



RPD File No. / N° de dossier de la SPR : TB8-02932

Private Proceeding / Huis clos

Reasons and Decision – Motifs et Décision

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| Claimant(s) | XXXX XXXX XXXX XXXX | Demandeur(e)(s) d'asile |
| Date(s) of Hearing | In Chambers | Date(s) de l'audience |
| Place of Hearing | Toronto, Ontario | Lieu de l'audience |
| Date of Decision and reasons | August 8, 2018 | Date de la décision et des motifs |
| Panel | F. Mortazavi | Tribunal |
| Counsel for the Claimant(s) | Hart A. Kaminker Barrister and Solicitor | Conseil(s) du (de la/des) demandeur(e)(s) d'asile |
| Designated Representative(s) | | Représentant(e)(s) désigné(e)(s) |
| Counsel for the Minister | N/A | Conseil du (de la) ministre |

2018 CanLII 153100 (CA IRB)

REASONS FOR DECISION

[1] XXXX XXXX XXXX XXXX, the claimant, claims to be a citizen of Egypt, and is claiming refugee protection pursuant to ss. 96 and 97(1) of the *Immigration and Refugee Protection Act* (IRPA).¹

EXPEDITED PROCESS

[2] Paragraph 170(f) of the IRPA provides that the Refugee Protection Division (RPD) may allow a claim for refugee protection without a hearing, unless the Minister has notified the RPD of the Minister's intention to intervene within the time limit set out in the *Refugee Protection Division Rules*.² Further, subsection 162(2) of IRPA directs each division to deal with all proceedings before it as informally and quickly as the circumstances and the considerations of fairness and natural justice permit. The claimant's claim was identified as one that could be processed through the RPD expedited process for Egypt claims. The RPD received the claimant's signed certificate of readiness for the expedited process on 18 June 2018³. Having carefully considered the evidence in this case, the panel finds that it meets the criteria for the expedited determination. This claim has therefore been decided without a hearing, according to the *Policy on the Expedited Processing of Refugee Claims by the Refugee Protection Division*.⁴

ALLEGATIONS

[3] The claimant, 35, alleged that he is born in El Sahel, Cairo, Egypt. He is single and of Coptic Orthodox Christian faith.⁵

[4] He has a Bachelor Degree of XXXX XXXX. He alleged that he was discriminated and mistreated by his fanatic Muslim professors due to his faith. He joined Christian student group and met weekly.

¹ *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, as amended.

² *Refugee Protection Division Rules*, SOR/2012-256.

³ Exhibit 4, Claimant's supporting documents dated June 29, 2018.

⁴ *Policy on the Expedited Processing of Refugee Claims by the Refugee Protection Division*, effective September 18, 2015.

⁵ Exhibit 4, item 3, Copy of Birth Registration; item 6, Certificate of Baptism.

[5] The claimant, after graduating from university, worked at a XXXX owned by a Christian. However; he alleged that he had to resign his job after two years due to insults and at times violence he received from the Muslim extremists who acted after seeing the Christian icons in the XXXX.

[6] Subsequently, the claimant travelled to XXXX and the XXXX XXXX in search of employment. He was employed at XXXX XXXX XXXX, an international firm, in Cairo, with Christian and Muslim employees.

[7] The claimant alleged that after the revolution in 2011, Christians were kidnaped and attacks on churches increased. His Muslim coworkers also became progressively radical. Eventually he left XXXX XXXX XXXX. In XXXX 2016, he was hired by XXXX XXXX XXXX XXXX. There he was harassed daily by two co-workers, Muslim extremist to convert to Islam.

[8] The claimant alleged that he was attacked by Muslim radicals several times when leaving the church with his friend. They had to defend themselves by fighting back and sustained minor injuries.

[9] He alleged that St. Peter's Cathedral in December 2016, and two churches in 2017 were attacked and people were killed and injured.

[10] The claimant alleged that on XXXX XXXX XXXX 2017, in the evening, while leaving the church and trying to get into his car he was assaulted and left on the ground by two Muslim extremist. They damaged his car and smashed the windshield.⁶ He sought medical assistance for his injuries at XXXX XXXX XXXX XXXX.⁷

[11] On XXXX XXXX, 2017, the claimant fled to Canada, entering with a valid Canadian visa.

DETERMINATION

[12] The panel finds that the claimant is a Convention refugee for the following reasons.

⁶ Exhibit 4, item 10, Photograph, page 22

⁷ Exhibit 4, item 5, Medical Report.

