

CANADA / JUDGMENT

MB9-14186

COURT

Refugee Appeal Division

DECIDED

22 October 2020

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RAD File No. / No de dossier de la SAR : MB9-14186

MB9-14187

Private Proceeding / Huis clos

Reasons and decision - Motifs et décision

Persons who are the subject of the appeal

XXXX XXXX (a.k.a. XXXX XXXX)

XXXX XXXX XXXX

Personnes en cause

Appeal considered / heard at

Montréal, Quebec

Appel instruit / entendu à

Date of decision

October 22, 2020

Date de la décision

Panel

Me Agnès Connat

Tribunal

Counsel for the persons who are the subject of the appeal

Oscar Fernando Rodas

Conseil des personnes en cause

Designated representative

N/A

Représentant(e) désigné(e)

Counsel for the Minister

N/A

Conseil du ministre

REASONS FOR DECISION

OVERVIEW

- [1] XXXX XXXX, also known as XXXX XXXX, (the male appellant) and XXXX XXXX XXXX (the female appellant) are citizens of Haiti.
- [2] The appellants fear the political opponents who murdered the male appellant's father in Haiti. The male appellant left Haiti for Brazil on XXXX XXXX, 2011. The female appellant joined him on XXXX XXXX, 2014, after being approached by some individuals. They left Brazil for the United States on XXXX XXXX, 2016, and arrived in Canada in XXXX 2017.
- [3] The Refugee Protection Division (RPD) concluded that the appellants were excluded from protection under Article 1E of the Convention.
- [4] The appellants submit that the RPD erred because the male appellant was no longer a permanent resident, the female appellant had never had this status, and they had experienced discrimination in Brazil. They are of the opinion that the RPD relied on speculation and not on the evidence, that they experienced discrimination in Brazil, that Haitian nationals do not have the same rights as Brazilian citizens, and that the RPD did not examine the male appellant's fear in Haiti.
- [5] The determinative issue for the Refugee Appeal Division (RAD) is whether the RPD erred in its analysis of the appellants' exclusion and of the factors in Zeng.¹

DETERMINATION

- [6] I dismiss the appeal. The RPD correctly concluded that the appellants are excluded from protection in Canada and that they are neither Convention refugees nor persons in need of protection.

NOTICE AND NEW EVIDENCE

- [7] On June 15, 2020, the appellants received a notice regarding the progress of their appeal and inviting them to provide the RAD with any documents or submissions relating to the resumption of time limits following the COVID-19 pandemic, within 30 days of receipt of the notice. As of the date of this decision, they have made no submissions or presented any new evidence further to this notice.

- [8] On September 23, 2020, the RAD advised the appellants of its intention to consider the new National Documentation Packages (NDPs) on Haiti and Brazil, which were updated on September 1, 2020. On October 16, 2020, the appellants submitted additional documentary evidence to the RAD in response to its notice.
- [9] The RAD may allow new evidence if this evidence² arose after the rejection of the claim or if it was not reasonably available before the RPD made its decision, or, if it was, that the appellants could not reasonably have been expected in the circumstances to have presented at the time of the rejection. If the evidence meets at least one of these requirements, the appellants must also establish that the new evidence meets the three criteria³ of credibility, newness and relevance.
- [10] The appellants did not submit any explanation to establish how each piece of evidence is consistent with at least one of the three criteria set out in subsection 110(4). They indicate, regarding the submitted article from the newspaper AlterPresse, dated June 24, 2020, that [translation] "we learn how the reality is different from what it says on paper when it comes to the equal rights of Haitians in Brazil to the same level of services as Brazilian citizens," which does not appear to explain how the article meets the criteria. Despite this, I assessed the admissibility of the new evidence.
- [11] The RAD refuses the article dated June 24, 2020, entitled [translation] "Health: Haitian migrants hit by the COVID-19 pandemic just like nationals in Brazil and Chile." It meets the first criterion since it appeared after the RPD rejected the claim on May 7, 2019. The article does not meet the jurisprudential criterion of credibility. The credibility of evidence depends on its authenticity and reliability, in other words, on the analysis of its source and the circumstances of its creation. This article does not give the name of the author, and while the appellants tell us that it comes from AlterPresse, no URL link or source is given in the document and so I am unable to verify its reliability. It is for the appellants to establish the authenticity and reliability of a piece of evidence. If a piece of evidence is not reliable, the RPD or the RAD cannot give it weight. The onus is on the appellants to file acceptable documents whose sources can be verified. By reason of the reliability issue raised, the article does not meet the credibility criterion.

