

CANADA / JUDGMENT

MC2-03838

COURT

Refugee Appeal Division

DECIDED

11 June 2022

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RAD File / Dossier de la SAR : MC2-03838

MC2-03839 / MC2-03840 / MC2-03841

Private Proceeding / Huis clos

Reasons and Decision ? Motifs et décision

Persons who are the subject of the appeal

XXXX XXXX XXXX XXXXXXXXXXX XXXX XXXXXXXXXXX XXXX XXXXXXXXXXX XXXX XXXX

Personnes en cause

Date of decision

June 11, 2022

Date de la décision

Panel

Karen McGovern

Tribunal

Counsel for the persons who are the subject of the appeal

Joseph W. Allen

Conseil des personnes en cause

Designated representative

XXXX XXXX XXXX

Représentant(e) désigné(e)

Counsel for the Minister

N/A

Conseil du ministre

REASONS FOR DECISION

OVERVIEW

- [1] I dismiss this appeal.
- [2] XXXX XXXX XXXX (Principal Appellant/PA), his wife XXXX XXXX XXXX (Associate Appellant/AA), their adult daughter XXXX XXXX (female Co-Appellant) and their son XXXX XXXX (male Co-Appellant) are citizens of Bangladesh.
1. The PA was a member of the Drug Resistance Committee in Bangladesh. AMK, the local Member of Parliament who is a member of the Awami League party (AL), asked the PA to join the AL in XXXX 2017. The PA was threatened by AMK when he refused to join the AL. In XXXX 2018, the police searched the PA's car and tried to bribe him and also tried to plant banned toxic substances in his car. In XXXX 2018, men attempted to abduct the female Co-Appellant, and the police raided the Appellants' home. The Appellants fled to Italy, where they were held by immigration authorities for several hours and were told that they must show documentation of their permanent address within seven days. While searching for a new residence, the PA was also confronted and threatened by two of AK's nephews who live in Italy. In XXXX 2018, the Appellants fled to Canada and sought refugee protection.
 2. The Refugee Protection Division (RPD) found that the Appellants are excluded pursuant to Article 1E based on their permanent residence status in Italy. The RPD found that there was prima facie evidence that the Appellants were permanent residents of Italy, and the onus was on the Appellants to demonstrate that they no longer held that status. The RPD found that the Appellants' status would not be automatically revoked because they have not resided in Italy for 12 consecutive months, and they had not made efforts to obtain official information about their current legal status in Italy. In addition, the omissions of the incidents in Italy in the Appellants' original Basis of Claim (BOC) narrative and the PA's failure to report the incidents to the Italian police are not reasonably explained. The level of discrimination the Appellants may face in Italy does not amount to persecution.
 3. The Appellants argue that the RPD failed to recognize that the opinions provided by the Dhumcatu Social Organization (DSO), which supports citizens of Bangladesh with immigration matters in Italy, and the PA's lawyer are based on specialized knowledge and should be preferred over other evidence. The Appellants also argue that the RPD erred in preferring information in the National Documentation Package (NDP) for Italy when there was contrary information within the NDP that establishes that their permanent residence permits are cancelled or will be if they attempt to return to Italy. They also argue that the PA's explanations for the omissions from the narrative and for his decision not to report to the Italian police are reasonable.
 4. The determinative issue is exclusion under Article 1E.

5. The RPD did not err in finding that the Appellants failed to establish that they no longer have permanent resident status in Italy. The Appellants made no efforts to obtain information from Italian authorities about their legal status. Sources in the NDP indicate that cancellation of permanent residence status is not automatic. The PA's omissions from the original narrative and his failure to report to the Italian police are not reasonably explained.

DECISION

- [3] I dismiss the appeal. The RPD was correct in finding that the Appellants are neither Convention refugees nor persons in need of protection.

NEW EVIDENCE

- [4] The Appellants submitted copies of certified individual personal history documents for each of the Appellants dated XXXX XXXX, 2022, along with English translations.¹

The evidence presented by the Appellants is rejected

- [5] According to the Law,² I can only accept evidence that:

- (i) arose after the RPD decision; or
- (ii) was not reasonably available at the time of the decision; or
- (iii) that you could not reasonably have been expected in the circumstances to bring to the RPD before the decision.

