

CANADA / JUDGMENT

Cobani v. Canada (Citizenship and Immigration)

2026 FC 541

COURT

Federal Court

DECIDED

23 April 2026

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Cobani v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-04-23 Neutral citation 2026 FC 541 File numbers IMM-5911-25 Decision Content Date: 20260423 Docket: IMM-5911-25 Citation: 2026 FC 541 Ottawa, Ontario, April 23, 2026 PRESENT: The Honourable Madam Justice Strickland BETWEEN: BURHAN COBANI Applicant and MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The Applicant, Burhan Cobani, seeks judicial review of the negative determination of his Pre-Removal Risk Assessment [PRRA] application. Background [2] The Applicant is a citizen of Albania. He entered Canada in 2018 and made a claim for refugee protection. He claimed that in the 2000's his father was the Head of the Commission for the Return and Compensation of Properties and that the Doci family took issue with his father's work, believing that they were entitled to greater land shares. In 2003, Tahir Doci shot at the Applicant's car. Tahir was convicted and sentenced to prison, where he served 14 years. In 2017, Tahir started a bar fight with the Applicant, his brother and a cousin. Tahir suffered a brain injury and the Doci family declared a blood feud against the Applicant and the Cobani family. The Applicant claimed that he feared harm at the hands of the Doci family.
- [3] The Refugee Protection Division [RPD] dismissed the Applicant's claim for protection. The RPD found the Applicant not to be credible. Further, that he had not rebutted the presumption that state protection was available to him, which was the determinative issue.
- [4] The Refugee Appeal Division [RAD] dismissed the Applicant's appeal. The RAD found that the RPD did not err in its state protection analysis. The Applicant had failed to provide an adequate evidentiary basis to establish that police corruption negated the obligation to take reasonable steps to try to obtain state protection. The determinative issue was whether the Applicant took steps to seek state protection that were reasonably available to him in light of all relevant factors, including country conditions, family history, and his personal profile. The RAD found that he failed to do so.

- [5] The Applicant sought judicial review of the RAD's decision, but leave was denied by this Court.
- [6] The Applicant then applied for a PRRA. By a decision dated January 17, 2025, a Senior Immigration Officer [PRRA Officer or Officer] refused the application. That decision is the subject of this judicial review. PRRA Decision [7] The PRRA Officer found that the allegations of risk presented by the Applicant in his PRRA were materially the same as those presented to the RPD and RAD. He continues to fear harm at the hands of the Doci family. However, that the Applicant claimed that there had been two new incidents since the RAD's decision. Specifically, that on June 14, 2021, an automatic weapon was used to shoot at his family's property in Gjirokaster, Albania. And, on August 16, 2023, his father called the police due to suspicion movements around his family's property. When the police arrived, they discovered explosives around the property. The Applicant provided police reports with respect to both incidents. The Applicant also claimed that individuals from the Doci family had messaged his mother threatening to kill the Applicant. He asserted that he would not be able to get adequate state protection as the blood feud phenomenon and criminality are widespread in Albania and the number of blood feud incidents continue to rise.
- [8] The PRRA Officer found that the Applicant had not explained how he knew that the Doci family was involved in the two incidents at his family's property. And, in the absence of any explanation, found the assertion that the Doci family was responsible to be speculative. The Applicant had also provided insufficient evidence to support his assertion that his mother had received threatening messages from the Doci family, such as corroborative evidence from his mother who was the actual recipient of the messages.
- [9] The PRRA Officer then addressed the Applicant's claim that state protection would not be available to him but found that his evidence demonstrated that police had been responsive. In the first incident, the police immediately responded to reports of gunshots and, in the second, they immediately responded to the Applicant's father's call for assistance about suspicious activity on his property. And, although some time had passed, the Applicant had not provided any further updates about the status of the police investigations into these two incidents.
- [10] The PRRA Officer also found that the Applicant's evidence failed to rebut the state protection findings of the RAD. The Officer stated that they considered only the country conditions evidence submitted by the Applicant that post-dated the RAD's decision and that they had also conducted their own independent research. The PRRA Officer found that, contrary to the Applicant's submission, the documentary evidence indicates that the number of blood feuds in Albania is low and is declining, that a person fearing an active blood feud is not likely to be at risk of persecution or serious harm and that, in general, the state is willing and able to offer effective protection to such persons. While corruption and organized crime remain serious problems in Albania, the Applicant had not identified, and the PRRA Officer had not found, a material change in country conditions and the state's ability to protect the Applicant since the RAD's decision.

