

CANADA / JUDGMENT

MB9-11966

COURT

Refugee Appeal Division

DECIDED

3 August 2020

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RAD File No. / No de dossier de la SAR : MB9-11966

Private Proceeding / Huis clos

Reasons and Decision ? Motifs et décision

Person who is the subject of the appeal

XXXX XXXX

Personne en cause

Appeal considered / heard at

Montréal, Quebec

Appel instruit / entendu à

Date of decision

August 3, 2020

Date de la décision

Panel

Me Isabelle Parizeau

Tribunal

Counsel for the person who is the subject of the appeal

Me Walid Ayadi

Conseil de la personne 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 (the appellant), a citizen of Haiti, is appealing against the decision of the Refugee Protection Division (RPD) rejecting his claim for refugee protection.
- [2] The appellant asserts that he is afraid of being killed by individuals who seized his property.
- [3] The RPD rejected the appellant's refugee protection claim on the ground that he is excluded under Article 1E of the Convention pursuant to section 98 of the Immigration and Refugee Protection Act (IRPA).
- [4] The appellant argues that the RPD erred in excluding him. It erred in stating that he had permanent residence in Brazil, rights substantially similar to those of Brazilian nationals, and had voluntarily left that country. It failed to accurately assess the situation of Haitians in Brazil. The RPD erred in finding neither a prospective risk in Haiti nor a serious possibility of persecution on a Convention ground.
- [5] The Minister of Immigration, Refugees and Citizenship (the Minister) intervened before the RPD. He did not intervene in the appeal.
- [6] The Refugee Appeal Division (RAD) is of the opinion that the determinative issue is exclusion under Article 1E of the Convention.
- [7] The RAD confirms the RPD's determination and dismisses the appeal.

BACKGROUND

- [8] In 1998, the appellant allegedly acquired land on which he apparently built a house. In XXXX 2000, individuals allegedly entered the house and opened fire, and the appellant allegedly managed to escape.
- [9] The appellant allegedly left Haiti for the Dominican Republic in XXXX 2000. He allegedly lived there for 11 years. In XXXX 2011, he allegedly left for Brazil, where he remained until XXXX 2016. In XXXX 2016, he reportedly arrived in the United States after a long journey through South and Central America. He allegedly entered Canada on XXXX XXXX XXXX 2017, where he claimed refugee protection.

ANALYSIS

[10] The RAD conducted an independent analysis of all the evidence, including listening to the recording of the RPD hearing, and applied the correctness standard.¹

The appellant is excluded under 1E

[11] In Zeng,² the Federal Court set out the factors to consider in applying the exclusion under 1E:

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.

The appellant had permanent residence in Brazil and rights and obligations substantially similar to those of citizens of that country

[12] In his memorandum, the appellant argues that he did not have rights substantially similar to those of Brazilian nationals, as he did not know how long his permanent residence would last.

[13] The appellant claims that the permanent residence he had been granted was in fact a humanitarian visa, which gave him similar rights to those of Brazilian citizens. These humanitarian visas were established through normative resolutions adopted by administrative bodies of the executive and could be amended or revoked by the political power in place. He did not have permanent residence in the strict sense because the status he obtained was conditional on his having a job.

[14] In addition, according to the appellant, the RPD should have considered the documentary evidence on the reality of the rights and obligations of Haitian permanent residents in Brazil. Haitians do not have the same rights as Brazilians. According to the documentary evidence, Haitians face violence, discrimination and rejection. In some cases the appellant believes that the discrimination can amount to persecution. The appellant is of the view that the RPD should have considered his testimony on specific situations of racism and discrimination.