ANALYSIS

- [12] The Minister intervened before the RPD but not before the RAD.
- [13] My role is to examine all of the evidence, which includes listening to the hearing, and to determine whether the RPD's decision is correct.⁴

The appellants' status in Brazil

The male appellant, XXXX XXXX, was a permanent resident of Brazil at the time of the hearing before the Refugee Protection Division

[14] The RPD concluded that the Minister had established a prima facie case that the male appellant had permanent residence in Brazil at the date of the hearing.⁵ The appellants are not contesting this conclusion for the male appellant, but are contesting the female appellant's status.⁶ I do not see any error in the RPD's conclusion that the male appellant had permanent residence in Brazil.

The female appellant, XXXX XXXX XXXX, did not have permanent residence in Brazil but could have obtained it

[15] The RPD concluded that the female appellant had had access to permanent residence through a visa application for family unification.

[16] The appellants submit that the female appellant never had permanent residence in Brazil, that the Minister did not provide prima facie evidence, and that the RPD relied on speculation to conclude that she could have applied for this status but failed to do so.

[17] The RPD's conclusion is correct. The female appellant could have obtained permanent residence in Brazil but failed to do so.

[18] The appellants testified at the hearing that in order for the female appellant to obtain a visa for Brazil, the male appellant had provided certain documents to the Brazilian embassy, such as a statement from the company for which he worked and a copy of his work permit. The female appellant explained that she had gone to the embassy and obtained a five-year visa, but that it was not a visitor visa but rather a visa giving her the right to work and access health care. She thus obtained a visa⁷ on XXXX XXXX, 2014.

[19] The documentary evidence corroborates that the female appellant's visa is a family reunification visa that is permanent, valid for up to five years, and conditional to the exercise of a specific activity. The holder of a permanent visa can obtain an indefinite residence permit at the end of these five years.⁸

[20] According to the documentary evidence, the female appellant could have obtained permanent residence⁹ by going to the Federal Police Department before the expiration of her five-year visa. She only had to prove that she was working and domiciled in Brazil. She could therefore have obtained indefinite permanent residence by going the Federal Police Department before XXXX XXXX, 2019. The documentary evidence also indicates that her residence permit for family reunification would supposedly then have been issued for the same duration as the residence authorization of the male appellant, a member of her family, namely, on a permanent basis.¹⁰ She stated at the hearing that she had not taken these steps.

[21] According to the evidence and the documentary evidence, the female appellant could have obtained permanent residence in Brazil but failed to do so.

Permanent residence in Brazil confers rights and obligations that are substantially similar to those of nationals