If the evidence meets one or more of these requirements, I must decide if the evidence is new, credible, and relevant before I can accept it.³

- [6] The documents appear to be certified by the Registry Officer in Rome and list dates and accompanying addresses for each Appellant. Although each document contains different content, the documents all contain the same dates and addresses in Rome for all of the Appellants on XXXX XXXX, 2011, and XXXX XXXX, 2017. In addition, each document lists a final entry dated XXXX XXXX, 2019, which states, "Cancelled for established unavailability." In his affidavit, the PA states that after their claim was rejected, he spoke to his lawyer, who suggested to him that he might be able to get a document from local authorities that confirms that the Appellants no longer have a residential address in Italy.⁴ The Appellants argue that they were unaware that this type of document existed until their lawyer mentioned it to them in a phone call in XXXX 2022; therefore, they could not have provided them prior to the RPD decision on February 25, 2022. The Appellants also argue that the documents are highly relevant as they demonstrate that they no longer have a residential address in Italy, which confirms that they have no legal status in Italy.

- [7] For the purpose of my analysis, I will assume that the Appellants were not aware that these documents could be provided prior to the RPD decision, and therefore, the documents meet the requirements of subsection 110(4) of the IRPA. The documents provide new information about the Appellants' residential addresses while they lived in Rome. The final entry is difficult to understand. It seems to suggest that an address was cancelled due to unavailability, which I find incoherent.
- [8] My decision to not admit the documents as new evidence is based on concerns I have as to the trustworthiness of the documents. The documents do not appear to be printed on official letterhead and differ in comparison to the birth certificate issued by the city of Rome in XXXX 2020 for the male Co-Appellant.⁵ The Rome monogram is placed on the top right side of the documents with "Roma" printed below; whereas the Rome monogram on the male Co-Appellant's birth certificate is on the top left corner of the certificate with "Roma" printed to the left of it. I also note that the birth certificate contains a subtitle regarding the specific department of the city of Rome that issued the certificate and also contains two pre-printed references. One is a form number at the top right side of the document, and the other appears to be a legal reference, "Ord.n. 14541 of 09/27/2019 (c. 36,000) - Rubbettino", which is in small font and printed vertically on the bottom right side of the document. The documents submitted as new evidence do not contain any form number or legal references. While I would not expect that the form and legal reference would be the same for the personal history documents, I would expect to see these references on the documents. I also expect that the letterhead for the city of Rome would be consistent. For these reasons, the documents are not admitted.

In the alternative

- [9] If I am wrong in reaching this conclusion and the documents should be admitted as new evidence, I have, in the alternative, assessed the documents as part of my analysis of whether the Appellants hold permanent residence status in Italy, which is set out below.

ORAL HEARING

- [10] The Appellants did not request an oral hearing. As I have not admitted new evidence, I do not have the jurisdiction to hold an oral hearing.

ANALYSIS

- [11] My role is to look at all the evidence and decide if the RPD made the correct decision.⁶ Having reviewed the record and the transcripts of the hearing held on July 28, September 13, and on December 6, 2021, I find that the RPD did not enjoy a meaningful advantage in assessing credibility. As a result, I am conducting my review on the standard of correctness.

Findings not disputed

[12] The RPD made the following findings, which the Appellants have not disputed:

- a. There is prima facie evidence that the Appellants are permanent residents of Italy, which gives them obligations and rights that are substantially similar to Italian nationals. This shifts the onus to the Appellants to demonstrate that they do not have such status; and
- b. The Appellants have not established a risk of discrimination amounting to persecution in Italy.

I have independently reviewed these findings and found no errors on the part of the RPD.

Exclusion under Article 1E

[13] The legal framework sets out that a person who is recognized by the competent authorities of the country in which she has taken residence as having the rights and obligations that are attached to the possession of the nationality of the country, is excluded under Article 1E of the Convention.⁷ In carrying out my analysis, I have considered the Jurisprudential Guide (JG) regarding 1E exclusion⁸ as well as the relevant case law.

The Appellants have not established that their permanent resident status has been lost

[14] Based on my independent analysis, I find that the RPD was correct to conclude that the Appellants have not established that they no longer have permanent resident status in Italy.

