

CANADA / JUDGMENT

## MB9-11983

## COURT

Refugee Appeal Division

## DECIDED

25 February 2020

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RAD File No. / No de dossier de la SAR : MB9-11983 MB9-11984 Private Proceeding / Huis clos  
Reasons and Decision ? Motifs et décision Persons who are the subject of the appeal XXXX XXXX  
XXXX XXXX XXXX Personnes en cause Appeal considered / heard at Montréal, Quebec Appel  
instruit / entendu à Date of decision February 25, 2020 Date de la décision Panel Marie-Lyne  
Thibault Tribunal Counsel for the persons who are the subject of the appeal Me Markenston  
Brice Conseil des personnes en cause Designated representative XXXX XXXX Représentant(e)  
désigné(e) Counsel for the Minister N/A Conseil du ministre REASONS FOR DECISION  
OVERVIEW

- [1] XXXX XXXX (female appellant) is a Haitian citizen. Her minor son, XXXX XXXX XXXX (minor appellant), is an American citizen.
- [2] The female appellant fears that, if she returned to Haiti, her life would be at risk on account of criminals recruited by a woman named XXXX, to whom the female appellant refused to lend money.
- [3] The Refugee Protection Division (RPD) rejected the appellants' claim for refugee protection. The RPD concluded that the female appellant was not a credible witness because her testimony raised omissions, inconsistencies and behaviours inconsistent with the alleged risk and that were not explained in a satisfactory manner. The RPD also concluded that the female appellant did not face a prospective risk in Haiti. With respect to the minor appellant, the RPD concluded that he failed to demonstrate a prospective risk in the United States.
- [4] The appellants submit that the RPD erred in its assessment of the female appellant's credibility and in its analysis of the prospective risk in Haiti.
- [5] The Refugee Appeal Division (RAD) conducted an independent assessment of the evidence. It applied the standard of correctness.<sup>1</sup>

- [6] For the reasons set out below, the RAD concludes that the RPD's decision is correct. The appellant's credibility was undermined with respect to her account. Furthermore, she did not demonstrate that there is a prospective risk in Haiti. The minor appellant did not establish a serious possibility of persecution or demonstrate a risk within the meaning of subsection 97(1) of the Immigration and Refugee Protection Act (IRPA) if he returned to the United States.
- [7] The appeal is dismissed.

## BACKGROUND

- [8] The appellants' allegations can be found in the female appellant's Basis of Claim Form2 (BOC Form), which is summarized as follows: \* On XXXX XXXX, 2004, the female appellant was gang raped. \* The event that led her to leave Haiti resulted from a conflict with a friend to whom she refused to lend money. \* On XXXX XXXX, 2017, while she was in the United States, three of her children and a cousin had money stolen from them by criminals in Haiti. \* The female appellant took steps to identify the criminals, and when the criminals felt threatened, they tried to kill the female appellant. \* On XXXX XXXX, 2017, while she was travelling by car, she and her cousin were stopped, mistreated and beaten, and the female appellant subsequently spent five days in hospital. \* She later learned that her photographs were being distributed among criminal groups that believed she was a CIA agent. They thought her trips between the United States and Haiti involved spying to identify drug traffickers. \* On XXXX XXXX, 2017, she left Haiti for the United States, but she did not apply for asylum there because of the US authorities' hostility toward foreign nationals. \* On XXXX XXXX, 2019, the criminals set fire to the house where the female appellant's four children who remained in Haiti lived.
- [9] A three-member panel presided over the RPD hearing. The majority rejected the refugee protection claim. The dissenting member found that the female appellant was credible and that, on a balance of probabilities, she risked being subjected personally to a risk to her life or to a risk of cruel and unusual treatment or punishment if she returned to Haiti.
- [10] For the purposes of its analysis, the RAD will refer to the majority as the RPD. The female appellant's credibility is undermined regarding the fact that her photographs were distributed among several criminal groups
- [11] The RAD concluded that the RPD did not err in relying on an omission in the female appellant's testimony to find that her credibility was undermined with respect to her allegations that she would be targeted by several criminal groups in Haiti.