- [15] The RPD found, based on the appellant's testimony and documentary evidence, that the appellant had permanent resident status. His name appeared on the list of thousands of Haitians who were granted permanent residence by the Brazilian government. The appellant testified that he obtained this status in 2013 and produced his permanent residence card valid until 2020.³
- [16] The RPD also found that the appellant had rights substantially similar to those of a national of that country. It cited documentary evidence⁴ to the effect that Brazilian law entitles a permanent resident to work, study, return to the country and have access to social services. According to the Brazilian constitution, social rights include the right to education, health, employment, leisure, security, etc. The RPD noted that the appellant had worked during most of his stay in Brazil and had access to medical treatment and medication for which he had not paid.
- [17] The RAD is of the same opinion as the RPD.
- [18] The case law is clear that the RPD must examine the status of a claimant and the rights attached to that status.⁵ The analysis of the living conditions of Haitians in Brazil is part of the analysis of the appellant's fears of persecution in Brazil. It is in this context that the RAD will consider the documentary evidence referenced by the appellant and the situations of racism and discrimination mentioned in his testimony.
- [19] The RAD is of the opinion that the appellant did not have conditional status. The appellant cites documentary evidence⁶ that in his view shows that the permanent resident status was not permanent. When he was granted the status, he had to be employed, and he had to show he was employed to renew his foreign identity card. This established the temporary nature of the status. The RAD disagrees with the appellant. His permanent resident status had been granted to him by a ministerial order signed XXXX XXXX XXXX 2015, as pointed out by the Minister.⁷ According to the documentary evidence,⁸ this status was for an indeterminate period. The appellant did not need to re-qualify to renew the permanent resident status, and his card was reissued automatically.
- [20] In *Feliznor*,⁹ the Federal Court recently confirmed a RAD decision that stated the following concerning the rights of a Haitian permanent resident in Brazil:
- The fact that a permanent resident has to fulfill obligations, such as live in the country and not commit crimes, does not mean that their status is not permanent. His status was still granted to him for an indeterminate period. The appellant does not need to re-qualify to be able to renew the permanent resident status, and his card will be re-issued automatically.
- [21] The RAD considers that the RPD was correct in finding that the appellant had permanent resident status and rights substantially similar to those of Brazilian nationals.

The appellant had been out of Brazil for more than two years at the time of the hearing and had lost permanent residence

[22] The RAD did not find errors in the RPD's uncontested finding that the appellant had lost permanent residence in Brazil, because he had been absent from that country for more than two years at the time of the hearing.

[23] The RAD is of the view that the RPD therefore had to weigh the various factors in Zeng.

The appellant left Brazil voluntarily

[24] The appellant states in his memorandum that his departure cannot be characterized as voluntary. The RPD erred in its assessment of his testimony and the objective evidence on the situation and reality of Haitians in Brazil. It failed to consider the inadequacy of the protection provided by Brazilian authorities to people of colour, that is, Haitians.

[25] The appellant submits that the RPD erred in finding that he was not credible simply because he did not mention in his Basis of Claim Form (BOC Form) that he was allegedly robbed in a slum. This finding ignores the principles from Maldonado.¹⁰ It also ignores the fact that the matter of residency in Brazil was not at issue when he completed his BOC Form. According to the appellant, it only became so after the Minister's intervention. He also points out that the RPD did not find any contradiction in his testimony concerning the problems or threats experienced in Brazil.

[26] The RPD addressed the voluntary or involuntary loss of permanent resident status at the same time as the appellant's fear of persecution in Brazil. It would have been better to conduct a separate analysis, and that is what the RAD did.

[27] The RPD found that the appellant voluntarily left Brazil and relinquished his permanent resident status. In its reasons, it states that the appellant testified and stated in his account that he received death threats from a co-worker he caught stealing at work, and feared Brazilians because of discrimination in the street and violence against Haitians.

[28] The RPD mentioned that when asked to explain the worst thing that happened to him in Brazil, the appellant recounted that he was sometimes forced to give up his seat to Brazilians on the bus, was shoved in stores or was glared at.