- [22] The RPD concluded that the rights and obligations of permanent residents in Brazil are substantially similar to those of Brazilian nationals.
- [23] The appellants claim that Haitian citizens never have access to the same sources of work or protection from the Brazilian authorities as do Brazilian citizens, and that they are discriminated against at work and in hospitals and schools, and not accepted in certain areas of Brazilian cities and towns. They submit that the RPD contradicted itself by concluding that Haitians suffer discrimination while also concluding that they had not shown that the discrimination to which they had been subjected amounted to persecution.
- [24] The RPD's conclusion is correct. Permanent residents in Brazil have rights and obligations that are substantially similar to those of Brazilian nationals.
- [25] As set forth in the Constitution of the Federative Republic of Brazil,¹¹ all foreigners residing in the country and all Brazilians are equal before the law and have access to education, health, work, leisure, security, social welfare, protection of motherhood and childhood, and assistance to the destitute. The Constitution imposes certain restrictions on the rights of foreigners, such as the right to perform military service, vote and hold certain government positions.
- [26] The documentary evidence¹² corroborates the appellants' testimony that Brazil experienced an economic downturn. From 2012 to 2014, Haitians were a much appreciated workforce in Brazil, and both the country and companies used financial incentives to encourage Haitians to come and work in, among other sectors, civil construction. After the Olympic Games in 2016, numerous Haitians left Brazil and relocated due to the economic recession. According to the same evidence, some sources note that Haitians have been affected by expressions of racism. The unemployment rate is around 13% and also affects Haitians, who, in general, continue to find work in certain sectors. Finding employment remains difficult for Haitians, especially due to problems in terms of language. According to one source, they are treated the same as other members of society, although some employers take advantage of them because they do not know their rights. Although the work situation can be difficult for some Haitians in Brazil, as it was for the male appellant, the evidence does not support the conclusion that their right to work is being violated, but rather that there is a shortage of work due to the country's economic situation.
- [27] Regarding the right to education, the lack of spots in schools is a national problem and, in some cases, Haitian parents may struggle to find places for their children in schools. There is nothing in the evidence to indicate that the right to education of Haitians is not similar to that of Brazilians.

- [28] There are two health care systems in Brazil: the public system and the private system. The public system is precarious for everyone.¹³ A lack of knowledge of the Brazilian language may cause problems for Haitians, for example when communicating with health care staff. There is nothing in the evidence to indicate that the right to health of Haitians is not similar to that of Brazilians.
- [29] An analysis of the documentary evidence leads to the conclusion that Haitians have rights similar to those of Brazilian nationals and does not corroborate the appellants' assertion that Haitians do not have access to the same sources of work or protection from the Brazilian authorities as do Brazilian citizens, and that they are subject to discrimination at work and in hospitals and schools, and not accepted in certain areas of Brazilian cities and towns. The appellants did not file any additional evidence to corroborate these claims. The fact that the appellants could have suffered discrimination in Brazil does not, on its own, support a conclusion that the rights and obligations of Haitians with permanent residence in Brazil are not substantially similar to those of Brazilian nationals.
- [30] The rights and obligations of permanent residents in Brazil are substantially similar to those of Brazilian nationals.

The appellants left Brazil less than two years prior to the date of the hearing

- [31] The RPD concluded that the female appellant had left Brazil less than two years earlier.
- [32] The appellants claim that they did not have permanent residence because this residence is automatically lost after two years of absence. They submit that because the female appellant did not have permanent residence in Brazil, she did not have to prove her reasons for leaving Brazil.
- [33] According to the IMM5669 and IMM0008 forms, the female appellant left Brazil in XXXX 2016.¹⁴ The male appellant states in his account that he arrived in the United States in XXXX 2016, while in his IMM5669 he indicates that he left Brazil in XXXX 2016.¹⁵ The hearing was held on March 23, 2018, that is, less than two years after they left Brazil.
- [34] Based on the evidence, while permanent residents can lose their permanent residence after an absence of more than two years, the male appellant's permanent residence was still valid at the time of the hearing. The fact that the expiry date on his card is XXXX XXXX, 2021, does not mean that his permanent residence would no longer be valid after this date, but only that the card must be renewed before this date.¹⁶
- [35] At the time of the hearing, the male appellant had permanent resident status in Brazil because he had left the country less than two years earlier. He did not file any evidence establishing that he does not have the right to return to Brazil. This status provided him with rights and obligations similar to those of Brazilian citizens.
- [36] The female appellant could have obtained permanent resident status but failed to do so.