- [12] The appellants submit that the RPD erred in drawing such a conclusion. They submit that the omission raised by the RPD does not concern facts that are important enough to justify a negative credibility finding. They add that the female appellant left Haiti because of a risk to her life at the hands of criminals recruited by XXXX, not because of rumours about her role as a spy for the CIA.
- [13] The RAD does not agree with the appellants' arguments that the female appellant failed to mention the fact that criminal groups perceived her as a CIA agent because she believed that it was an insignificant rumour. The female appellant made a point of mentioning in her BOC Form3 that photographs of her were being distributed among criminal groups that believed that she was spying for the CIA to identify drug traffickers. The RAD is of the opinion that if she made a point of mentioning it in her BOC Form, it is because it is not trivial information. Rather, it was so the RPD could take it into consideration. Furthermore, if, as argued by the appellants, the female appellant did not believe that she was being targeted by other criminal groups and believed only in a baseless rumour, she was free to indicate as such in her BOC Form. That is not what she did. Her BOC Form suggests that if she returned to Haiti, various criminal groups could target her. The RAD therefore concludes that the RPD did not err in considering that this is important information that increases the risk to which the female appellant would be subjected in Haiti. The identity of the agents of persecution and the reasons why they would go after the refugee protection claimant are considered relevant and important information. Like the RPD, the RAD would have therefore expected the female appellant to testify spontaneously about the fact that she would be targeted by various criminal groups in Haiti that consider her to be a CIA agent.
- [14] Moreover, the RAD does not agree with the appellants' arguments that because this omission did not result in any discussion on the merits of the relevant facts, the RPD could not draw a negative inference from it. Considering that the female appellant testified that they were unimportant rumours, the RPD did not have to question her further on the merits of a prospective risk from various criminal groups.
- [15] The RAD does not agree with the appellants' arguments that the RPD sought to magnify this rumour allegation. The appellants submit that the RPD erroneously concluded that the female appellant alleged having been targeted for what she is, namely, a CIA agent. But what the RPD stated is that the female appellant alleges being targeted [emphasis added] for what she is, and not having been targeted in the past because she was perceived as working for the CIA. The appellants add that the female appellant did not once allege being a victim of criminals other than those working for XXXX. Yet, as mentioned above, reading the female appellant's BOC Form suggests that if she returned to Haiti, she would also be targeted by other criminal groups. The RPD therefore had to consider this allegation to assess the prospective risk in Haiti. Contrary to what the appellants suggest, the RPD did not change the root of the female appellant's problems. The RPD also did not overstate the importance of the omission. It took it into consideration to assess, as it should, whether there is a risk from other criminal groups since this risk is alleged in the BOC Form. The RAD agrees with

the RPD. In light of the omission for which no satisfactory explanation was provided, the allegations that the female appellant's photograph is being distributed among various criminal groups that perceive her as a CIA agent are not credible. This also suggests that the female appellant sought to exaggerate her risk of return.

- [16] The appellants also submit that the RPD erred in its analysis with respect to the root of the female appellant's problems. The Refugee Appeal Division concludes that the Refugee Protection Division did not err in its analysis of the prospective risk from XXXX
- [17] The RAD concludes that the RPD did not err in finding that the female appellant was not credible with respect to a prospective risk from XXXX.
- [18] The appellants submit that the RPD erred in its analysis. They argue that, according to the documentary evidence, nothing is secret in Haiti and people can easily obtain information on their targets. Consequently, even if the female appellant has not heard from XXXX, the criminals would find out if she were to return to Haiti. The appellants also argue that the RPD erred in concluding that the female appellant was unable to explain the link between XXXX and the criminals who attacked her.
- [19] The RAD acknowledges that criminals in Haiti are generally able to locate their targets. However, what the RPD concluded was that the female appellant failed to demonstrate that there is a prospective risk with respect to XXXX. In its reasons, the RPD does not address XXXX capacity to track down the female appellant in Haiti. This was not necessary because the RPD was not convinced that the source of the female appellant's problems in Haiti stemmed from a conflict with XXXX. In light of the evidence brought before the RPD, this conclusion is correct. The RAD is of the opinion that the female appellant failed to establish that criminals had allegedly been recruited by a former employee.
- [20] The RAD is of the opinion that the female appellant's testimony on XXXX was vague and evasive. She testified at the hearing that a female friend she had refused to lend money to conspired to take her children's money.<sup>4</sup> However, when asked who this female friend was, the female appellant gave vague and evasive testimony that it was someone who was familiar with her business and who knew everything about her.<sup>5</sup> The RPD had to ask several questions to obtain more specific information, namely the name of this individual and the circumstances surrounding her ties with the female appellant. The RAD drew a negative inference from the vague and evasive testimony on a key element of the refugee protection claim, that is, the identity of the agent of persecution. The female appellant's credibility is undermined regarding the allegations that her problems in Haiti stem from a conflict with XXXX.
- [21] Furthermore, the RAD is of the opinion that the female appellant did not demonstrate, on a balance of probabilities, that XXXX was involved in the attacks. According to the female appellant's testimony, her investigation into who and why the 2017 attacks took place is incomplete.<sup>6</sup>