[29] In its reasons, the RPD also noted that the appellant stated at the hearing that in 2014, when he was in a slum, thieves pointed a gun at him but they did not take anything from him. He did not report the incident to the police because in the favelas the police is complicit with the thieves. The RPD sought to understand why the appellant did not refer to this incident in his BOC Form. He replied that it was a long story. The RPD did not accept this explanation. The appellant confirmed at the beginning of the hearing that his BOC Form was complete and that he had no changes to make. The appellant had the opportunity to report this incident in his BOC Form completed with his lawyer or to mention it to the RPD at the beginning of the hearing. The BOC Form does not have a maximum length. The RPD did not believe the appellant was robbed in 2014. In addition, it did not believe the appellant had been targeted and that it was generalized criminality.

- [30] The RAD is of the opinion that the appellant voluntarily lost his permanent resident status.
- [31] To determine whether the loss is voluntary or involuntary, one must consider the reasons that prompted the appellant to leave Brazil.
- [32] Contrary to what the appellant claims, the RPD did not find that he lacked credibility. It questioned only one of the incidents he reported, the robbery in a slum. That said, the RPD still found it to be an act of generalized criminality.
- [33] The RAD does not believe the robbery occurred. It does not find the appellant's explanation at the hearing satisfactory to justify the omission of this incident from his BOC Form. It also disagrees with the appellant's argument in his memorandum that the incident was not mentioned because it was only after the Minister intervened that the matter of his residence in Brazil was questioned. In his account,¹¹ the appellant reported incidents that occurred in Brazil: [translation] "I left Brazil because after witnessing a theft at work in XXXX 2016, I received death threats from the thief, who didn't want me to report him. There was also a lot of violence and discrimination against Haitians at the time." The RAD would have expected him to mention the robbery in his initial account or make changes to it.
- [34] On listening to the recording of the hearing, the RAD noted the appellant's testimony¹² that he had received death threats only once from the co-worker he had reported to his supervisor for stealing a tool. This co-worker was reportedly fired for the theft and for making death threats against the appellant, who continued to work for a few days and then allegedly resigned and left Brazil. He allegedly did not try to change jobs or move to another neighbourhood and it did not occur to him to report the threats to the police. He had already decided to leave Brazil because of this thief, the discrimination and the constant violence.
- [35] The appellant argues that there is discrimination and violence against Haitians.
- [36] With the exception of the robbery in the slum, which the RAD does not believe, the appellant reported only one incident of violence to which he was allegedly subjected, namely, the threats that followed after he reported the theft by a previously mentioned co-worker.
- [37] The appellant did not report any discrimination against him, other than being shoved in stores, having had to sometimes give his seat to Brazilians on the bus, and being glared at.¹³
- [38] As indicated on one of the forms completed when he arrived in Canada,¹⁴ the appellant testified that he always had a job during his stay in Brazil from XXXX 2011 to XXXX 2016.
- [39] The RAD is of the view that the problems experienced by the appellant in Brazil do not provide a satisfactory explanation as to why he abandoned his legal status in that country for an unknown status in a third country and the possibility of being deported to Haiti.
- [40] The RAD agrees with the RPD's conclusion that the appellant voluntarily left Brazil.

- [41] This conclusion weighs in favour of the appellant's exclusion under Article 1E of the Convention.

The appellant does not have the right to return to Brazil

- [42] The RAD does not find any errors in the RPD's uncontested conclusion that the appellant does not have the right to return to Brazil. This conclusion weighs against the appellant's exclusion under Article 1E of the Convention.

The appellant does not face a risk in Haiti

- [43] The appellant submits that the RPD erred in finding neither a prospective risk nor a serious possibility of persecution in Haiti.

