

CANADA / JUDGMENT

TB7-15654

COURT

Refugee Protection Division

DECIDED

26 June 2020

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Source record

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SPR :TB7-15654
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XXXX
Reasons and Decision ? Motifs et décision
Claimant(s)
XXXX XXXX XXXX XXXX XXXX XXXXXXXX XXXX
Demandeur(e)(s) d'asile
Date(s) of hearing
January 23, 2020
Date(s) de l'audience
Place of hearing
Toronto, ON
Lieu de l'audience
Date of decision
and reasons
June 26, 2020
Date de la décision
et des motifs
Panel
Me Dominique Setton
Tribunal
Counsel for the claimant(s)
Farah Issa
Conseil(s) du (de la/des)
demandeur(e)(s) d'asile
Designated representative
XXXX XXXX
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6+
Représentant(e) désigné(e)
Counsel for the Minister
A. Wong
Conseil du (de la)
ministre

REASONS FOR DECISION

INTRODUCTION

- [1] These are the reasons for the decision in the claims of XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX who claim to be citizens of The Gambia and the United States of America, and are claiming refugee protection pursuant to sections 96 and 97(1) of the Immigration and Refugee Protection Act.¹
- [2] The panel has appointed XXXX XXXX as designated representative for the minor children XXXX XXXX XXXX and XXXX XXXX XXXX.
- [3] In rendering reasons, the panel has considered and applied the Chairperson's Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution.²
- [4] The panel has also considered the Chairperson's Guidelines on Child Refugee Claimants: Procedural and Evidentiary Issues.³
- [5] The Minister intervened on the basis of 1F(b) Exclusion, as the minister is of the opinion that there are serious reasons for considering that the claimant has committed a serious non-political crime outside Canada, in this case child abduction. The claimant was notified of the Minister's Intervention on October 17, 2019. There were also issues raised concerning her identity, and the documents she provided regarding her identity; issues regarding credibility, and that state protection had not been rebutted.

Preliminary Matters

- [6] The claimant presented late disclosure. The disclosure included a letter from her mother that was dated XXXX XXXX XXXX 2017, which was not accepted as it could have been submitted prior to the hearing, according to the rules on late disclosure. Also refused were an affidavit from the claimant's cousin regarding her identity, which was late. When asked why provided so late, the claimant said because the cousin was out of town. I found that that was not an acceptable reason as the claimant has been in Canada since 2017, and had time to present all her evidence, according to the rules.
- [7] An additional medical document and country condition documents, which met the requirements for the late submission were accepted.
- [8] It was noted by counsel that the claimant's sister had been available to testify, however this was not requested in advance as is required by the rules. I acknowledged that she was available but had not made any provision for time to question her, and as a result, she was not questioned.

ALLEGATIONS

- [9] A summary of the claimant's allegations is contained in the Basis of Claim (BOC) narrative, which is provided in the exhibits.⁴
- [10] The claimant also provided BOC amendments on XXXX XXXX XXXX 2019.⁵
- [11] The claimant alleges fear of returning to The Gambia, due to the cultural practice of pre-arranged marriage, by her family members which are the traditions of her Soninke Tribe, in Latrikunda, The Gambia where she is from. As background to that allegation, the claimant alleged that at one year old, she was subject to cutting, known as Female Genital Mutilation (FMG). At that time, she was an infant, there was a celebration, and a husband was chosen for her, who's name was XXXX XXXX. A symbolic rope was placed around her wrist to signify that she had been given to him. The claimant alleges that he was XXXX years old at that time, and he provided for your care and education by paying your parents throughout your life. As you grew into adulthood, your parents were careful to maintain your physical integrity, as you were considered his property. Your father died in 1997, and your mother married the brother of her late husband, who's name is XXXX XXXX, according to the custom. The new husband would not hear of violating the promise made concerning her marriage. The claimant was not fully aware of the implications, but as she grew up, she began to access research in 2009-2010 on the internet about being forced to marry someone she did not want to. At age XXXX, she was expected to fulfill the promise made by her parents and conclude the marriage.
- [12] In grade 11, the claimants teacher told her that such a thing was like rape and to leave the home. He attempted to persuade your parents to cease this proposition, but it fell on deaf ears. The claimant and her twin brother, XXXX, approached their mother to appeal this unwanted marriage, and she seemed to be open to change.
- [13] The claimant graduated high school in 2012, and preparations for your marriage in 2013, were being made. The claimant wanted to get away but could not as she had no money. Her twin brother had obtained a Green Card from the US Lottery system and moved to New York in early 2012. At his job, he met someone who was willing to help the claimant. The twin brother paid him and the man, called XXXX, arrived in The Gambia two months before the wedding. He had a US Passport to be used to sneak the claimant out of the country. The claimant snuck out of the family home at night, arriving at the airport where she exited the country without any trouble and arrived in the USA. Here she stayed with her brother, in XXXX 2013 until she came to Canada, XXXX XXXX XXXX 2017.
- [14] In XXXX 2015, the claimant's twin brother was tragically shot while trying to break up a fight in New York City.
- [15] The claimant had a serious relationship with XXXX XXXX with whom she had two children XXXX and XXXX XXXX, US born children and who are with her today as co-claimants. The father of the children is not prepared to get married and she is unable to support herself and children in the USA, so she decided to come to Canada as she has her sister living here.