- [22] The RAD also does not agree with the appellants' arguments that the female appellant clearly explained the link between XXXX and the criminals. When asked to explain why she connected the attack against her children to XXXX, the female appellant's testimony was vague and evasive as she explained that the criminals were not satisfied with how the spoils were shared, and [translation] "a friend reported the source of the money and that is how I heard about it."<sup>7</sup> The RAD takes into consideration that later on in the hearing, the female appellant ended up explaining that someone told her the attack had been ordered by XXXX. However, the RAD would have expected the female appellant to have given spontaneous and straightforward testimony on the matter. The RAD draws a negative inference from the vague and evasive testimony. The female appellant's credibility with respect to XXXX recruitment of criminals is undermined.
- [23] Furthermore, the RAD notes that when she was asked whom she fears, the female appellant did not mention XXXX. The female appellant stated that she feared the criminals,<sup>8</sup> particularly those who attacked her children on XXXX XXXX, 2017. When asked whether she feared anyone else, the female appellant responded that she did not.<sup>9</sup> The RAD also notes that, according to the female appellant's testimony, it was because of the investigation that she tried to conduct that the criminals allegedly went after her in XXXX 2017.<sup>10</sup> Although the female appellant tried to explain that her problems were related to the fact that she had refused to lend money to XXXX, the female appellant failed to demonstrate, on a balance of probabilities, XXXX interest in seeking revenge. She stated that she was no longer involved with her, did not have any information about her, or even know whether she was still alive.<sup>11</sup> Although the female appellant testified that she believes it was the criminals who had gone after her who allegedly set fire to the house,<sup>12</sup> the RAD is of the opinion that the female appellant is speculating. First, there is no indication that XXXX was involved. Second, aside from the fact that neighbours had asked her children when she would be back in Haiti, the evidence does not show that threats had allegedly been made against the female appellant or her family that was still in Haiti, since October 2017.
- [24] In light of the foregoing, the RAD concludes that the female appellant failed to demonstrate that the attacks against her and her family had been orchestrated by a woman named XXXX who was seeking revenge.
- [25] The RAD finds that there are other issues that undermine the credibility of the female appellant's account. The Refugee Protection Division did not err in concluding that the behaviour was inconsistent with the alleged risk
- [26] The RAD concludes that the RPD did not err in making a negative credibility finding based on behaviour that is inconsistent with the alleged risk. I- The female appellant left six of her children in Haiti