No prospective risk

- [44] The appellant is of the opinion that the RPD seemed to disregard his testimony about the threats he would face if he returned to Haiti. It was not receptive to his testimony that he fears for his life in Haiti and that people can find and kill him.
- [45] The RPD found that the appellant failed to show, on a balance of probabilities, a risk within the meaning of subsection 97(1) of the IRPA.
- [46] According to the RPD, the appellant's testimony was vague and not very detailed concerning the agents of risk. Unidentified people reportedly entered his house in XXXX 2000, he allegedly did not see them, he did not know how many there were, he heard voices but he did not understand the words, he believed that these individuals were looking for him because people in the neighbourhood were discussing his property but he did not know the names of these people, a friend who allegedly returned to the area after the XXXX 2000 incident reportedly saw that people were living in the house, and the appellant had not done anything for 19 years to find out what had become of his property because he had almost lost his life.
- [47] The RPD asked why the appellant would still be in danger 19 years after leaving Haiti. The appellant replied that he did not know where the thieves are but mentioned the constant violence in Haiti. He stated that he had not received threats to his life or safety since leaving the country. The motivation of the agents of risk to come after him after all this time would be to thwart his efforts to get his house back. The RPD found that the appellant was speculating. Asked what would happen if he abandoned his property, the appellant replied that he had no communication with the agents of risk and did not know what to answer. The appellant confirmed that his family members had no problems after his departure.
- [48] The RAD agrees with the RPD that the appellant failed to demonstrate a risk within the meaning of subsection 97(1) of the IRPA.

- [49] The RAD does not accept the appellant's argument that the RPD erred in finding that he did not face a serious possibility of persecution on one of the five Convention grounds. None of those grounds applies in this case.
- [50] On listening to the recording of the hearing before the RPD, the RAD noted that the RPD correctly reported the appellant's testimony. The RAD also noted that he recounted¹⁵ that the people who allegedly took his house did not know his name or anything about him, and that since he has left Haiti, he doubted very much that they had anything on him. The RAD is of the view that the RPD did not ignore the appellant's testimony. It found instead, and the RAD draws the same conclusion, that it was lacking in precision and did not demonstrate that those people were still interested in searching for the appellant 19 years after the incident that allegedly caused him to leave the country.

Behaviour inconsistent with that of a person who fears for his life

- [51] The appellant claims that he gave consistent, plausible testimony that reflected his fear that prevented him from returning to Haiti after he left in XXXX 2011. He explained that he gave his passport to friends at the Dominican Republic border for them to travel to Haiti and renew his visa, which explains the Haiti entry stamps in his passport. His friends ended up keeping the passport for a long time.
- [52] According to the appellant, the RPD focused on details and applied North American logic and reasoning, which touches on the principle of natural justice, to his behaviour. Findings of contradiction and implausibility should only be made in the most obvious cases and when the facts go beyond what can be logically expected.
- [53] The RPD found that the appellant's credibility was undermined by contradictions between his testimony and the copy of his 2007 passport.¹⁶ It found his behaviour to be inconsistent with that of a person who fears for his life. The appellant first testified that he entered Haiti three times during his 11-year stay in the Dominican Republic. It was always related to his visa, he cannot remember the dates and he did not spend more than a few hours in Haiti. The RPD found a Haitian entry stamp on XXXX XXXX XXXX 2011, and an exit stamp on XXXX XXXX XXXX 2011, and another Haitian entry stamp on XXXX XXXX XXXX 2011, and an exit stamp on XXXX XXXX XXXX 2011. It asked the appellant to explain. It described the appellant's testimony as contrived. For the XXXX 2011 stamps, the appellant allegedly testified that he entered the Dominican Republic with his passport after spending a few hours there and then stated he gave it to a friend. With regard to the XXXX 2009 entry and XXXX 2011 exit stamps, the appellant explained that he occasionally left his passport with a friend.
- [54] On listening to the recording of the hearing, the RAD found the appellant's testimony vague and confused. Like the RPD, it chooses to give more probative value to the passport produced by the appellant than to his testimony at the hearing.