The appellant, XXXX XXXX, is excluded from Canada's protection under Article 1E of the Convention

- [37] The appellants submit that the RPD erred in failing to analyze the risk for the male appellant in Haiti.
- [38] The RPD's determination is correct. The male appellant is excluded from Canada's protection under Article 1E of the Convention.
- [39] The RPD did not have to analyze the risk in Haiti because the male appellant had permanent residence in Brazil¹⁷ at the time of the hearing. This status, which he had not lost at the time of the hearing, granted him essentially the same rights and obligations as nationals of this country. In accordance with the analysis of the factors in Zeng, he is therefore excluded from Canada's protection under Article 1E of Convention.
- [40] The male appellant does not allege a risk in Brazil in his Basis of Claim Form (BOC Form). He cites economic reasons. The appellants always lived together in Brazil. In my analysis, later in these reasons, I conclude that the level of discrimination and racism experienced in Brazil was insufficient to conclude that the departure was involuntary. It was also insufficient to conclude that the male appellant would face a risk if he were to return to Brazil.
- [41] The male appellant would not face a serious possibility of persecution and, on a balance of probabilities, he would not face a risk to his life, a danger of torture or a risk of cruel and unusual punishment if he had to return to Brazil.

The female appellant, XXXX XXXX XXXX, is excluded from Canada's protection under Article 1E of the Convention

- [42] The RPD concluded that a number of factors weighed in favour of excluding the female appellant: her voluntary departure from Brazil, a country in which she had not been subjected to a risk of persecution or harm, the fact that she could return there, and because she had not established, on a balance of probabilities, a well-founded fear of persecution or harm.
- [43] The appellants claim that the female appellant did not have permanent residence in Brazil and that she did not have to prove her reasons for leaving Brazil.
- [44] The RPD correctly chose to analyze the female appellant's reason for leaving Brazil under Zeng, which recommends the analysis of this factor in the case of a refugee protection claimant who, like the female appellant, had access to a status conferring rights similar to those of citizens of the country of residence but failed to acquire it.
- [45] When it analyzed this factor as it pertains to the reason for leaving Brazil, the RPD concluded that the appellants had not established that they had been subjected to a serious possibility of persecution in Brazil. However, a departure from a country of residence may be considered involuntary even if the reasons for this departure do not reach the threshold

for a serious possibility of persecution or risk to life. This error is not determinative in this case since my conclusion is the same as that of the RPD, namely, that the female appellant's departure from Brazil was voluntary.

The female appellant, XXXX XXXX XXXX, left Brazil voluntarily

- [46] The appellants submit that the RPD erred in concluding that they had left Brazil voluntarily, and that they had serious and significant reasons for doing so as the female appellant was the victim of race-based threats, aggression and discrimination in Brazil.
- [47] The RPD's conclusion is correct. The female appellant's departure from Brazil was voluntary.
- [48] To establish that her departure was involuntary, the female appellant must prove that at the time of her departure, and not in a prospective manner, she or her family were experiencing a situation where the only way to protect themselves was to leave Brazil.
- [49] The appellants submit that they had serious and sufficient reasons for leaving Brazil as the female appellant was the victim of race-based threats, aggression and discrimination in Brazil, and yet this was neither alleged in the BOC Form nor explained at the hearing. The female appellant does not allege any ground against Brazil in her BOC Form. She bases her claim for refugee protection on that of the male appellant, who states:

[Translation]

I did my best to find odd jobs so I could bring my wife to Brazil too. Just to live and work, but it couldn't continue like that in Brazil, the country had economic problems and my wife and I didn't have the means to stay in Brazil because we couldn't work to pay the rent and our other expenses. [Emphasis added.]