Permanent residence permits are not cancelled automatically

[15] I do not agree with the Appellants' argument that their permanent residence status has been automatically cancelled since they have been absent from Italy for more than 12 consecutive months.

Country documentation

[16] The RPD noted a Response to Information Request (RIR) in the NDP for Italy provides conflicting information as to whether permanent residence "is" revoked or "may" be revoked when specified circumstances apply; however, the RPD determined that it preferred the country documentation indicating that revocation is not automatic. The Appellants argue that the RPD was wrong to discount the legislative reference that the status is revoked and erred by failing to prefer the opinions of those with specialized knowledge: the PA's Italian lawyer and the DSO. Having assessed the country documentation and the opinions provided by the PA's lawyer and the DSO, as well as relevant case law, I do not find the Appellants' arguments persuasive.

[17] There are three RIRs in the NDP for Italy that provide relevant information about permanent residence status in Italy.⁹ The first RIR indicates that the EU long-term residence permit is a permanent document that does not expire and that it may be revoked if the bearer has been

absent from the EU for a period of 12 consecutive months.¹⁰ The second RIR repeats the same information and indicates that the Italian General Directorate of Immigration and Integration Policies confirmed that this information is correct. In addition, however, an unofficial translation of the legislation in the same RIR states that the status is revoked, which suggests that revocation is automatic.¹¹ The third RIR states that the EU long-term residence permit is only cancelled after the end of an administrative process, in which the bearer is given notice of and an opportunity to participate in the process and may appeal the decision.¹²

- [18] At the RPD, the Appellants submitted a 2012 RIR, in which an official is quoted as saying the status will be revoked. The RPD preferred the updated information in the current NDP over the 2012 RIR. In my assessment, I note that the reference to the official indicating that permanent resident status will be revoked, was removed from the NDP in May 2019, which indicates the information is no longer accurate.¹³
- [19] Given that the preponderance of the current country documentation indicates that revocation may occur, I prefer that evidence over the singular mention that the status is revoked in the translated legislation found in the second RIR. The fact that the country documentation describes methods of determining whether residence requirements are met, as well as a process that notifies the permit bearer of a proceeding to cancel their status that includes the right to participate and appeal the decision, militates against preferring the lone reference in the country documentation that indicates that permanent residence is automatically revoked.
- [20] In addition, I find the Appellants' argument that the RPD was speculative about the possibility of a successful appeal process to be lacking in persuasion. The available information indicates that the process is not automatic, and given the lack of any conclusive evidence (i.e. that obtained from Italian authorities confirming the Appellants' current legal status), it is speculative to assume that the process, including the opportunity to participate and appeal the result, conveys no meaningful opportunity for the Appellants in respect of their legal status in Italy.
- [21] The RPD did not err in its analysis of the country documentation.

Letters from the PA's lawyer and the DSO

- [22] For the following reasons, I assign little weight to the letters from the PA's lawyer and the DSO.
- [23] In the letter from the PA's lawyer dated XXXX XXXX, 2021, the lawyer quotes, "The residence permit referred to in paragraph 1 is revoked in the event of absence from the territory of the Union for a period of twelve consecutive months" pursuant to letter D of paragraph 7 of art. 9 Legislative Decree 286/1998.[emphasis added]¹⁴ In the updated letter from the PA's lawyer dated XXXX XXXX, 2022, he quotes the same legislative reference "The residence permit / residence card referred to in paragraph 1 is revocable in case of absence from the national

territory or from the European Union for a period of twelve consecutive months." [emphasis added]¹⁵ The reference to the permit being revocable suggests that it is not automatically cancelled and is inconsistent with the quote given in the earlier letter. Given the inconsistency in citing the same legislation in these two separate letters, which provide two different interpretations, I give the PA's lawyer's letters little weight.

- [24] The letters from the DSO do not provide any reference to legislation or to official sources of information. I also note that there are differences in the letterhead and the title of the author of the letter between the XXXX 2021 letter¹⁶ and the XXXX 2022 letter¹⁷, which gives me concerns as to the credibility of the letters. In the first letter, the letterhead states "DhuumcatuSocial" with "Organization Onlus" underneath it. In the second letter, the letterhead states "Dhuumcatu Social Organization" with "Onlus" underneath it. In the first letter, the author's title is "Chairman," and in the second letter, the author's title is "Legal Representative." For these reasons, I give the letters little weight. The RPD did not err in its assessment of these letters.