- [16] She believes that she cannot return to The Gambia, as she would have to marry XXXX XXXX, according to the tradition, which she would be forced to do. She fears for your children, as she can not leave them with their father who is unable to look after them. If she brings them to The Gambia, the minor daughter would most certainly be subjected to FMG just as the claimant has been and is therefore at risk in The Gambia.
- [17] The claimant does not believe that the authorities of The Gambia would assist her and believes that they are corrupt and do not get involved in disputes that relate to traditional practices. She believes she would not be protected.

DETERMINATION

- [18] I find that you have not established that there is a serious possibility of persecution on a Convention ground, or that on a balance of probabilities, you would be personally subjected to a danger of torture or face a risk to life or a risk of cruel and unusual treatment or punishment upon return to your country.
- [19] I find that the two US-born minors who are co-claimants have not satisfied the burden of establishing a serious possibility of persecution on a Convention ground, or that, on a balance of probabilities, they would personally be subjected to a risk to life or a risk of cruel and unusual treatment or punishment or a danger of torture upon return to their country, the US. My reasons are as follows.

ANALYSIS

- [20] The determinative issues in this case are credibility, and state protection.

Identity

- [21] You have provided originals of three documents to support your identity, an extract of Birth in The Gambia, from 1994, a Republic of The Gambia National ID card, and a BSIC The Gambia Ltd ID card.⁶ The first two documents were seized by the Minister's Counsel, and analysed by the CBSA Document Analysis Unit. The result provided in submissions⁷ by the Minister's Counsel was that Birth extract and The Gambia National ID Card, were inconclusive for identity. You did not provide a passport. For further information on your identity, a search was conducted of biometric information with the USA.

Primary Identity Documents:

Extract of Birth

- [22] The Minister's submissions raised issues of credibility regarding the primary claimant's identity, as it relates to her date of birth. For example, the Minister raised the issue the Extract of Birth, that was signed by the primary claimant's father XXXX XXXX, and there is an additional notation after that name, on XXXX XXXX XXXX 2014, whereas she has alleged that he has been deceased since 1997. The notation is difficult to read. Furthermore, this is

an "extract of birth" and not a document which confirms a birth registration in The Gambia, as provided in the objective documents, such as the Birth Attestation.⁸

- [23] The claimant was asked in the hearing how this document was obtained, and she said she had asked her aunt in The Gambia, XXXX who obtained the Birth extract for her. The claimant was asked what she used to obtain it, and the claimant answered, "I think she used hers." She was asked if her aunt used any other document to obtain the above birth document and the claimant stated that she thought she used her The Gambia High School Identity, which is still in The Gambia. XXXX wrote a letter of support for the claimant, which is provided in evidence,⁹ where she explains her relationship to the claimant, her father's fourth wife. I have no reason to doubt this.
- [24] The claimant was asked how and when she obtained it, and she stated that it was brought to her home in Bronx New York, by a person who was going to the USA. She was asked if this was the only birth document that she had ever been issued and she answered that her parents had used one to obtain her passport, but this was the only one she had. The objective research on this subject,¹⁰ states that, late birth registration is a prevailing in several African countries, as parents may have no incentive to register the birth until the situation requires it. In addition, Gambia ranks high on Transparency International's Corruption Perception Index from 2017, because it is,