- [50] For the general population, discrimination is real in Brazil. There are laws in Brazil against racial discrimination and inciting racial discrimination. Race-based discrimination is prohibited with regard to access to public or private space, employment and housing. Approximately 52% of the population identifies as "non-white." According to the Country Report on Human Rights Practices for Brazil (2018), even though the law prohibits racial discrimination, dark-skinned citizens, particularly Afro-Brazilians, encounter discrimination.¹⁸ The Special Rapporteur¹⁹ observed that Brazilian society is currently experiencing demographic changes and that as it gains economic strength, Brazil is increasingly becoming a country of destination for migrants, as well as refugees and asylum seekers, who are often in vulnerable situations in society. In spite of this, these communities may have adequate access to social services. The Special Rapporteur acknowledges that some Haitian refugees may have been victims of violent attacks, apparently on account of their race and nationality. Despite some policies against discrimination, Afro-Brazilians and Haitians face discrimination in Brazil. However, the climate of discrimination against Afro-Brazilians and Haitians in Brazil does not have a serious effect on the exercise of rights within the meaning of the case law.

- [51] The appellants also do not match the profile of persons who are most often murder victims in Brazil.²⁰ Like other Latin and Central American countries, a large portion of this violence and criminality is linked to organized crime and drug trafficking. The murder victims are frequently young black men from poor areas, Favelas, who are recruited by organized crime groups, which is not the case for the appellants. The burden was on the female appellant to supplement the documentary evidence with a link between her personal hardship and the general situation in Brazil, which she failed to do.²¹
- [52] The reason for leaving Brazil, based on what the appellants allege in their BOC Forms, was economic. At the hearing, the male appellant confirmed that he had left Brazil because he did not have the means to pay all their expenses since only the female appellant was working and she was earning XXXX reais, which barely covered their rent of XXXX reais. He explained that he had lost his job after the general crisis in Brazil and that since then he had sometimes taken odd jobs, such as helping with moving. When the RPD asked the male appellant why he had left Brazil, he stated that he had arrived there in 2011, had worked from 2011 to 2014 and then was unemployed from 2014 to 2016. Then only the female appellant had a job.
- [53] The appellants unfortunately had difficulties in Brazil, notably in finding employment for the male appellant. They decided to leave the country for economic reasons. They did not allege any discriminatory act against them, nor any race-based threats or aggression, during their stay in Brazil. As analyzed above in these reasons, the employment situation is difficult for the Brazilian population due to the economic problems that followed the Olympic Games. The male appellant had problems finding a job starting in 2014, while the female appellant continued working between 2014 and 2016. The appellants did not testify that they had changed regions to find work. The economic difficulties experienced by the appellants in Brazil are not sufficient, on their own, to establish that at the time of their departure they were experiencing a situation where the only way to protect themselves was to leave Brazil.
- [54] Based on an examination of the facts as alleged and of the documentary evidence relevant to their situation, the appellants have not established on the basis of sufficient and substantial grounds that the situation experienced in Brazil was such that their only option for protecting themselves was to leave this country. The female appellant's departure for the United States was therefore voluntary.
- [55] The analysis of this factor weighs in favour of exclusion, in particular considering that the case law establishes that "[r]efugee claims were never meant to allow a claimant to seek out better protection than that from which he or she benefits already."²²
- [56] While the level of discrimination and racism experienced by the appellants in Brazil is not sufficient to conclude that their departure was involuntary, neither is it sufficient to conclude that they would face a risk if they were to return to Brazil.

The female appellant cannot return to Brazil

- [57] The RPD erred in its analysis of whether it is possible for the female appellant to return to Brazil. This error is not determinative.
- [58] The female appellant did not have permanent residence but she did have a five-year permanent visa for family reunification, and she could have obtained permanent residence but failed to do so.²³ To return to Brazil, she will have to make a new application for a family reunification visa based on the male appellant's permanent residence in Brazil. As the female appellant does not live in Brazil, the evidence does not support a conclusion that the Brazilian authorities will grant her the visa and that she has a right to return to Brazil. This factor weighs against exclusion.