- [11] Accordingly, the PRRA Officer found that the Applicant would not face more than a mere possibility of persecution as described in section 96 of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA] upon return to Albania. Further, that it was not likely that the Applicant would face a risk of torture, risk to life, or a risk of cruel and unusual treatment or punishment as described in paragraphs 97(1)(a) and (b) of the IRPA upon return. Issues and Standard of Review [12] In my view, the sole issue that arises in this matter is whether the PRRA Officer's decision was reasonable.
- [13] The Applicant makes no submissions as to the applicable standard of review. I agree with the Respondent that the standard of review on the merits of the PRRA Officer's decision is reasonableness. On judicial review the court "asks whether the decision bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision" (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 at para 99). Analysis [14] The Applicant first submits that the PRRA Officer erred by failing to accept that the Applicant's evidence established a link between the incidents in 2021 and 2023 and the Doci family. The Applicant asserts that the Officer provided no basis for impugning the credibility of the Applicant's sworn statement that his mother continued to receive threats from the Doci family, yet the Officer still rejected it for lack of corroboration contrary to *Senadheerage v Canada (Citizenship and Immigration)*, 2020 FC 968 [Senadheerage], and afforded him no opportunity to explain why corroborating evidence was not provided.
- [15] As the Officer pointed out, in his affidavit filed in support of his PRRA application, the Applicant described the two incidents that occurred at his family's property. However, he did not explain how he knows that the Doci family was involved in those incidents. I note that in his affidavit the Applicant does not specifically state that these incidents were perpetrated by the Doci family. He does state that individuals from the Doci family had messaged his mother on occasion saying that if they found the Applicant they would kill him. The PRRA Officer noted this but found that "insufficient evidence has been provided to support this, such as corroborative evidence from his mother who was the actual recipient of the messages." The Officer also noted that although the police reports for each incident, dated June 15, 2021, and May 29, 2024, respectively, indicated that investigations were ongoing, the Applicant had not provided any further police updates.
- [16] First, in my view, the PRRA Officer did not make a credibility finding. As Justice Kane explained in *Nacar v Canada (Citizenship and Immigration)*, 2024 FC 1647 [Nacar] "[a] decision-maker may find that evidence is not sufficient without making any determination of credibility. In other words, the evidence is accepted as truthful but found not to be enough to establish the claim" (at para 35, see also paras 34-42 more generally; see also *Ferguson v Canada (Citizenship and Immigration)*, 2008 FC 1067 at para 27; *Ibrahim v Canada (Minister of Citizenship and Immigration)*, 2014 FC 837 at paras 25-26; *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1764 at para 13; *Atafo v Canada (Citizenship and Immigration)*, 2022 FC 922 at para 19). That is what happened here. The Officer found

that there was insufficient evidence linking the Doci family to the attacks, however, the Officer did not make a credibility finding. Rather, the Officer found that the Applicant had provided insufficient evidence overall to establish a link to the alleged agents of persecution, the Doci family, and that the Applicant could reasonably have further supported that link.

- [17] I am also not convinced that the PRRA Officer required corroborating evidence. The Officer found that there was insufficient evidence to support the alleged link to the Doci family and, in that regard, noted by way of example that the Applicant could have provided corroborating evidence from his mother, who was the actual recipient of the messages. Viewed in the context of their reasons in whole, I find that the Officer was not demanding corroborating evidence but was pointing out the insufficiency of the evidence that was actually provided and that the Applicant could have resolved that concern by providing further, reasonably available evidence. Thus, Senadheerage has no application.
- [18] In any event, while the Applicant relies on Senadheerage in submitting that if the Officer did not make a credibility finding, then there was no basis to require corroborative evidence, in *Hussin v Canada (Citizenship and Immigration)*, 2022 FC 290 [Hussin], Justice Go addressed Senadheerage and stated:
- [29] The Applicant argues that the RAD did not follow this legal framework because it did not make any negative credibility findings.
- [30] I note however, Justice Grammond made it clear in Senadheerage at paragraph 41 that “[e]nsuring the trustworthiness of hearsay may be valid grounds for requiring corroboration.” In Senadheerage, Justice Grammond was concerned that “the RAD may have required corroboration because of its flawed implausibility findings, instead of a desire to buttress the trustworthiness of hearsay” as “[n]one of this is made explicit in the decision”: at para 41. In this case, the RAD was explicit about why it was seeking corroboration from the Applicant’s father: The Appellant argues that authorities have threatened him and his family since 2011. When asked about this at the RPD hearing, the Appellant testified that his father had received many threats and had told the Appellant that he must stop. I accept that the Appellant’s father told him to stop, but there is nothing before me that the Appellant actually saw his father being threatened. Even though I have found the Appellant to be credible, without corroboration from his father, I do not have to accept the Appellant’s word regarding threats. I find that, on a balance of probabilities, the Appellant’s father was not threatened by Egyptian authorities in relation to the Appellant’s activities.
- [31] The RAD provided its rationale as to why without corroboration from his father, the RAD decided not to accept the Applicant’s word. I find no basis to interfere with this finding.
- [19] Therefore, even if I had found that the Officer required corroboration (which I have not), I would have come to the same conclusion as Justice Go did in Hussin.

