

Federal Court



Cour fédérale

Date: 20250602

Docket: IMM-10204-23

Citation: 2025 FC 988

Toronto, Ontario, June 2, 2025

PRESENT: Justice Andrew D. Little

BETWEEN:

**HASHEM MAHMOUD ODEH BUZOR
HUDA QASEM ODEH ODEH
GALA HASHEM MAHMOUD BUZOR**

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The applicants seek judicial review of a decision by the Refugee Protection Division (the “RPD”) dated July 19, 2023. The RPD denied their claims for protection under section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (the “IRPA”).

[2] For the reasons that follow, the application must be dismissed because the applicants have not demonstrated that the RPD’s decision was unreasonable under the principles in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, [2019] 4 SCR 563.

I. Background

[3] The applicants are a family comprised of a father, mother and child. They are Jordanian nationals and resided in Jordan until they departed for Canada.

[4] The applicants' claim for *IRPA* protection was based on a fear of persecution in the following circumstances.

[5] The applicant father worked in Jordan for a branch of the largest bank in Iraq. In August 2022, persons who identified themselves as "Jihadist members of the Iraqi State of Syria" (ISIS) abducted him to get his assistance in identifying bank customers whose accounts could be used for money laundering. They released the father after telling him that they would contact him later to begin the money laundering process. The applicant father was told to keep the matter secret or else he and his family would be killed.

[6] Approximately a month later, a man approached the father at a market to advise that he would soon be contacted to carry out his required tasks. A few days later, three men forced themselves into the applicants' home at 6 A.M. and demanded a list of bank clients and their bank account information to assist with the money laundering. The father told the men that he would provide the information in ten days.

[7] After the men left, the mother and child went to live with her parents. The father continued to live at their home and working at the bank, to avoid suspicion from the men.

[8] On October 25, 2022, the family left Jordan for Canada, where they claimed *IRPA* protection.

[9] By decision dated July 19, 2023, the RPD denied the applicants' claims. In this proceeding, the applicants seek to set aside that decision.

II. Was the RPD's decision unreasonable?

[10] On this judicial review application, the Court applies the reasonableness standard of review described in *Vavilov*. A reasonable decision is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law that constrained the decision maker: *Vavilov*, esp. at paras 85, 91-97, 102-103, 105-106 and 194; *Mason v. Canada (Citizenship and Immigration)*, 2023 SCC 21, at paras 8, 59-61, 66. In order to intervene, the Court on this application must find an error in the decision that is sufficiently central or significant to render the decision unreasonable: *Vavilov*, at para 100.

[11] In applying the deferential standard of reasonableness, the Court does not to come to its own view of the merits of the applicants' claims for *IRPA* protection, and then substitute its own conclusions for those of the RPD or measure the RPD's decision against the Court's assessment: see *Vavilov*, at paras 83, and *Mason*, at para 62 (both citing *Delios v. Canada (Attorney General)*, 2015 FCA 117, at para 28). Nor does the Court re-assess or re-weigh the evidence, barring exceptional circumstance: *Vavilov*, at paras 125-126. See also *Amer v. Shaw Communications Canada Inc.*, 2023 FCA 237, at paras 60-62.

[12] The RPD found that the determinative issue was state protection and that the applicants had not rebutted the presumption that the state of Jordan could protect them.

[13] A state is presumed capable of protecting its citizens, except in situations of complete breakdown. The presumption of state protection is rebuttable: a refugee claimant may show that the state from which they are seeking protection is unable to protect them, by adducing clear and convincing evidence of the state's inability to provide adequate protection. See *Canada (Attorney General) v. Ward*, [1993] 2 SCR 689, at pp. 692, 717, 724-725.

[14] The burden on a claimant to rebut the presumption is a "difficult task": *Flores Carrillo v. Canada*, 2008 FCA 94, [2008] 4 FCR 636, at para 25. The claimant must provide relevant, reliable and convincing evidence; more is expected of the applicant to show the inadequacy of state protection if the state in question is a democratic state: *Flores Carrillo*, at paras 26, 30, 38.

[15] The adequacy of state protection is assessed on the basis of the "operational" adequacy of the protection, not merely the state's efforts. While the state's efforts are relevant to the assessment, they are neither determinative nor sufficient. Any efforts must have actually translated into adequate state protection at the operational level for the persons concerned: see e.g. *Matias v. Canada (Citizenship and Immigration)*, 2024 FC 1422, at paras 19-21; *Hamam v. Canada (Citizenship and Immigration)*, 2023 FC 1656, at para 33; *Moya v. Canada (Citizenship and Immigration)*, 2016 FC 315, [2016] 4 FCR 113, at paras 73, 78 and 80.

[16] In this case, the RPD instructed itself on state protection as follows:

States are presumed to be capable of protecting their nationals. The claimant bears the burden of proof of the state's inability to protect and must provide "clear and convincing" evidence of the state's inability to protect its citizens to be successful. The burden of proof on the claimant is proportional to the level of democracy in the state in question. The more democratic the state and its institutions, the more the claimant must have done to exhaust the course of action available to him. The claimant must show that they have taken all steps reasonable in the circumstances to seek state protection, considering their personal circumstances, country conditions, and their interactions with authorities. The degree of protection required is not perfection, but adequacy. Where a state is in effective control of its territory and makes serious efforts to protect its citizens, the mere fact that it is not always successful is insufficient to rebut the presumption. In assessing the adequacy of state protection, it is important to consider more than just state efforts. The analysis should focus on the operational adequacy of state protection for the claimant and individuals in similar circumstances.