Failure to inquire as to the status and relevant case law

- [25] I disagree with the Appellants that the PA provided a reasonable explanation for failing to inquire of Italian officials as to the status of the Appellants' permanent residence status. Having reviewed the record, I find that the PA's explanation that he fears returning to Italy is not a reasonable one. There is no connection between inquiring as to the Appellants' legal status with Italian authorities and their alleged fear of persecution in Italy.
- [26] Recent case law from the Federal Court comments on the lack of clarity about residence permits in Italy in the country documentation.¹⁸ Despite this circumstance, the Federal Court noted that claimants still have the burden of demonstrating that they have lost their legal status. I find this to be the case in the current appeal. The Appellants have made no efforts to obtain information about the legal status of their permanent residence from the Italian embassy or another Italian authority. The Appellants have only provided general information about the immigration system and interpretations of how the lack of residency affects their status, rather than obtaining official information that would confirm or deny their legal status. The Federal Court has also found that the fact that legislation and country documentation indicates that a person's legal status could be cancelled in certain circumstances is not evidence that establishes that the person's legal status has actually been cancelled.¹⁹
- [27] I concur with the RPD's reference to a case in which the Federal Court held that if a revocation of the permanent residence permit was automatic, then it should be easy to obtain official confirmation of it.²⁰ I also concur with the RPD's reference to the Federal Court finding that, where the claimants had not made efforts to determine their current status, it was open to the RPD to conclude that they still held permanent status.²¹

The Appellants have not demonstrated they will be refused entry and subjected to expulsion

- [28] I disagree with the Appellants' argument that the RPD erred in concluding that country documentation indicates that their residence status could be calculated at the border, and if concerns about their residency were discovered, it would result in a process leading to the cancellation of their permits for having been absent from the EU for twelve consecutive months. I also disagree with the Appellants that they would require a Schengen visa to enter Italy and that their inability to show they have not been absent from the EU for more than twelve consecutive months would result in them being denied entry to Italy, and they would likely face expulsion.
- [29] The Appellants' argument that they would require a Schengen visa and therefore be subject to deep checks at the border is based on their assertion that their permanent resident permits are expired. As clearly noted above, there is no evidence that this is the case. In fact, the PA's testimony is consistent with the RPD's conclusion that, based on country documentation, border controls are rare for holders of long-term residence permits.²² The PA testified that on his many returns to Italy, he presented his permanent resident card and was allowed entry to Italy and that he had not been asked about his residency until XXXX 2018.
- [30] I note that there is additional conflicting information in the country documentation about whether a permit holder who has been absent from the EU for twelve consecutive months can have their permit cancelled at the border and subsequently be denied entry to Italy. There is also conflicting information about whether an individual who has had their residence permit revoked while in Italy is subject to an expulsion order or is able to stay in Italy and apply for a new permit.
- a) Cancellation at the border and denial of entry
- [31] In item 3.10 of the NDP for Italy, the Director of the Immigration Service of the Directorate General of Immigration and Border Police of the Ministry of the Interior indicates that border police assess the period of absence from the EU based on the entry and exit stamps, and if a permit bearer is found to have been absent from the EU for more than twelve consecutive months, the information is forwarded to offices that will begin the cancellation process and notify the permit holder.²³ The Director further indicated that the permit holder is issued a different permit and is allowed to enter and stay in Italy during the initiation and conclusion of the cancellation process.²⁴ In the same RIR, a lawyer from Rome indicated that his firm's experience is that if the border police take the view that an individual's permanent resident permit is invalid, the individual will be refused entry.²⁵ A lawyer from Turin; however, gave an example of a current client who was allowed entry and then notified later about the cancellation process. Another lawyer from Tuscany stated that if a violation is discovered when a permit holder is entering Italy, they can be fined.