- [27] The appellants submit that the RPD erred in concluding that the behaviour is inconsistent with the alleged risk because of the fact that she left Haiti with only one child, the minor appellant. They submit that only the minor appellant had the required documents to travel, while the other children did not have visas allowing them to leave Haiti. They add that the female appellant must have naively believed that her children were not in danger since they were not the criminals' targets nor victims of physical violence.
- [28] The RAD does not support these arguments. First, the RAD notes a contradiction. According to the female appellant's testimony, during the incident of XXXX XXXX, 2017, her children had been beaten and one of her daughters suffered a fracture.<sup>13</sup> The RAD draws a negative inference from this contradiction between the female appellant's testimony and the information in the appellants' memorandum.<sup>14</sup> The credibility of the account is undermined.
- [29] Furthermore, even if the RAD accepts that the female appellant's children who remained in Haiti did not have travel documents in XXXX 2017, this does not explain why no steps had been taken since then for them to leave Haiti given that, according to the female appellant's testimony, they themselves were targeted and attacked.
- [30] As the RPD concluded, the RAD is of the opinion that this behaviour is inconsistent with the alleged risk. The female appellant's credibility is undermined. II- Return to Haiti
- [31] The appellants submit that the RPD erred in concluding that the behaviour was inconsistent with the alleged risk because of a return to Haiti. They submit that the female appellant had not been personally targeted in the attack of XXXX XXXX, 2017, that she wanted to know what had happened, and that even if she feared for her life, she had still not made the decision to leave her country and her family.
- [32] The female appellant stated that she began to fear for her life in XXXX 2017 when her children were attacked by criminals.<sup>15</sup> The fact that she did not yet know that it was a conspiracy<sup>16</sup> is not a sufficient explanation. The female appellant returned to Haiti on XXXX XXXX, 2017,<sup>17</sup> and stayed there until XXXX XXXX, 2017. The fact that she returned to Haiti, where she feared that her life was in danger, when she was safe in the United States, is behaviour that is inconsistent with the alleged risk. Her credibility is undermined. III- Failure to claim asylum in the United States
- [33] The appellants submit that the RPD erred in drawing a negative inference from the female appellant's failure to apply for asylum in the United States. They argue that during her stay in the United States in XXXX 2017, she had not yet made the decision to leave her country. Furthermore, when she returned to the United States in XXXX 2017, she had a US visa that was valid until 2018, was therefore not at risk of being deported to Haiti, and could take the time to decide whether she should apply for asylum in the United States or claim refugee protection in Canada. Given US immigration policies, it is perfectly reasonable for a Haitian refugee protection claimant to prefer claiming refugee protection in Canada.

- [34] The RAD is of the opinion that the US immigration policies and the fact that she had legal status in the United States are not sufficient reasons to explain the failure to apply for asylum in the United States. The female appellant stated that she has feared for her life since XXXX 2017. She had already travelled several times to the United States.<sup>18</sup> She gave birth to the minor appellant there. She therefore had the time and capacity to learn about US immigration policies. Yet more than a month went by before she came to Canada to claim refugee protection. In the absence of a satisfactory explanation, the RAD concludes that failing to apply for asylum in the United States, a country where the female appellant stayed on various occasions, including over a month prior to coming to Canada, is behaviour that is inconsistent with a risk to life.
- [35] The appellants also submit that the RPD erred in its analysis of the documents they submitted into evidence. However, the RAD finds that some of the documents provided by the female appellant raised other credibility issues. The Refugee Protection Division did not err in concluding that the documents submitted into evidence are insufficient to lend credibility to the female appellant's allegations
- [36] The RAD finds that the RPD did not err in concluding that the documents<sup>19</sup> that the female appellant submitted into evidence are insufficient to lend credibility to her allegations.
- [37] The appellants submit that the RPD erred in its reasoning since the female appellant's testimony was credible and that the RPD does not call into question the allegations in the documents or the validity and origin of the documents.
- [38] As stated above, the female appellant's credibility is undermined. The RPD could therefore conclude that the documents produced as evidence were insufficient to corroborate the female appellant's allegations, without calling into question their content, validity or origin. Nevertheless, the RAD considered the documents provided. According to the RAD, some of the documents the appellants produced raised other credibility issues.
- [39] With respect to the medical certificate<sup>20</sup> for the female appellant's daughter, the RAD notes inconsistencies that raise doubts as to its reliability. The RAD also notes a contradiction that further undermines the credibility of the account. First, the document was prepared on XXXX XXXX, 2019, while the incident during which the female appellant's daughter was attacked took place on XXXX XXXX, 2017. In addition, even though two signatures appear at the bottom of the certificate, only one name is typed on the certificate, namely, "Dr XXXX XXXX XXXX XXXX." Yet the certificate states the following: [translation] "I, Dr. XXXX XXXX XXXX, certify that I have examined . . .". The RAD would have expected the name of the physician who had prepared the certificate to be indicated at the bottom of the document. The RAD would also have expected the certificate to have been written at the time of the hospitalization instead of more than one year later. The certificate also mentions that XXXX XXXX was treated for a fractured XXXX. Yet at the hearing, the female appellant testified that it was her daughter, XXXX XXXX XXXX, who had a fractured XXXX.<sup>21</sup>