The female appellant would not face a serious possibility of persecution or a risk of harm if she were to return to Haiti

- [59] The RPD concluded that the female appellant had not established, on a balance of probabilities, that, as a member of the male appellant's family, she had a well-founded fear of persecution or a risk of harm.
- [60] The appellants did not raise any error by the RPD with regard to its analysis of the female appellant's refugee protection claim²⁴ against Haiti. They do not contest the fact that the RPD did not examine the male appellant's refugee protection claim against Haiti. This latter point was addressed earlier in these reasons. I do not see any error in the analysis of the risk to which the female appellant would be subjected in Haiti.
- [61] The female appellant alleges a fear of being persecuted because of the political opinions of the male appellant and his father. The male appellant left Haiti for Brazil on XXXX XXXX, 2011, by himself, and she joined him on XXXX XXXX, 2014, that is, almost three years later. She explained at the hearing that he had left her alone and pregnant because he did not have the means to take her with him. She gave birth to their daughter on XXXX XXXX, 2012. Despite her staying there alone and despite the allegations of her husband being persecuted, she alleges no other event before XXXX XXXX, 2014. On this date, two individuals allegedly questioned her about her husband. She explained that she had [translation] "thought it was the same thing" and that it was linked to the threats previously experienced by her husband and the threats against his family. She does not give any other information to suggest that this could be linked to her husband's previous problems. The individuals did not state why they were asking after her husband or if this was even linked to his political opinions. She states that she made a statement to the police but cannot provide the document. After the encounter with the two individuals, she explains that she then immediately took steps to obtain a family reunification visa to Brazil. Despite the alleged risk, for four months, that is between XXXX and her departure in XXXX, she alleges no other event.

- [62] Given that the female appellant was never contacted by her husband's agents of persecution during the three years when she lived alone with her daughter, that the individuals who approached her in the street never made a link to her husband's political opinions, and that between XXXX 2014 and XXXX 2014 they never approached her, she has not established, on a balance of probabilities, that she would face a serious possibility of persecution or a risk of harm by reason of her husband's political opinion if she were to return to Haiti.
- [63] The RPD concluded that she would not face a serious risk of gender-based persecution if she were to return to Haiti.
- [64] The RPD's conclusion is correct. I do not see any error in the RPD's analysis. Given that the female appellant did not make any allegation about this risk, that she lived alone for three years before rejoining her husband, and that she provided no evidence indicating that she would face such a risk if she had to return, she has not established that she would face a serious risk of gender-based persecution if she were to return to Haiti.
- [65] As the female appellant has not established that she would be subjected to a risk if she were to return to her country of origin, this factor weighs in favour of exclusion.

Canada's international obligations

- [66] The RPD did not draw any conclusion regarding Canada's international obligations, which is one of the factors in Zeng. The appellants are not contesting this.
- [67] The female appellant cannot return to Brazil, but she can safely return to Haiti, her country of citizenship. Canada would therefore meet its international obligations as she would not be subjected to either a serious possibility of persecution on account of being a member of the male appellant's family or a risk of harm under section 97 of the Immigration and Refugee Protection Act in her country of citizenship.
- [68] This factor weighs in favour of exclusion.

Analysis of the factors in Zeng

- [69] The female appellant could have obtained permanent resident status in Brazil, substantially similar to that of Brazilian nationals, but failed to do so. The fact that she cannot return to Brazil weighs against exclusion. However, a number of weightier factors argue in favour of exclusion: she voluntarily left Brazil for the U.S., she will not be subjected to a risk if she were to return to Haiti, her country of origin, and Canada's international obligations will be respected.
- [70] The RPD's decision is correct. The female appellant is excluded from Canada's protection under Article 1E of the Convention.

CONCLUSION

[71] I dismiss the appeal and confirm the RPD's determination that XXXX XXXX (also known as XXXX XXXX) and XXXX XXXX XXXX are persons referred to in Article 1E of the Convention Relating to the Status of Refugees and that they are neither Convention refugees nor persons in need of protection.