- [32] Based on my independent analysis, I find the RPD did not err. I prefer the information provided by the Director of Immigration Service and the two lawyers from Turin and Tuscany over the lawyer from Rome's experience. There is no legal reference to a denial of entry, and the Appellants have not provided any evidence that establishes that they would be denied entry to Italy.
- b) Expulsion and application for a new permit
- [33] In item 3.8 of the NDP for Italy, the appended non-official translation of Article 9 indicates that an individual whose permit has been revoked in the case of absence from the EU for more than 12 consecutive months, is issued a residence permit unless they are subject to expulsion. Paragraph 10 indicates that the holder of an EU long-term resident permit can be subject to an expulsion order for serious reasons of public order or state security. An individual with a revoked permit can apply for a new permanent resident permit, which has the same initial requirements except that the period of residence in Italy is reduced to three years.²⁶ In the main content of item 3.8, the Italian General Directorate of Immigration and Integration Police indicates that "Foreign nationals who hold a long term EU residence permit may be expelled only on serious grounds of public security or public policy."²⁷ Additional sources cited also confirm the ability to apply for permanent residence status with the residence requirements reduced to three years.
- [34] The same information described above is found in item 3.10, with multiple sources indicating that an individual with a revoked resident permit can apply for and be issued another residence permit if the individual is not subject to expulsion. The lawyer from Rome, however, indicates that their experience is that if the individual is in Italy when the permit is revoked, "they can be expelled," but he does not offer further details. 28
- [35] In my view, there is significant support for the fact that an individual with a permanent residence permit, whether expired or currently valid, can be subject to an expulsion order only for reasons related to public security or public policy. Individuals who are in Italy when their residence permit is revoked for absence from the EU for more than twelve consecutive months can apply for a residence permit, including an EU long-term residence permit. The fact that a residence permit has been revoked for a period of twelve consecutive months from the EU is not a basis for an expulsion order. I also find that the comment made by the lawyer from Rome is consistent with the other sources in the country documentation because it is possible, for reasons of public security or public policy, that an individual whose residence permit is revoked could be subjected to an expulsion order.
- [36] Finally, the country information contradicts the Appellants' argument that they will not be able to obtain an entry visa from the Italian embassy in Bangladesh. Country documentation indicates that if an individual is outside of Italy and their permanent residence permit is revoked, they must first apply for an entry visa at an Italian embassy. There is no information that indicates an entry visa must be obtained from the Italian embassy in the individual's country of citizenship, which means that the Appellants could approach any

Italian embassy to apply for an entry visa to Italy. There is also no information that suggests that an entry visa would not be granted by the Italian embassy in Bangladesh or elsewhere in the world.

In the alternative, an analysis of the registry documents submitted on appeal

- [37] As noted above, in the event that I erred in concluding that the registry documents should not be admitted as new evidence, I have, in the alternative, considered whether they would establish that the Appellants' permanent resident permits have been revoked.
- [38] The registry documents for each Appellant purport to be certified by the Registry Officer in Rome. The PA's registry document lists dates and addresses beginning in 1997, the registry documents for the AA and the female Co-Appellant list dates and addresses beginning in 2002, and the registry document for the male Co-Appellant indicates that he was born in Italy and lists dates and addresses beginning in 2006. All of the registry documents list the same addresses for XXXX XXXX, 2011, and for XXXX XXXX, 2017. In addition, each registry document lists a final entry dated XXXX XXXX, 2019, which states, "Cancelled for established unavailability." First, I note that the address information provided in the registry documents is inconsistent with the Appellants' evidence. The PA repeatedly testified that they did not have a residential address in Italy after 2011 and that when the family came to Rome after 2011, they stayed at a bed and breakfast in central Rome.
- [39] Even if I disregarded this inconsistency, I do not agree with the Appellants that the somewhat incoherent entry of "Cancelled for established unavailability" confirms that they no longer have legal status in Italy as permanent residents. At best, it indicates that the Appellants did not have or did not register a residential address in Italy beginning in XXXX 2019. Nothing in the documents gives any official information about the legal status of the Appellants' permanent residence permits in Italy.
- [40] For all of the above reasons, I find that the Appellants have not established, on a balance of probabilities, that their permanent resident permits have been revoked, or that the permits would be revoked at the border, and they would be denied entry to Italy, or that they would be subject to an expulsion order. I find that as of the date of the RPD hearing, the Appellants held permanent residence status in Italy that conferred on them substantially the same rights and obligations as Italian citizens.