- [40] As for the medical certificate<sup>22</sup> for the female appellant, the RAD notes the same inconsistencies, which raise doubts as to its reliability. The document was prepared on XXXX XXXX, 2019, while the female appellant was attacked on XXXX XXXX, 2017. Moreover, only one name is typed on the certificate, namely, "Dr XXXX XXXX XXXX XXXX XXXX." Yet the certificate states the following: [translation] "I, Dr. XXXX XXXX XXXX, certify that I have examined . . .". The RAD would have expected the name of the physician who had prepared the certificate to be indicated at the bottom of the document. The RAD would also have expected the certificate to have been written at the time of the hospitalization instead of over one year later.
- [41] As for the medical certificate<sup>23</sup> prepared on XXXX XXXX, 2019, there is no mention of the name of the person who was hospitalized. Consequently, this document has little probative value to corroborate the hospitalization of one of the female appellant's daughters. At the hearing, the female appellant testified that this medical certificate pertained to her daughter, XXXX XXXX.<sup>24</sup> The female appellant also submitted the hospital invoice<sup>25</sup> for her daughter XXXX. According to the invoice, the hospitalization lasted one day, until XXXX XXXX, 2019. However, according to the medical certificate,<sup>26</sup> the hospitalization lasted until XXXX XXXX, 2019. This contradiction undermines the credibility of the female appellant's account.
- [42] With respect to the registry minutes,<sup>27</sup> the RAD notes an inconsistency that undermines the credibility of the account. According to the document, the applicant is XXXX XXXX. He stated that in 2017, when his mother was in the United States, [translation] "three of us and one of our cousins were attacked." Mr. XXXX also stated that his mother, who subsequently investigated, was attacked on XXXX XXXX, 2017. These statements suggest that the deponent, Mr. XXXX, is the female appellant's child. However, according to the female appellant's testimony, XXXX XXXX is her cousin.<sup>28</sup>
- [43] As for the photographs<sup>29</sup> of the injured individuals, they do not make it possible to determine when and under which circumstances the injuries occurred. With respect to the photographs<sup>30</sup> of a burning house, they do not make it possible to determine when the fire took place or whether it is the residence of the female appellant's children.
- [44] In light of the foregoing, the RAD concludes that the documents<sup>31</sup> filed as evidence are insufficient to corroborate the female appellant's allegations. Moreover, as outlined earlier, some of these documents even further undermine the female appellant's credibility.
- [45] In conclusion, contrary to the appellants' arguments, the female appellant did not discharge her burden of establishing, on a balance of probabilities, the merits of her allegations. In light of the foregoing, the RAD does not give credence to the female appellant's account. Consequently, the RAD concludes that she failed to establish, on a balance of probabilities, that she would be subjected personally to a risk under subsection 97(1) if she returned to Haiti.

