is granted.

[2] In reaching the decision to refuse the PRRA application, the Officer gave substantial weight to the fact that the applicant had been issued an Iranian passport immediately prior to leaving the country in November 2008. The Officer noted a 2010 country report which stated that, "The

government ... increasingly targeted journalists, academics, opposition politicians, and activists - including women's rights activist - for travel bans and passport confiscation during the year."

Based on this, the PRRA Officer concluded that "... if the authorities viewed the applicant or her family as problems they would not have issued her a passport and exit permit to leave the country."

[3] The existence or not of a passport, visa and exit papers is invariably an important part of the analysis of any claim for status, in first instance, and on any subsequent review. In this case, there are three flaws in the treatment of this evidence which cumulatively render the decision unreasonable.

[4] First, the applicant does not fall within any of the categories listed in the 2010 country report cited by the Officer. The applicant did not claim to be an activist; rather the evidence was that she was the mother of activists already abroad. This distinction was not considered by the Officer in considering the inferences to be drawn from the fact that she had been issued a passport.

[5] Second, the applicant's passport was issued in 2008, but the country report is dated 2010. There was no basis in the evidence to conclude that all "problem" persons would have been prevented in 2008 from traveling. The evidence supported a finding that the government in 2010 was "increasingly" employing this option. Any inferences to be drawn from the fact that the applicant had a passport had to be tempered by or take into account this evidence. On the logic of the Officer's reasoning there could never be refugees from Iran, as anyone permitted to leave would be, by definition, not at risk.

[6] Finally, the inference drawn from the possession of the passport is inconsistent with a critical date in the chronology. The applicant asserted that she was at risk based on events that took place after she arrived in Canada. The events that would have prompted the Iranian government to refuse a passport and exit had not yet occurred. It is simply incorrect to conclude, therefore, that she could not be at risk as she had a passport. Again, any inferences to be drawn from the fact that she had a passport and visa had to be predicated on the correct facts.

[7] The Officer placed significant weight on the fact that the applicant had been issued the passport, finding that this overcame other evidence which indicated that the applicant faced risks if returned to Iran. As I cannot find that the outcome would necessarily have been the same had the PRRA Officer not misapprehended the evidence and drawn the inferences noted, the decision under review cannot stand.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application for judicial review is granted.

The matter is referred back to Citizenship and Immigration Canada for reconsideration before a different Pre-Removal Risk Assessment officer. There is no question for certification.

"Donald J. Rennie"

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-1003-12

**STYLE OF CAUSE:** **LATIFEH AHMADPOUR v THE MINISTER  
OF CITIZENSHIP AND IMMIGRATION**

**PLACE OF HEARING:** Toronto, ON

**DATE OF HEARING:** September 6, 2012

**REASONS FOR JUDGMENT  
AND JUDGMENT:** RENNIE J.

**DATED:** October 16, 2012

**APPEARANCES:**

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Ms. Teresa Ramnarine FOR THE RESPONDENT

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