The Appellants are not at risk in Italy

- [41] I disagree with the Appellants that the PA gave a reasonable explanation for omitting from his BOC narrative the two events that they allege occurred in Italy in XXXX 2018. I also disagree that the PA provided a reasonable explanation for his failure to seek police protection.

Omissions from the BOC narrative

- [42] The Appellants submit that, although theoretically, all facts relating to a claim should be included in their initial forms and narrative, the reality is that sometimes individuals omit facts. They argue that it was reasonable for the PA to focus in his original narrative on the Appellants' fear of persecution in Bangladesh, which occurred first. They also argue that the Appellants noted Italy in their BOC form as a country in which they believe they are at risk, and they provided an update to the BOC narrative that included their allegations of persecution in Italy within a short time period after the initial BOC narrative was filed.
- [43] I do not find the PA's explanation to be reasonable. The PA's evidence was that the Appellants fled Bangladesh and went to Italy with the intention that they would be safe there from AMK and that the PA would be able to start a business again.²⁹ Instead of finding a safe haven in Italy, the Appellants allege they were held for several hours at the airport by immigration officials and were aggressively told that they must provide documentation of their residence within seven days. When the Appellants went to look for a house to rent, they were approached by two nephews of AMK with twelve or thirteen others and were threatened that they would not be left alone in Italy. The PA testified that prior to this incident, he had no idea the AMK's nephews lived in Italy. Given this significant turn of events, the Appellants decided to come to Canada to seek protection. It is difficult to understand how the Appellants could fail to mention these events, which occurred one month before they submitted their original narrative and signalled that the agents of persecution were attempting to locate and harm them in Italy. In these circumstances, I find that the PA's explanation for why the events in Italy were omitted from their original narrative - that everything did not come to mind, and that they were in a rush to file their claims - is not reasonable. I concur with the RPD in drawing a negative inference on this basis.

Failure to approach police

- [44] The RPD found the PA's explanation was not reasonable because his belief that he would have to provide a witness was speculative, and because his testimony shifted about whether his wife, daughter and son were able to hear the threats made.
- [45] First, I note that the Appellants' have not challenged the RPD's conclusion that the PA's testimony shifted. When the PA testified about the threats from AMK's nephews, he initially stated that the AA, the female Co-Appellant and the male Co-Appellant were just behind him. When he testified that he did not report to the police because he did not have a witness, the RPD noted that he had said that the rest of the family was just behind him. The PA's testimony then shifted to say that he knew something was going to happen, so he went forward and told the rest of the family to wait behind, which meant that the AA, the female Co-Appellant and the male Co-Appellant did not hear the threats.³⁰ I find no error in the RPD's finding that the PA's testimony shifted when asked about why the AA, the female Co-Appellant and the male Co-Appellant could not have been witnesses in order to report the event to the police.

- [46] The Appellants argue that the RPD erred by failing to consider the PA's personal circumstances in determining whether the PA's explanation about why he did not go to the Italian police was reasonable. They argue that the PA's belief that he would have to provide a witness to corroborate his report to the police, as well as his belief that the Italian government was introducing discriminatory legislation against immigrants, provide a reasonable explanation of the PA's decision to not report to the police.
- [47] I note that the PA testified that he intended to report to the police, but then thought that he did not have the proper documentation and he did not know the official names of AMK's two nephews and the other men. He further testified that he was concerned that if the police asked, he would not be able to provide this information.³¹ I note specifically, that the PA did not testify that his concerns about anti-immigrant attitudes in Italy were also part of the reason that he did not seek assistance from the police.
- [48] In my view, the PA's belief that he should not report to the police if he could not provide corroborative witnesses is speculative. The Appellants have not provided any evidence for this belief. Considering the speculative nature of the PA's belief and the shift in his testimony noted above, I find that the PA's explanation is not reasonable.
- [49] In summary, I concur with the RPD's findings that, on a balance of probabilities, the Appellants have failed to establish that they were held for several hours at the airport by immigration officials and that they were threatened by two nephews of AMK in Italy.