Part of everyday life for people living in several African countries which includes Gambia. The effect is difficult to determine because the corruption may facilitate the issuance of documents that contain false personal information, as there is lack of a central database for vital statistics, and all the entries are entered by hand in records that are archived in analogue form. As a result, it's "possible to obtain genuine birth certificates containing fraudulent personal information..."¹¹

This is a primary identity document, and its source is uncertain, and vague. I do not give this document any weight, as a result.

National Identity Card

- [25] Submission by her counsel for the claimant's identity, are that she has submitted her National Identity Card from the Republic of Gambia, and her work ID from Gambia, "among other things."¹²
- [26] The objective documents, specifically The Gambia Biometric Identification System states that, the National Identification Number (NIN) is an 11-digit number listed on The Gambian National identity card...the first six digits of the NIN are taken from the identity card bearer's birthday...and is matched with the card-bearers' thumbprint. This identifier is used as proof of identification for administrative procedures with the state, such as passports and driver's licenses. In order to obtain this card, it is required that the person submit a passport, a Birth Certificate, Voter's card, and Attestation by the district authority chief. The claimant was asked if she had a copy of her passport, and she said only her parents had that. The claimant has not provided a passport, or a driver's license from Gambia. The back of the card,¹³

contains a thumbprint on the right side and a notation, on the left that the occupation of the person is "housewife". Read on its own, it appears that the claimant was a housewife at the time that this card was issued, although no questions were asked about that note regarding her occupation. Submissions from her counsel state that this document is evidence of her identity, however when considered with the lack of a proper Birth Attestation, the lack of a passport, and the numerous visa applications to the USA, showing a different date of birth and different father, discussed below, the panel simply does not agree.

Biometric Information

- [27] A search of the biometric information with the USA14 shows that XXXX XXXX was fingerprinted for a visa to the USA on four occasions; on XXXX XXXX XXXX 2006, this visa shows her birthdate is XXXX XXXX XXXX XXXX and her father is XXXX XXXX. The same fingerprints reveal another visa application on XXXX XXXX XXXX 2009, showing the same date of birth and same father XXXX XXXX. A month later, on XXXX XXXX XXXX 2009, same date of birth, and XXXX is her father. There is another application from Dubai, but the photocopy is difficult to read, and it shows a date of birth again of XXXX XXXX and the same father, XXXX XXXX. When question about these prior Visa applications, where she was interviewed, she said it was her parents who applied so that she could visit the USA, on holiday, and to go to school. She was asked why she relied on the XXXX birth date, and she said just did what her parents asked her to do. She alleges she would have been XXXX XXXX XXXX years at the time, and therefore a minor. If her date of birth was XXXX, should have been XXXX XXXX XXXX XXXX and in 2010 she would have been XXXX. I note that a passport was submitted with all the Visa applications, which bore the passport number XXXX.
- [28] The fingerprints match the person, with her name who should now be XXXX years old. The Gambian ID card shows that she is XXXX. She does not have a passport. The fingerprints correlate with her, however there are differing dates of birth. She was asked about this discrepancy in age, and she explained that her parents had applied for these visa's and she was simply doing what she was instructed, as she was a minor at the time.
- [29] The biometric information clearly identifies her as the same person, I give it weight as an identifier, that she is a citizen of The Gambia, and that she is now XXXX years old. Her testimony that she was a minor at that time and acted according to her parents wishes I do not accept as the visa applications are supported by identity documents, provided to the US Consulate, such as her passport. As a result of the documents presented, together with the biometric data, I draw a negative inference regarding her age.