- [46] However, it is important to assess whether, as a woman, the female appellant established a serious possibility of persecution in Haiti. The Refugee Protection Division did not err in concluding that the female appellant failed to establish a serious possibility of persecution in Haiti by reason of her membership in the particular social group of women
- [47] The RAD concludes that the RPD did not err in determining that the female appellant failed to establish a serious possibility of persecution in Haiti since she does not fit the profile of a single, vulnerable woman.
- [48] The appellants submit that the RPD erred in drawing this conclusion. They argue that the presence of a husband or family members does not guarantee that a woman will not be subjected to gender-related persecution. They also submit that these are not important or relevant factors to consider. They add that, while it is not central to the refugee protection claim, the female appellant stated that she and her daughter were raped in 2004 while she was living with her spouse and had family members. They were unable to protect her. The RPD therefore erred in concluding that the female appellant would have a lower risk of being raped by reason of her status. They submit that in light of the documentary evidence, the very fact of belonging to the particular social group of women is sufficient for a finding of persecution since sexual violence is widespread despite the fact that several victims have family and friends. The appellants add that the criteria set out in *Dézameau v. Canada* (Citizenship and Immigration), 2010 FC 559 and the Guideline on Women Refugee Claimants Fearing Gender-Related Persecution<sup>32</sup> should be considered.
- [49] The burden is on the female appellant to establish a risk. The RAD notes that even though the female appellant stated in her BOC Form that she and her daughter had been raped in 2004, this is not what drove her to leave her country.<sup>33</sup> It is well established that rape is a serious violation of a basic human right. However, a future risk of gender-related persecution was not alleged before the RPD. Although the appellants submit that simply being a woman subjects the female appellant to persecution, the female appellant's four daughters, between the ages of 20 and 25, are still in Haiti.<sup>34</sup> Yet, the appellants argue that the female appellants' children remained in Haiti because she did not fear that they would be targeted. The female appellant instead claimed refugee protection under section 97 of the IRPA. According to the female appellant's testimony, what she fears in Haiti is a risk to her life at the hands of criminals. However, the RAD found that the female appellant was not credible with respect to her account. The RAD is of the opinion that the RPD correctly assessed the evidence produced by the female appellant to draw its conclusion.
- [50] The RAD considered the female appellant's situation and the objective documentary evidence.<sup>35</sup> The documentary evidence<sup>36</sup> referred to by the appellants states that violence against women is widespread in Haiti and goes unpunished. According to the evidence, the conditions in camps for displaced persons are one of the factors for this increase in violence. However, the female appellant does not allege living in tents or in camps for displaced persons. The appellants also refer to an excerpt from the documentary evidence pertaining to the high percentage of rape in the commune of Cité-Soleil, a slum in Port-au-

Prince.<sup>37</sup> Again, the female appellant does not allege that she would live in a slum if she returned to Haiti. The RAD takes into consideration that, according to the evidence,<sup>38</sup> women in Haiti are marginalized, which has an impact on their access to education and the labour market. They therefore find themselves in a state of economic dependence and vulnerability with respect to men. The documentary evidence<sup>39</sup> also mentions that the risk of sexual assault is much higher for women residing in low-income areas and those living far from their families. Furthermore, the statistics reported in the documentary evidence<sup>40</sup> indicate sexual violence and domestic violence.

- [51] The appellants submit that the important factors to consider are state protection, geographic location and the female appellant's personal situation. Contrary to what was put forward by the appellants, a male presence or the presence of family members are also relevant factors to consider.<sup>41</sup> The RAD acknowledges that it is the state's role to protect its citizens. The RAD accepts that state protection in Haiti is inadequate with respect to violence against women. In this case, however, the aim is to determine whether the female appellant's profile would subject her to a serious possibility of persecution in Haiti. With respect to the female appellant's situation, she does not allege fearing domestic violence. Even if the RAD agreed that the female appellant is credible regarding her allegation of rape in 2004, more than 15 years have since passed. The female appellant is now 43 years old. She has her father, her adult son, her cousin, as well as other members of her family in Haiti.<sup>42</sup> While the presence of family members does not guarantee protection from gender-related violence, the documentary evidence shows that women living alone, without family, are at greater risk of being exposed to such violence.<sup>43</sup> The RAD is of the opinion that the female appellant does not fit the profile of the women described in the documentary evidence who are at greater risk of gender-related violence because they live alone or in low-income areas. Furthermore, the female appellant has an employment history in Haiti. She was a merchant in Haiti and was able to travel on several occasions. She allegedly owned a residence. She does not fear gender-related persecution for her daughters who remained in Haiti. According to the evidence on the record, there is no indication that the female appellant would live in precarious conditions in Haiti that would make her vulnerable to persecution.
- [52] In light of the foregoing, the RAD concludes that the evidence on the record does not establish a serious possibility that the female appellant would face gender-related persecution if she returned to Haiti. The RAD also concludes that she failed to demonstrate, on a balance of probabilities, that she would be subjected personally to a risk to her life or to a risk of cruel and unusual treatment or punishment if she returned to Haiti. Uncontested conclusion
- [53] The appellants do not challenge the RPD's conclusion that the minor appellant did not establish a serious possibility of persecution or demonstrate a risk within the meaning of subsection 97(1) of the IRPA if he returned to the United States.
- [54] The RAD agrees with this finding. DECISION