(signed)

Agnès CONNAT

Me Agnès Connat

October 22, 2020

Date

IRB translation

Original language: French

1 Canada (Citizenship and Immigration) v. Zeng, 2010 FCA 118, [Zeng], at para. 28: "Considering all relevant factors to the date of the hearing, does the claimant have status, substantially similar to that of its nationals, in the third country? If the answer is yes, the claimant is excluded. If the answer is no, the next question is whether the claimant previously had such status and lost it, or had access to such status and failed to acquire it. If the answer is no, the claimant is not excluded under Article 1E. If the answer is yes, the RPD must consider and balance various factors. These include, but are not limited to, the reason for the loss of status (voluntary or involuntary), whether the claimant could return to the third country, the risk the claimant would face in the home country, Canada's international obligations, and any other relevant facts." [emphasis added] and Majebi v. Canada (Citizenship and Immigration), 2016 FCA 274 [Majebi].

2 Immigration and Refugee Protection Act, S.C. 2001, c. 27, subs. 110(4).

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

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

5 Zeng and Majebi, *supra*, endnote 1.

6 P-2, male appellant's record, appellants' memorandum, at p. 19.

7 SPR-1, Refugee Protection Division (RPD) record, copy of the female appellant's passport, at p. 132.

- 8 SAR-1, National Documentation Package (NDP) on Brazil, September 1, 2020, Tab 3.4: ?Brazil and Haiti: Rights and responsibilities of permanent residents in Brazil; requirements and procedures to obtain permanent residence in Brazil through family reunification (2017-July 2020). Immigration and Refugee Board of Canada. August 7, 2020. ZZZ200262.E.
- 9 SAR-1, NDP on Brazil, September 1, 2020, Tab 3.3: Brazil and Haiti: Situation of Haitians in Brazil, including rights and obligations; permanent resident status; documents issued to Haitians, including Foreigner Identity Cards... Immigration and Refugee Board of Canada. August 28, 2020. ZZZ200291.FE.
- 10 SAR-2, NDP on Haiti, March 31, 2020, Tab 14.11: Brazil and Haiti: Situation of Haitians in Brazil, including rights and obligations; permanent resident status; documents issued to Haitians, including Foreigner Identity Cards... Immigration and Refugee Board of Canada. June 21, 2018. ZZZ106127.FE.
- 11 Supra, endnote 8, Tab 3.4.
- 12 Supra, endnote 10, Tab 14.11.
- 13 Supra, endnote 10, Tab 14.11.
- 14 SPR-1, RPD record, form IMM0008 at p. 114, form IMM5669 at p. 110.
- 15 SPR-1, RPD record, form IMM5669 at p. 85.
- 16 Supra, endnote 10, Tab 14.11.
- 17 Jean-Pierre, Isaac v. M.C.I. (F.C., No. IMM-623-19), Pamel, January 27, 2020; 2020 FC 136.
- 18 SAR-1, NDP on Brazil, September 1, 2020, Tab 13.5: Brazil and Haiti: Employment situation of Haitians in Brazil, including treatment in the workplace; whether Haitians face discrimination in hiring... Immigration and Refugee Board of Canada. September 18, 2019. ZZZ106295.E.
- 19 SAR-1, NDP on Brazil, September 1, 2020, Tab 13.2: Report of the Special Rapporteur on minority issues on her mission to Brazil. United Nations. Human Rights Council, February 9, 2016. A/HRC/31/56/Add.1.
- 20 Ibid., Tab 13.2.
- 21 Morissaint v. Canada (Citizenship and Immigration), 2020 FC 413.
- 22 Canada (Attorney General) v. Ward, [1993] 2 SCR 689, p. 726; recently cited in Fleurant v. Canada (Citizenship and Immigration), 2019 FC 754, at para. 13.
- 23 Supra, endnote 10, Tab 14.11.
- 24 SPR-1, RPD record, RPD decision, at paras. 49 to 56.

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RAD.25.02 (January 2020)

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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 (January 2020)

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Prepared on 28 October 2026 · Esheria