- [55] In the RAD's view, the appellant's return to Haiti for extended periods of time is inconsistent with the behaviour of a person who fears for his life.
- [56] Contrary to the appellant's assertion in his memorandum, the RPD did not find his testimony implausible. Rather, it concluded there was a contradiction between the passport produced and his testimony. It drew an inference as to his credibility. The RAD is of the view that the contradiction is obvious and that the RPD rightly reached such a conclusion. Also, the RAD is of the view that a country's entry and exit stamps in a passport are not details. Moreover, according to the RAD, the appellant did not explain how the RPD applied North American logic or reasoning to the appellant's behaviour.
- [57] The RAD agrees with the RPD's conclusion that the appellant does not face a risk in Haiti.
- [58] This conclusion weighs in favour of the appellant's exclusion under Article 1E of the Convention.

Canada is meeting its international obligations

- [59] The RPD did not conduct this analysis, and the appellant made no comments in this regard.
- [60] The RAD considers that Canada is meeting its international obligations in that it found that the appellant would not be subjected to a risk in Haiti. He consequently is not likely to return to a country where he would face a serious possibility of persecution or a risk of harm. This assertion also applies to Brazil as set out below.

The RPD correctly weighed the various factors

- [61] The appellant does not state in his memorandum how the RPD failed to correctly weigh the various factors in Zeng. The RAD considers that the analysis of the factors in Zeng weighs in favour of the appellant's exclusion under Article 1E of the Convention.
- [62] Before concluding its analysis of the exclusion under Article 1E of the Convention, the RAD must assess the situation the appellant would face if he were to return to Brazil.

The appellant failed to establish reasonable fear of persecution or a current or prospective risk in Brazil

- [63] The appellant submits that the documentation package on Haiti paints a grim picture of the situation of Haitians in Brazil and contains abundant evidence of violence, discrimination or rejection of Haitians in Brazil. Haitians allegedly face constant job discrimination. There is allegedly much discrimination against black people there.
- [64] The appellant stated in his memorandum that he testified about specific situations of racism and discrimination.

- [65] According to the appellant, acts of discrimination can amount to persecution in some cases. The RPD ignored the fact that, according to the documentation package, people of colour are specifically targeted in Brazil and are victims of violence and violations of their fundamental rights by government agents and the public. There is systemic discrimination against people of colour who file complaints and seek protection. There is widespread impunity for violent crime. The justice system is overloaded and the police are corrupt.
- [66] The RPD noted that the documentary evidence¹⁷ establishes that Haitians are not socially accepted in Brazil and that this is a reality in South America. It found that the appellant failed to establish that he had been threatened by Brazilians. There is little information on incidents of violence affecting Haitians except one incident in 2015 in Sao Paulo in which six Haitian nationals were reportedly shot dead. The documentary evidence does not clearly establish the attackers' motives, namely, xenophobia or racism or a settling of accounts associated with drug trafficking.
- [67] The RPD recognizes that Haitian nationals may be subject to racism or discrimination in Brazil. But it is of the opinion that the appellant failed to demonstrate a serious possibility of persecution or that, on a balance of probabilities, he is personally at risk.
- [68] The RAD is of the opinion that the RPD did not err in concluding that the appellant did not demonstrate that he was a victim of persecution in Brazil. According to the RAD, the appellant also failed to establish a serious possibility of persecution should he return to Brazil.
- [69] The RAD considers that the appellant did not recount any incidents in which he was allegedly persecuted in Brazil. It did not find in his testimony, as he claims in his memorandum, that he reported specific situations of racism and discrimination. On listening to the recording of the hearing before the RPD, the RAD noted that the appellant instead stated¹⁸ that he feared everyone in Brazil because of the prevailing discrimination and violence against all Haitians, but without providing more precise details.
- [70] The RAD considered the documentary evidence. Overall, it demonstrates the existence of racial discrimination and racism in Brazil.
- [71] It is true that some sources, cited in the documentary evidence mentioned by the RPD and to which the appellant refers in his memorandum, state that Haitians are subject to racism in Brazil.¹⁹ With regards to employment,²⁰ they report that Haitians are well educated but most have small casual jobs with irregular hours. One source reports that Haitians are treated like other members of society when it comes to pay, while another states Brazilians are paid three times as much as Haitians. This documentary evidence also mentions that access to education²¹ is complicated, there is lack of space and it is a national problem. The example is given of migrant women who reportedly waited all night in front of a school to register their children, but did not succeed due to lack of space.