- [30] The last element in the identity is the affidavit from her biological sister, XXXX XXXX, who confirms that the claimant is the same sister she grew up with in Dippra Kunda in The Gambia. She was available to be questioned, however due to the lack of format request according to the rules, and the time allotted for the hearing, I did not have time to have her testify, and I did not have any questions about what she confirmed. I give full weight to this letter as it confirms her family relationship.

Identity of Minor Co-Claimants

- [31] The claimant has provided two birth certificates for each of her two minor children the co-claimants, XXXX XXXX XXXX and XXXX XXXX which show that they are both born in the United States of America, and that the primary claimant is the mother and that XXXX XXXX also of Gambia is the father which I accept.
- [32] The co-claimant minors are citizens of the United States of America.

Exclusion 1 Fb

- [33] The Minister intervened on October 17, 2019, by providing a Notice of Intent to Intervene.¹⁵
- [34] The purpose of section F(b) of Article 1 of the Convention is to prevent those who have committed a serious crime of a non-political nature from obtaining international protection in the countries where they claim asylum. The application of this section therefore deprives a claimant from the possibility of having recourse to the refugee determination process in Canada. Indeed, it precludes him or her, by reason of Article 98 of the Act, from the possibility of being considered a "refugee" under the Convention or a "person in need of protection" under Article 97(1) of the Act.
- [35] The standard of proof to assess whether someone has committed a crime contemplated under section F(b) of Article 1 of the Convention is "serious reasons for considering." It is therefore less than the balance of probabilities but more than mere suspicion or conjecture. The burden of establishing this lies with the Minister.
- [36] Has the Minister met this burden in the case at hand? The panel finds he has not. To reach this conclusion, the panel has taken into consideration the following.
- [37] Has the claimant committed an act which could be considered a serious crime if committed in Canada, namely abduction as per s. 282 (1) Criminal Code of Canada:

Abduction in contravention of custody or parenting order

282 (1) Every one who, being the parent, guardian or person having the lawful care or charge of a child under the age of 14 years, takes, entices away, conceals, detains, receives or harbours that child, in contravention of a custody order or a parenting order made by a court anywhere in Canada, with intent to deprive a parent or guardian, or any other person who has the lawful care or charge of that child, of the possession of that child is guilty of

- (a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or
- (b) an offence punishable on summary conviction.

- [38] The claimant entered Canada, with a letter from her former partner XXXX XXXX stating that he consents to his two children the co-claimants travelling with Haja to Canada, and that he gives her permission to authorize routine or emergency medical treatment for the children. The letter is dated XXXX XXXX XXXX 2017, it is signed by the father, and it is sworn before a commissioner of Oaths in in New York on XXXX XXXX XXXX 2017. This letter shows that the father was aware that the mother was travelling to Canada with the children.
- [39] The minister asserts that the claimant does not have full custody of the children, and that the letter is limited to simply travelling to Canada. The primary claimant was asked who the father of the children was, and where he lived. She confirmed that as far as she is concerned, she has full custody, because of the letter provided by the children's father. She was asked what efforts she had made to obtain full legal custody, and she stated that the father was "ok" with her and there have been no further efforts made on her part. The children speak to their father regularly, and he spoke to them, the day before the hearing. He was fully aware that she was making a refugee claim in Canada.
- [40] As a result, I find that this testimony together with the letter from her ex-partner do not show a lack of consent from the father or an intent to deprive him of his of his children, He is aware of where they are, and he speaks to them on a regular basis. The minister submits that the notice of intent was submitted on October 17, 2019 and that a more fulsome custodial agreement should have been obtained given the circumstances, and yet the claimant did not make an effort to obtain it.
- [41] I would prefer a more detailed custodial document, on a balance of probabilities, however this document does not lead me to find that there are serious reasons for considering that she has intended to deprive the father of his children. She entered Canada with a dated, signed and sworn authorisation. There has been no evidence of charges or convictions for her in the USA, which would lead me to consider she has the intent to deprive the father of his children. The evidence shows that the father is aware of the presence of the children in Canada with their mother, based on that document and her testimony, which confirms the children speak to their father, regularly. As a result, on balance of probabilities, the claimant should not be excluded.