[55] The RAD dismisses the appeal. The RAD confirms the determination of the RPD, namely, that XXXX XXXX and XXXX XXXX XXXX are neither "Convention refugees" under section 96 of the IRPA, nor "persons in need of protection" under section 97 of the IRPA. Marie-Lyne Thibault Marie-Lyne Thibault February 25, 2020 Date IRB translation Original language: French 1 Canada (Citizenship and Immigration) v. Huruglica, 2016 FCA 93. 2 RPD-1, Refugee Protection Division (RPD) record, Basis of Claim Form (BOC Form) of XXXX XXXX, pp. 25-38, p. 161. 3 Ibid., p. 37. 4 Record of proceedings for the hearing held on April 9, 2019, p. 35. 5 Ibid. 6 Record of proceedings for the hearing held on April 9, 2019, p. 63. 7 Record of proceedings for the hearing held on April 9, 2019, p. 38. 8 Record of proceedings for the hearing held on April 9, 2019, p. 27. 9 Record of proceedings for the hearing held on April 9, 2019, p. 28. 10 Record of proceedings for the hearing held on April 9, 2019, p. 38, pp. 48-51, p. 64, p. 95, p. 100. 11 Record of proceedings for the hearing held on April 9, 2019, pp. 44-45. 12 Record of proceedings for the hearing held on April 9, 2019, p. 47. 13 Record of proceedings for the hearing held on April 9, 2019, p. 35. 14 P-2, Appellant's memorandum, para. 22, p. 28. 15 Record of proceedings for the hearing held on April 9, 2019, p. 28, pp. 98-99. 16 Record of proceedings for the hearing held on April 9, 2019, p. 99. 17 RPD-1, RPD record, Female appellant's passport, p. 147. 18 RPD-1, RPD record, Female appellant's passport, pp. 145-157. 19 RPD-1, RPD record, P-2 to P-11, p. 160, pp. 164-172. 20 RPD-1, RPD record, P-6, medical certificate, p. 167. 21 Record of proceedings for the hearing held on April 9, 2019, p. 55. 22 RPD-1, RPD record, P-2, medical certificate, p. 160. 23 RPD-1, RPD record, P-9, medical certificate, p. 170. 24 Record of proceedings for the hearing held on April 9, 2019, p. 86. 25 RPD-1, RPD record, P-11, final evaluation, p. 172. 26 Supra, endnote 23, P-9. 27 RPD-1, RPD record, P-10, excerpt of the registry minutes, p. 171. 28 Record of proceedings for the hearing held on April 9, 2019, p. 55. 29 RPD-1, RPD record, P-3, P-4, P-5, P-8, pp. 164-166, p. 169. 30 RPD-1, RPD record, P-7, p. 168. 31 Supra, endnote 19, P-2 to P-11. 32 Chairperson's Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution. 33 Supra, endnote 2, BOC Form, p. 36. 34 Supra, endnote 2, BOC Form, Question 5, p. 31. 35 National Documentation Package (NDP) on Haiti, September 30, 2019. 36 NDP on Haiti, July 20, 2018, Tab 5.3: Violence against women, including sexual violence; state protection and support services (2012-June 2016), IRB, December 15, 2016; Tab 5.12: Haiti : Les violences faites aux femmes [violence against women], France. Office français de protection des réfugiés et apatrides [French office for the protection of refugees and stateless persons]. January 9, 2017. 37 NDP on Haiti, version dated July 20, 2018, and version dated September 30, 2019, Tab 5.12, p. 6. 38 Ibid., Tab 1.8: Republic of Haiti. Country of Origin Information Paper. Interuniversity Institute for Research and Development, August 2017; Tab 2.5: Rapport de mission en République d'Haïti du 26 mars au 7 avril 2017 [Republic of Haiti mission report from March 26 to April 7, 2017], France. Office français de protection des réfugiés et apatrides [French office for the protection of refugees and stateless persons]. September 15, 2017. 39 Ibid., Tab 1.8, pp. 40-45; Tab 2.5, pp. 53-56. 40 Ibid., Tab 1.8, pp. 40-45; Tab 2.5, pp. 53-56. 41 Josile v. Canada (Citizenship and Immigration), 2011 FC 39. 42 Supra, endnote 2, BOC Form, Question 5, p. 31. 43 Supra, endnote 39.

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RAD File No. / No de dossier de la SAR : MB9-11983 MB9-11984 RAD.25.02 (January 2020)  
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