- [72] As the appellant argues, the documentary evidence²² points to the undeniable discrimination faced by Afro-Brazilians in Brazil. Although there are laws to protect them, there are many human rights issues. They are victims of violence, including by the government, crimes against them go unpunished and their incarceration rate is very high. Although their situation is difficult, the documentary evidence does not support the conclusion that the level of discrimination amounts to persecution.
- [73] The RAD also recognizes the high level of violence and corruption in Brazil as reflected in the documentary evidence cited by the appellant in his memorandum.
- [74] In *Debel*,²³ the Federal Court stated the following with respect to discrimination against Haitians and Afro-Brazilians in Brazil:
- [29] With regard to the first piece of evidence, I think it is reasonable to conclude that it is insufficient to establish their fear. The evidence of discrimination raised by the applicants is generalized or demographic in nature. It demonstrates that Haitians and Afro-Brazilians are often discriminated against in Brazil. Although racial discrimination is lamentable, this evidence does not demonstrate that the applicants will be personally exposed to a sustained or systematic violation of these rights. In other words, this evidence does not establish the existence of seriously prejudicial consequences for the applicants (*Celestin v Canada* (Citizenship and Immigration), 2020 FC 97 at para. 62 [Celestin]; *Noel v Canada* (Citizenship and Immigration), 2018 FC 1062 at paras. 18-21; *Simolia v Canada* (Citizenship and Immigration), 2019 FC 1336 at paras. 26-27).
- [75] The appellant did not submit any evidence to conclude that Haitians suffer such a level of discrimination as to constitute persecution.
- [76] In *Noël*, the Federal Court ruled as follows:²⁴
- However, for discrimination against a person to amount to persecution, it must be serious and occur with repetition, and must have consequences of a prejudicial nature for the person, such as when an individual is denied a core human right, such as the right to practice religion or to earn a livelihood (*Sefa v Canada* (Citizenship and Immigration), 2010 FC 1190 (CanLII) at para 10).
- [77] The appellant has not established that he has been subjected to any specific act of discrimination or racism that amounts to persecution. He has also not established that he would experience it if he were to return to Brazil.
- [78] The RAD agrees with the finding that the appellant does not face a serious possibility of persecution in Brazil or a risk of harm, on a balance of probabilities.
- [79] The RAD is of the opinion that the RPD is correct in concluding that the appellant should be excluded under Article 1E of the Convention.
- [80] The RAD concludes that the RPD's decision is correct.

CONCLUSION

[81] The RAD dismisses the appeal and confirms the RPD determination that the appellant is excluded under Article 1E of the Convention.

(signed)

Isabelle Parizeau

Me Isabelle Parizeau

August 3, 2020

Date

IRB translation

Original language: French

1 Canada (Citizenship and Immigration) v. Huruglica, 2016 FCA 93.

2 Canada (Citizenship and Immigration) v. Zeng, 2010 FCA 118.

3 SPR-1, Refugee Protection Division (RPD) record, Exhibit C-6, pp. 136 and 137.

4 SPR-1, RPD record, National Documentation Package on Brazil, April 30, 2018, (March 29, 2019, June 28, 2019, September 30, 2019, October 31, 2019, March 31, 2020), Tab 3.4: The rights and duties of permanent residents, including the rights and duties of individuals who have a permanent visa, such as professors, researchers, highly-skilled technicians and foreign scientists; procedure to obtain or renew a residency permit; grounds for losing permanent residence (2014-May 2016), May 25, 2016. Immigration and Refugee Board of Canada, BRA105515.FE