Credibility

- [42] The standard of proof for assessing evidence is the balance of probabilities: i.e. "one cannot be satisfied that the evidence is credible or trustworthy, unless satisfied that it is probably so, not just possibly so."¹⁶
- [43] When a claimant swears to the truth of certain allegations, this creates a presumption that those allegations are true unless there be reason to doubt their truthfulness.¹⁷

- [44] There were omissions, inconsistencies and contradictions between your testimony and the other evidence before me. As a result, the panel did not find you to be a credible witness. The following are some of the inconsistencies or contradictions that I found.
- [45] The claimant was notified of the Minister's Intervention on October 17, 2019.¹⁸ There were issues raised concerning her identity, and the documents she provided; 1F(b) that she should be excluded as he believes there are serious ground for believing that she has committed a serious non-political crime outside of Canada, which is child abduction, that state protection has not been rebutted; lack of subjective fear, and issues regarding credibility.

Prior Visa's to the USA

- [46] The US Visa Applications submitted show several other siblings, such as XXXX XXXX XXXX XXXX and XXXX. When asked about them the claimant stated that their father was XXXX. She was asked if she considered the above three as siblings, and she stated yes, she did. She was asked why she had not disclosed them on her BOC, she said she did not know the relevance. The form at question 4 instructs the claimant to disclose relatives, which included brothers, and sisters, including half-brothers and sisters. As the claimant affirmed that she was providing information on the form that was complete and correct, I find that the claimant withheld information about her family members. The panel drew a negative inference as to her credibility, as the claimant had the time and opportunity to make amendments to her BOC form to clarify these family members.
- [47] The claimant was asked about the status of these siblings in the USA. She said that XXXX was a citizen, that he was living in the Bronx and had lived in Denver, for 5-6 years. XXXX, was a permanent resident and lived in Harlem, and XXXX had been a permanent resident and resident of the Bronx but now he was residing in Canada. They are not included in her BOC form.
- [48] The claimant was asked about her mother XXXX, and her status in The Gambia and the USA. The claimant stated that her mother, is a citizen of The Gambia, and is a Permanent Resident of the USA, since about 2010. This is not included as information in the Citizenship section of Question 5. The claimant also omits to enter her stepfather XXXX, in the Family members Question 5 of the BOC form. The claimant was raised in the same house as the other siblings and said that she considers them her siblings. I drew a negative inference from the omission of the siblings, and another negative inference from the stepfather, who is identified as her father in the four Visa applications discussed in the section on identity above.

Mother's visit to the USA and Canada

- [49] Her mother also visited the USA in XXXX 2016, and XXXX 2019 because she travelled to Canada as is reported on the ICES Traveller Passage History, and the GCMS report.¹⁹ The claimant said she did not see her mother in 2016, as she had gone to Maryland so that her mother would not see her because of her daughter's birth. She was asked if she saw her in 2019, when she and her mother were in Canada, she said she did not.
- [50] The information about the family, the siblings, the stepfather, and the mother and her travels to the USA and Canada, as well as, her permanent residence in the USA has been brought forward in the evidence of the Minister's Intervention, on October 17, 2019. This included the research from the biometrics showing the prior Visa Applications for this claimant, of XXXX XXXX XXXX 2018, and the ICES Traveller Passage History. The claimant affirmed that all the information contained in the BOC is true and complete, however it omitted numerous family members, which lead to negative inferences.
- [51] The claimant alleges that if she returns to The Gambia, she will be forced into marrying XXXX XXXX. She stated that her mother when she visited Canada told her sister, that she (primary claimant) should leave her bastard children and go and get married.
- [52] When her sister told the mother that it was a number of years ago, and to leave her sister alone now, the mother's response was that to get out of a marriage the claimant would have to be dead. The affidavit from her sister²⁰ makes no mention of the mother's visit to Canada, in 2019, nor the threat. When asked why she failed to mention this threat made to her in Canada, by her mother she said she didn't think it was important. The claimant arrived in Canada, in 2017, she reads English, and the instruction in the BOC at question 2 (a) asks, "Have you or your family ever been harmed, mistreated, or threatened by any person or group?" the question follows with instructions which includes (indicate dates, names, and places wherever possible)²¹ The claimant has had time to make amendments. She has been represented by counsel. I consider it an omission that the claimant had an opportunity to address in her claim, which she did not do. I drew a negative inference from this omission.