- [20] In my view, it was reasonable for the Officer to find that the Applicant did not provide sufficient evidence linking the Doci family to the attacks. The police reports make no mention of the Doci family. The Applicant's own affidavit describes the attacks but does not explicitly state that they were carried out by the Doci family. The Applicant did not provide an affidavit from his mother attaching the alleged threatening messages.
- [21] The Applicant next submits, in the alternative, that the PRRA Officer breached the Applicant's right to procedural fairness by failing to hold a hearing. This argument is premised on the Officer having impugned the credibility of the Applicant's affidavit evidence that his mother continued to receive threats. However, I have found above that the Officer did not make an adverse credibility finding in that regard. Accordingly, a hearing was not required (IRPA paragraph 113(b); Immigration and Refugee Protection Regulations, SOR/2002-227 section 167; Nacar at paras 34-42; Ika v Canada (Citizenship and Immigration), 2025 FC 1013 at para 48; Ebigbo v Canada (Citizenship and Immigration), 2023 FC 361 at para 17).
- [22] Finally, the Applicant argues that the PRRA Officer's state protection analysis cannot stand. The Applicant does not take issue with the PRRA Officer's state protection analysis based on the objective documentary country conditions (beyond asserting that it is general in nature). Rather, he asserts that the Officer's finding that a link between the new incidents and the Doci family was not established is tied to the Officer's state protection finding. Further, that the Officer's finding that the Applicant's own evidence shows that the police were responsive "cannot stand if one accepts that the attacks were perpetrated by the Doci family as part of their blood feud" and that the second attack occurred after the first attack had been reported to the police demonstrates a lack of effective protection at the operational level.
- [23] I first note that this argument is premised on the Officer having erred in finding that a link to the Doci family was not established. As explained above, I do not agree that the Officer erred in that regard.
- [24] In any event, and as the Respondent submits, refugee protection is a surrogate or substitute protection in the event of a failure of national protection. Refugee claimants are required to approach the state before seeking international protection (Canada (Attorney General) v Ward, 1993 CanLII 105 (SCC), [1993] 2 SCR 689 [Ward] at p 709; Hinzman v Canada (Citizenship and Immigration), 2007 FCA 171 at para 41). Absent a complete breakdown of the state apparatus, it is generally presumed that a state is able to protect its citizens (Ward p 724; Canada (Citizenship and Immigration) v Bellamy, 2024 FC 166 at para 32; Burai v Canada (Citizenship and Immigration), 2020 FC 966 [Burai] at para 46). To be adequate, state protection need not be perfect; it must be effective to a certain degree and the state must be both willing and able to protect. In essence, state protection must be adequate at the operational level. The standard for assessing state protection is not that of perfection or of guaranteed protection (Aghamir v Canada (Citizenship and Immigration), 2025 FC 1081 at para 29; Buzoor v Canada (Citizenship and Immigration), 2025 FC 988 at para 15; Bledy v Canada (Citizenship and Immigration), 2011 FC 210 at para 47; Burai at para 24).

- [25] In his PRRA application, the Applicant alleged the same risk of harm from the Doci family and provided the attacks on his family's home as evidence of new developments with respect to that risk. He again asserted that he would not be afforded state protection in Albania.
- [26] The Officer noted that police reports concerning these two incidents indicated that the police had responded. In that regard I note that the June 15, 2021, police certificate indicates that the report of firearm discharge at a storage unit was reported at 23:20 on June 14, 2021, and that the police "responded to the incident right away". The certificate also states that bullet casings were taken from the scene, were sent for laboratory analysis than that there was an ongoing investigation. The May 29, 2024, police statement indicates that a call was received from the property owner on August 16, 2023, at 4:15 a.m. reporting suspicious activity. An emergency patrol was dispatched right away and located an explosive substance (TNT). Immediately after, specialists were able to deactivate the substance. Further, that an investigation team was set up to investigate the event and take the case to court. The Officer noted that the Applicant had not provided any updates on these police investigations. I note that there was no evidence in the record that the Applicant or his mother had reported the alleged threatening messages to the police.
- [27] I see no error in the PRRA Officer's finding that police were responsive to the two reported incidents and that the Applicant had not rebutted the RAD's prior finding on the availability of state protection. As indicated above, to be adequate state protection need not be perfect; it must be effective to a certain degree and the state must be both willing and able to protect. The Applicant's evidence demonstrated this to be the case.
- [28] Further, and as the Respondent points out, the Officer did not end their state protection analysis there. The Officer considered the objective country conditions evidence which indicated that the number of blood feuds in Albania is decreasing, that those fearing such feuds do not generally face a risk of persecution or serious harm, and that the state is both willing and able to offer effective protection to those affected. The Officer found that the Applicant had not established a material change in the country conditions and the state's ability to protect the Applicant since the RAD's decision.
- [29] I agree with the Respondent that the PRRA Officer's conclusion that the Applicant's evidence ultimately did not rebut the RAD's state protection findings is reasonable and rationally flows from the record and the law.
- [30] For the above reasons, the application will be dismissed. JUDGMENT IN IMM-5911-25 THIS COURT'S JUDGMENT is that The application for judicial review is dismissed; There shall be no order as to costs; and No question was proposed for certification and none arises. "Cecily Y. Strickland" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-5911-25 STYLE OF CAUSE: BURHAN COBANI v MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: April 21, 2026 REASONS FOR JUDGMENT AND JUDGMENT: STRICKLAND J. DATED: april 23, 2026 APPEARANCES: Jared

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Prepared on 28 October 2026 · Esheria