[17] The RPD found, based on its review of the objective evidence, that the applicants' perception that that the state would not be able to protect them was speculative. The RPD determined that the burden of rebutting the presumption of state protection was lower for Jordan than it would be for a highly democratic country with fully functioning institutions. However, Jordan was not in a "state of breakdown" and there were effective state apparatuses, such as police, for addressing crime. The applicants did not provide clear and convincing evidence of Jordan's inability to protect them.

[18] The RPD also made the following findings:

- a) The father did not report his encounter with the individuals who kidnapped him, either to the police or to bank management.
- b) The father's explanation for not doing so was that he was instructed not to tell anyone. This explanation was unreasonable because he had never had a negative

encounter with authorities in the past to confirm that he would not be able to seek their protection.

- c) The father's explanation for not telling bank management or his immediate superior, which was that the bank manager might think he was working with ISIS, was based on speculation.
- d) The applicants failed to make a reasonable effort to seek protection as citizens of Jordan.
- e) The applicants did not present credible evidence to support the allegations that formed the basis of their claims. They did not credibly establish that the agents of persecution were members of ISIS, or that the agents of persecution were connected with or had the resources of ISIS available to them in Jordan to prevent the applicants from getting state protection.

[19] The applicants submitted that the RPD decision contained reviewable errors, principally related to its determination that the applicants had not rebutted the presumption of state protection in Jordan and its treatment of the evidence concerning the members of ISIS as the agents of persecution.

[20] In my view, the applicants have not demonstrated a reviewable error in the RPD's decision.

[21] The applicants did not allege that the RPD erred in law. The question on this application therefore relates to the RPD's application of the correct legal principles to the evidence.

[22] The applicants submitted that the RPD ignored country evidence concerning the socio-economic context in Jordan, including the undermining of freedom and democracy. The applicants also argued that the specific context of money laundering and terrorist groups in Jordan included systemic failures to protect financial institutions from ISIS extremists. According to the applicants, it was in this context that the RPD should have given more credence and weight to the threat faced by the father, and drawn different conclusions about the reasonableness of the father's failure to tell his employer and the police about the incidents with members of ISIS and what they planned.

[23] The RPD reviewed the objective country condition evidence. The applicants contended that the RPD ignored evidence that might have led it to find that the state was in a breakdown. In my view, the precise issue is the operational adequacy of the protection offered by Jordan and the applicants have not demonstrated that it was not open to the RPD to determine that issue as it did. In other words, they have not shown that the RPD fundamentally misapprehended or ignored any material evidence of operational inadequacy related to protection by the state of Jordan. See *Vavilov*, at paras 125-126.

[24] The applicants' submissions seek to re-frame the acknowledged fact that the father did not tell his employer or seek assistance from the police before leaving Jordan. The RPD found that it was not reasonable to do so, which was within its purview. On a judicial review application, the Court will not review the evidence and come to its own conclusions on this issue.

[25] The applicants criticized the RPD's reasoning for requiring them to provide a "remarkable level of detail" about the agents of persecution as members of ISIS, details that can take intelligence agencies years to obtain. I appreciate the applicants' point – as is sometimes noted, terrorist groups do not give out membership cards. However, even the father's own evidence contained little to connect the individuals with ISIS. In addition, the RPD's observations on what evidence the applicants could have provided to connect the men with ISIS were made in the context of a state protection analysis and specifically, whether the agents of persecution could prevent the applicants from obtaining state protection. The RPD's statement immediately followed its analysis of the father's failure to take reasonable steps to seek protection from the police. Its point was that the applicants failed to provide any evidence, other than the testimony of the applicant, to connect the agents of persecution with ISIS and its resources, which led the RPD to find that the applicants had not show that those persons would prevent the applicants from obtaining state protection. In this context, and considering the legal principles on state protection described above, the RPD's reasoning does not contain a reviewable error: *Vavilov*, at paras 100, 125-126.

[26] The applicants argued that the RPD failed to follow the Gender Guidelines, failed to consider the child's medical condition, and made an error on the travel time between their residence in Jordan and the residence of the wife's parents. None of these points showed a reviewable error in the RPD's decision.

III. Conclusion

[27] The application for judicial review is dismissed. Neither party proposed a question to certify for appeal and none will be stated.

JUDGMENT IN IMM-10204-23

1. The application for judicial review is dismissed.
2. No question is certified for appeal under paragraph 74(d) of the *Immigration and Refugee Protection Act*.

"Andrew D. Little"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-10204-23

STYLE OF CAUSE: HASHEM MAHMOUD ODEH BUZOOR, HUDA
QASEM ODEH ODEH, GALA HASHEM MAHMOUD
BUZOOR v THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: DECEMBER 18, 2024

**REASONS FOR JUDGMENT
AND JUDGMENT:** A.D. LITTLE J.

DATED: JUNE 2, 2025

APPEARANCES:

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