Departure from The Gambia

- [53] The claimant described in the hearing room how she fled The Gambia with XXXX, a friend of her twin brother's, who purportedly used a US Passport to have her exit the airport, in Gambia, and transit through Morocco on the same passport, and enter the USA all on the same passport. She failed to mention another family member, XXXX XXXX, who provided a letter²² detailing her role in paying airport officials not to look at the US passport in The Gambia. When confronted about the omission of her role in her exit from Gambia, she said she hadn't realized the omission, as she had changed lawyer, and it was XXXX XXXX XXXX 2020, when she realized it. She was asked why she did not make an amendment on her BOC, narrative and she said she did not know she could. The claimant is represented by competent counsel, so this is not an acceptable answer. I consider this an omission, for

which I draw a negative credibility inference.

Internal Inconsistencies

[54] The claimant applied to travel to the USA four times, enabled by her stepfather XXXX, and her mother, purportedly when she was a minor. It is an internal inconsistency that she would be enabled by her parents, who would fill out four visa applications saying she was older, so that as to facilitate travel to the USA. Also, that her husband who paid for her education and support would permit the travel; and that she would be checked once a month by her mother to see if her virginity was intact, while also travelling to the USA. These are not facts that go together cohesively. As a result, taken together, I find these internal inconsistencies implausible.

Subjective Fear

- [55] The claimant was asked if she made a claim in the USA, and she said she did not.
- [56] She alleges to have gone with her brother to see a lawyer in XXXX 2013 and paid \$XXXX to a lawyer but when they followed up, he was never there. When she finally went to his office, he was gone. This was not mentioned in her narrative, therefore the panel considered it an omission.
- [57] She said that she did not make any further efforts, to obtain legal help for this, because she lacked money. Finally, when she did, it was too late as a year had passed, and she was no longer eligible. She was read her BOC narrative and asked why she failed to mention that she had paid a lawyer a \$XXXX, who disappeared, mentioning only the visit to the second lawyer, who had advised that she had passed the one year delay to make a claim. She replied that it was described in another claim form when she arrived here to Canada, but she didn't know where that was right now. The claimant has had two years to review and make amendments to her narrative. She has had at least two lawyers, and this has not been amended. I consider this an inconsistency and an omission for which I draw a negative inference.
- [58] I should add that if the claimant was as desperate as she alleges to be free of her cultural and traditional bonds, and fearful to have to return forcibly, she would have done whatever she could to find a way to seek help in the United States, while she was there as soon as she could. She also had the assistance of family members.
- [59] The claimant speaks English, and has a basic education, she has the skills to search on the internet, an open source information at any public computer, how to find help in the USA.
- [60] In summary, I found that the claimant was not credible, regarding her failure to claim in the United States, where she lived from 2013 to 2017.

[61] Having considered all the evidence, I determine that there is not a serious possibility that you would be persecuted in your country or that, on a balance of probabilities, you would be personally subjected to a danger of torture or face a risk of cruel and unusual treatment or punishment in your country. I conclude that you are not a Convention refugee or a person in need of protection.

Conclusion

[62] I therefore reject your claim.

Determination of US Born Minors

[63] I find that the two US-born minors who are co-claimants have not satisfied the burden of establishing a serious possibility of persecution on a Convention ground, or that, on a balance of probabilities, they would personally be subjected to a risk to life or a risk of cruel and unusual treatment or punishment or a danger of torture upon return to their country, the US.

Analysis

[64] The principal claimant in her own Basis of Claim form (BOC) and those of her children did not indicate that her US children faced a risk of serious harm in the US.

[65] Their most recent counsel of record stated in the hearing that she did not intend to make any submissions for the US child claimants, regarding the US, and the principal claimant testified that these claimants did not face a serious harm in the US, although she did not feel that the father was capable of caring for his children.