ANALYSIS

Identity

[13] Based on his Egyptian passport the panel finds, on a balance of probabilities, that the claimant is a citizen of Egypt⁸ and has established his identity as a Coptic Orthodox Christian.

Credibility

[14] The panel has reviewed the claimants' evidence and finds that it is not internally inconsistent, inherently implausible or contradicted by documentary evidence on country conditions in Egypt. The panel, therefore, finds his evidence credible and that the allegations which form the basis of his subjective fear are, on a balance of probabilities, true.

Likelihood of Harm – serious possibility and objective evidence

[15] The panel finds that the claimant has established that there is a serious possibility of suffering serious harm should he return to Egypt due to his identity as a Coptic Christian.

[16] This finding is supported by the neutral documentary evidence proffered by the Immigration and Refugee Board (the Board)⁹. Objective evidence indicates that abuses of Coptic Christians were increasing even before the fall of the Mubarak regime. Christian property, including homes, businesses, and churches, have been destroyed, and Christians have been the primary target of violent sectarian attacks. Christians have been arrested and detained; they have also faced harassment, rape, mental and physical abuse, and pressure to convert to Islam; police officers have been involved in the persecution of Christians. The state has not adequately protected Christians, and has failed to prosecute perpetrators.¹⁰

[17] According to an article in *Le Monde*, since the seventies, Islamists in Egypt have used attacks on Christians as a tactic in their struggle against the state, further stating that [translation] "in each period of violence with the State, Copts serve as a target to Islamists, who then hope to

⁸ Exhibit 1, Package of information from the referring CBSA.

⁹ Exhibit 3, NDP for Egypt (29 June 2018).

¹⁰ Exhibit 3, NDP for Egypt (June 29, 2018), item 12.8, *Egypt: Situation and treatment of Christians; availability of state protection*; and, item 12.1, *Egypt. International Religious Freedom Report for 2017*.

provoke a disproportionate state repression and rally the large Muslims population to their cause".¹¹

IFA - INTERNAL FLIGHT ALTERNATIVE

[18] On the evidence before the panel, the panel finds that there is a serious possibility of persecution throughout Egypt.

[19] The panel finds that adequate state protection and internal flight alternative are not available to the claimant. The panel finds that there is no viable internal flight alternative in Egypt for individuals such as the claimant. The panel comes to that conclusion because, according to the documentary evidence, Coptic Christians are presently exposed to a constant risk of persecution wherever they may be located in Egypt.

[20] Objective evidence indicates that the authorities not only fail to protect Coptic Christians, but themselves engage in violence against such persons, while perpetrators of attacks against Christians commit abuses in a climate of impunity.¹² The evidence does not suggest that the religiously-motivated violence is restricted to a particular area of Egypt, or that individuals in the claimant's situation could find safety elsewhere.

The Egyptian authorities have consistently failed to protect Coptic residents of North Sinai from a longstanding pattern of violent attacks...

The Egyptian authorities have failed to end the prevailing impunity for attacks against Christians elsewhere around the country and end its reliance on customary reconciliation deals which further fuel a cycle of violence against Christian communities.¹³

[21] The panel finds that the claimant's evidence, when considered together with the objective evidence, is a clear and convincing rebuttal of the presumption of state protection.

¹¹ Exhibit 3, item 12.8, section 2.3, (*Le Monde* 27 Jul. 2016).

¹² Exhibit 3, item, 12.8, *Egypt: Situation and treatment of Christians; availability of state protection*.

¹³ Exhibit 3, item 12.9, *Egypt: Government must protect Coptic Christians targeted in string of deadly attacks in North Sinai* (March 1, 2017).

[22] As such, the panel finds that the claimant cannot avail himself of a viable internal flight alternative.¹⁴

CONCLUSION

[23] Therefore, the panel concludes that XXXX XXXX XXXX XXXX has a well-founded fear of persecution in Egypt by reason of his Coptic Christian religion and is a Convention refugee.

DECISION

[24] The claim is therefore accepted.

(signed)

“F. Mortazavi”

F. Mortazavi

August 8, 2018

Date

¹⁴ *Rasaratnam, Sivaganthan v. M.E.I.* (F.C.A., no. A-232-91), Mahoney, Stone, Linden, December 5, 1991. **Reported:** *Rasaratnam v. Canada (Minister of Employment and Immigration)*, [1992] 1 F.C. 706 (C.A.)