5 Supra, endnote 21, para. 28.

6 SPR-1, RPD record, National Documentation Package on Haiti, July 20, 2018 (March 29, 2019, June 28, 2019, September 30, 2019, 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 (Cédula de Identidade de Estrangeiro, CIE); treatment of Haitians in Brazil, including access to employment and education, state protection and support services (2010-June 2018, June 21, 2018, Immigration and Refugee Board of Canada, ZZZ106127.FE

7 SPR-1, RPD record, Minister's intervention, p. 162.

8 SPR-1, RPD record, National Documentation Package on Haiti, October 20, 2017 (April 30, 2018), Tab 3.12: Brazil and Haiti: Resident status of Haitian citizens in Brazil, including their rights and responsibilities (2010-September 2017), October 3, 2017, Immigration and Refugee Board of Canada, ZZZ105986.FE, p. 12, see same document in the National Documentation Package on Brazil, January 31, 2018 (April 30, 2018, March 29, 2019, June 28, 2019, September 30, 2019, October 31, 2019, March 31, 2020, July 31, 2020), Tab 3.7.

9 Feliznor v. Canada (Citizenship and Immigration), 2020 FC 597, para. 18.

10 Maldonado v. Canada (Minister of Employment and Immigration), [1980] 2 F.C. 302.

11 SPR-1, RPD record, Basis of Claim Form, p. 33.

12 Audio recording of the hearing before the RPD on May 3, 2019, see approximately 0:42:04 to 0:54:29.

13 Ibid., see approximately 0:54:31 to 0:56:05.

14 SPR-1, RPD record, IMM 5669 Schedule A form, p. 89.

15 Audio recording of the hearing before the RPD on May 3, 2019, see approximately 1:07:49 to 1:08:52.

16 SPR-1, RPD record, Exhibit C-3, pp. 125 to 131.

17 SPR-1, RPD record, National Documentation Package on Haiti, July 20, 2018 (March 29, 2019, June 28, 2019, September 30, 2019, 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 (Cédula de Identidade de Estrangeiro, CIE); treatment of Haitians in Brazil, including access to employment and education, state protection and support services (2010-June 2018). June 21, 2018. Immigration and Refugee Board of Canada, pp. 30 and 31, ZZZ106127.FE

18 Audio recording of the hearing before the RPD on May 3, 2019, see approximately 0:21:13 to 0:23:50 and 0:59:43 to 1:00:25.

19 Supra, endnote 17.

20 Supra endnote 17, pp. 31 to 35.

21 Supra endnote 17, pp. 35 and 36.

22 SPR-1, RPD record, National Documentation Package on Brazil, April 30, 2018, Tab 13.1: Brazil. State of the World's Minorities and Indigenous Peoples 2016: Events of 2015, July 2016, Minority Rights Group International (similarly National Documentation Package on Brazil, March 31, 2020, Brazil: World Directory of Minorities and Indigenous Peoples, June 2019, Minority Rights Group International and National Documentation Package on Brazil, July 31, 2020, Tab 13.1: Brazil. World Directory of Minorities and Indigenous Peoples, May 2020, Minority Rights Group International).

National Documentation Package on Brazil, April 30, 2018, Tab 13.2: Report of the Special Rapporteur on minority issues on her mission to Brazil, United Nations, February 9, 2016, United Nations, Human Rights Council. Under Tab 13.2 of the English version, in the National Documentation Package on Brazil of June 28, 2019, September 30, 2029, October 31, 2019, March 31, 2020, July 31, 2020, titled Report of the Special Rapporteur on minority issues on her mission to Brazil.

23 Debel v. Canada (Immigration, Refugees and Citizenship), 2020 FC 156.

24 Noel v. Canada (Citizenship and Immigration), 2018 FC 1062, para. 29.

RAD File No. / No de dossier de la SAR : MB9-11966

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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