[66] In the National Documentation Package (NDP) for the US, dated March 29, 2019, does not indicate that the minor claimants, in their particular circumstances, would face a risk of serious harm in the US, or that there is a serious possibility of persecution for the minor co-claimants in the US, or that there is a probability of risk to life or risk of cruel and unusual treatment or punishment for the child claimants there. I do not consider that the separation of the family is sufficient to be understood as a serious harm or persecution for the child claimants, in particular since the laws of nationality and the control of borders are laws of general application, and have not been shown to be contrary to international standards of justice. Also, the documentation package for the US does not indicate that the co-claimants would not be protected, if they needed protection in the US, as US citizens.

[67] For the reasons above, I conclude that the US born co-claimants, XXXX XXXX, and XXXX XXXX are not "Convention refugees" under section 96 of IRPA or "persons in need of protection" within the meaning of section 97 (1)(a) or (b) of IRPA.

[68] The claims of the minor children are rejected.

(signed)

Dominique Setton

Me Dominique Setton

June 26, 2020

date

1 The Immigration and Refugee Protection Act (IRPA), S.C. 2001, c.27, as amended, sections 96 and 97(1).

2 Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution: Update, Guideline Issued by the Chairperson Pursuant to Section 65(3) of the Immigration Act, IRB, Ottawa, November 25, 1996, as continued in effect by the Chairperson on June 28, 2002, under the authority found in section 159(1)(h) of the Immigration and Refugee Protection Act.

3 Guideline 3: Child Refugee Claimants: Procedural and Evidentiary Issues, Guideline Issued by the Chairperson Pursuant to Section 65(3) of the Immigration Act, IRB, Ottawa, September 10, 1996 as continued in effect by the Chairperson on June 28, 2002 in section 159(1)(h) of the Immigration and Refugee Protection Act.

4 Exhibits 2.1, 2.2, and 2.3, Basis of Claim (BOC) form, received September 18, 2017.

5 Exhibits 6, BOC Amendments, October 24, 2019.

6 Exhibit 1, Package of Information from the referring CBSA/CIC.

7 Submissions of Minister's Counsel, received February 28, 2020, at para. 1.

8 Exhibit 3, National Documentation Package (NDP) for Gambia, item 3.4, p.4/10.

9 Exhibit 8, item 8, p.15.

10 Exhibit 3, NDP, item 3.4.

11 Ibid., pp.5-6.

12 Submissions from Counsel, received March 6, 2020.

13 Exhibit 4, Colour copies of National ID card.

14 Exhibit 4, November 8, 2018, GCMS.

15 Exhibit 5, Notice of Intent to Intervene, received October 17, 2019, pp.1-99, and 5 pages of colour photocopied Identity Documents, attached and unnumbered, en liasse.

16 Orelieu, Joseph v. M.E.I. (F.C.A., no. A-993-90), Heald, Mahoney, Stone, November 22, 1991. Reported: Orelieu v. Canada (Minister of Employment and Immigration) [1992] 1 F.C. 592 (C.A.); (1991), 15 Imm. L.R. (2d) 1 (F.C.A.).

17 Maldonado, Pedro Enrique Juarez v. M.C.I. (F.C.A., no. A-450-79), Heald, Ryan, MacKay, November 19, 1979. Reported: Maldonado v. Canada (Minister of Employment and Immigration), [1980] 2 F.C. 302 (C.A.); 31 N.R. 34 (F.C.A.).

18 Exhibit 5, Minister's Intervention, received on October 17, 2019.

19 Ibid., pp. 34ss/64ss.

20 Exhibit 8, Affidavit of XXXX, received XXXX XXXX, 2020, pp.1-2.

21 Exhibit 2, Question 2 (a) pp. 2/10, the italics are mine.

22 Exhibit 8, p.15.

RPD.52.08 (January 5, 2019)

Disponible en français

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Immigration and Refugee

Board of Canada

Refugee Protection Division

Commission de l'immigration

et du statut de réfugié du Canada

Section de la protection des réfugiés

RPD.52.08 (February 25, 2019)

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