CONCLUSION

- [50] I dismiss the appeal and confirm the decision of the RPD that the Appellants are neither Convention refugees nor persons in need of protection.

(signed)

Karen McGovern

Karen McGovern

July 11, 2022

Date

1 Exhibit P-2, Appellants' Record, at pp. 13-21.

2 Immigration and Refugee Protection Act (IRPA), S.C. 2001, c. 27, as amended, subsection 110(4).

3 Canada (Citizenship and Immigration) v. Singh, 2016 FCA 96 (CanLII); Raza v. Canada (Citizenship and Immigration), 2007 FCA 385 (CanLII).

4 Exhibit P-2, Appellants' Record, at pp. 5-6.

5 Exhibit RPD-1, RPD Record, Exhibit 4, at pp. 228-229.

6 Canada (Citizenship and Immigration) v. Huruglica, 2016 FCA 93 (CanLII); Rozas del Solar v. Canada (Citizenship and Immigration), 2018 FC 1145 (CanLII).

7 IRPA, Section 98.

8 Jurisprudential Guide - Decision MB8-00025 identified by the Chairperson, pursuant to paragraph 159(1)(h) of the Immigration and Refugee Protection Act, effective date: December 22, 2020.

9 Exhibit RAD-1, National Documentation Package (NDP) for Italy (May 31, 2022), tab 3.7, 3.8 and 3.10. (note: these RIRs are identical to the same tabs in the NDP dated September 21, 2021, that is in the RPD record).

10 Exhibit RAD-1, NDP for Italy (May 31, 2022), tab 3.7: The permesso di soggiorno illimitata, including its physical characteristics; requirements and procedures to obtain and renew the document; rights of holders of the document. Immigration and Refugee Board (IRB) , Response to Information Request (RIR) ITA105099.E., March 6, 2015, at p. 5.

11 Ibid., tab 3.8: Grounds for revocation of the EU [also called EC] residence permit for long-term residents (permesso di soggiorno UE per soggiornanti di lungo periodo, also called permesso di soggiorno illimitata); whether an individual who has lost their permit ... IRB, RIR ITA200538.E., April 20, 2021, at p. 2.

12 Ibid., tab 3.10: Update to ITA200488 on methods by which officials determine whether the holder of an EU [also called EC] residence permit for long-term residents (permesso di soggiorno UE per soggiornanti di lungo periodo, also called permesso di ... IRB, RIR ITA200747.E , September 10, 2021, at p. 5.

13 Exhibit RAD-2, NDP for Italy (March 29, 2019), tab 3.3: Italian residence permits, including the carta di soggiorno (permanent residence card); rights and obligations of holders; whether the holders have access to Italian citizenship. IRB, RIR ITA104045.E., April 23, 2012, at p. 4.

14 Exhibit RPD-1, RPD record, Exhibit 4, at p. 278.

15 Ibid., at p. 308.

16 Ibid., at p. 282.

17 Ibid., at p. 311.

18 Nankobe v. Canada (Citizenship and Immigration), 2022 FC 859 (CanLII), at para. 27.

19 Obumuneme v. Canada (M.C.I.), 2019 FC 59. [Obumuneme]

20 Melo Castrillon v. Canada (M.C.I.), 2018 FC 470, at para. 23.

21 Obumuneme, supra, footnote 19.

22 Exhibit RAD-1, NDP for Italy (May 31, 2022), tab 3.10, supra, footnote 12, at pp. 2-3.

23 Ibid., at p. 3.

24 Ibid. at p. 5.

25 Ibid., at p. 6.

26 Exhibit RAD-1, NDP for Italy (May 31, 2022), tab 3.8, supra, footnote 11, at pp. 8-13.

27 Ibid., at p. 1.

28 Ibid., tab 3.10, supra, footnote 12, at p. 6.

29 Transcript of RPD Hearing, September 13, 2021 at p. 24.

30 Ibid., at p. 29.

31 Ibid.

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Immigration and Refugee

Board of Canada

Refugee Appeal Division

Commission de l'immigration et du statut de réfugié du Canada

Section d'appel des réfugiés

RAD.25.02 (August 20, 2021)

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Prepared on 29 October 2026 · Esheria