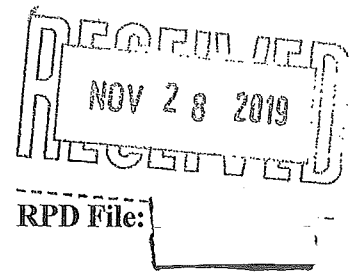




Immigration and  
Refugee Board of Canada  
Refugee Protection  
Division

Commission de l'immigration  
et du statut de réfugié du Canada  
Section de la protection  
des réfugiés



**NOTICE OF DECISION**

[Immigration and Refugee Protection Act, subsection 107(1)]  
[Refugee Protection Division Rules, rule 67]

Sarah Morgan  
Member

In the claims for refugee protection of:	Date of birth:	UCI:
[redacted]	February 2, 1981	95915596
[redacted]	July 28, 1984	95915574

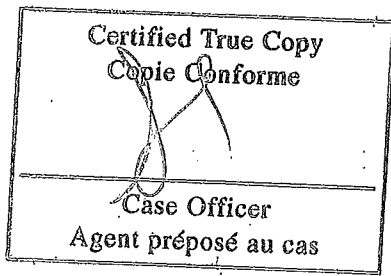
The claims were heard on October 15, 2019.

The Refugee Protection Division determines that **the claimants are Convention refugees and therefore accepts the claims.**

The reasons for the decision are attached.

November 23, 2019

Sidrah Naveed, Registry Officer,  
For the Registrar  
Tel: 1-866-790-0581



**IMMIGRATION AND REFUGEE BOARD**

**- REFUGEE PROTECTION DIVISION -**

Reasons for the decision in a Hearing under the

*Immigration and Refugee Protection Act*, concerning

[REDACTED]

**HELD AT:** Toronto, Ontario


**DATE:** October 15, 2019

**BEFORE:** S. Morgan - Member

**APPEARANCES:**

[REDACTED]	<i>et al-</i> Claimant
Edward C Corrigan	- Counsel
N/A	- Designated Representative
N/A	- Minister's Counsel
S. Abdou	- Interpreter

**IRB/CISR**  
 Unrevised Transcript  
 of decision delivered orally  
 Transcription non révisée d'une  
 décision rendue de vive voix

**Certified True Copy  
 Copie Conforme**  
  
**Case Officer  
 Agent préposé au cas**

DECISION

5  
10  
**MEMBER:** This is the decision in the claims of \_\_\_\_\_ and \_\_\_\_\_ citizens of Egypt who seek refugee protection pursuant to Sections 96 and 97 of the *Immigration and Refugee Protection Act*. This decision is being rendered from the bench and the written reasons may be edited.

**DETERMINATION:**

15  
I find that you are both Convention refugees for the following reasons.

**ALLEGATIONS:**

20  
Your risks in Egypt are based on \_\_\_\_\_ basis of claim form, so to summarize your risks you sir were a first left tenant in the Egyptian military between 2003 and 2006 and are now subject to reserve duty and call ups for reserve duty.

25  
On one occasion in 2016 when doing training for that reserve duty you expressed anti regime or anti LCC opinion as you did not agree with government actions in Sinai. You worked in the civil service as a security officer for Egypt Air and after expressing the anti regime opinions you began having difficulties at work.

30  
You were warned by your supervisor at Egypt Air that you were being watched by higher rebel authorities and that was because they of a perception that you were anti regime. You fear those authorities who could perceive you as anti regime, you fear that you could be put in jail or subjected to further military service owing to these opinions.

**ANALYSIS IDENTITY:**

35  
Your identity as citizens of Egypt is established by your passports.

**CREDIBILITY:**

40  
I did find you both to be credible witnesses and I do believe what you have alleged in support of your claims. You both testified in a forthright manner with no inconsistencies in your history or inconsistencies with the many documents that you provided to support your claims.

45  
I considered, I examined whether you sir were subject to exclusion from the convention per Article 1FA and that was because of your military service, the Minister of Public Safety was contacted and declined to intervene pursuant to 1FA.

50  
I nevertheless did examine that issue and I find on balance that your military duties should not be considered crimes against peace or war crimes or crimes against humanity as is required by 1FA. So I find that is not applicable in your case.

5 Now concerning your risk as one perceived to be anti regime I do note the national  
documentation package at Exhibit 3 does support your allegations that the Egyptian authorities have used  
10 military and criminal charges as a means of suppressing political decent and that there has been severe  
repression of persons associated with opposition political parties such as the Muslim Brotherhood or the  
Freedom and Justice party and that critics of the Egyptian government face severe treatment under state of  
emergency or counter terrorism laws and that's found in the Department of State report at Exhibit 2.1.

15 I note Item 4.8 of Exhibit 3 indicates that authorities have been involved in hundreds of extra  
judicial killings and have detained or imprisoned citizens and that family members of persons targeted by  
the government have also been arrested and detained and that corroborates your testimony concerning  
your fears for your wife.

Your testimony madam that you feared authorities would come to your house after your husband  
had left and that you would be affected by their desire to arrest him.

20 I do find sir that you have a profile because of your military rank and your civil service high  
profile employment with Egypt Air. I find that your risk is as one perceived as being anti regime and as I  
found that profile is established I did not find that your risk was enhanced by the military call up.

25 Okay as I discussed with your counsel when he was giving submissions I don't believe that your  
conscientious objector per say and I believe that you have satisfied your military service requirement  
further call ups I find you're not at risk simply because of those further call ups I find it adds to your  
profile as one of interest to authorities and that's because of your first left tenant ranking in the military.

30 Now I note that many human rights issues in Egypt include arbitrary or unlawful interference  
with privacy and undue restrictions on free expression and that's noted in the basis, in the Department of  
State report at Item 2.1 and that there is a substantial interference with the rights of peaceful assembly and  
freedom of association and restrictions on political participation.

35 I note Item 1.4 which is a document from the Australian government concerning those perceived  
to be critics of the state and that document indicates that the protest law from November 2013 has  
severely restricted the ability of citizens to protest peacefully against the state and that that same  
document states that "insulting the military or judiciary is a criminal offence and those so accused are  
liable to be prosecuted in military courts, the definition of insult is broad enough to include anyone who  
40 satirizes the military or brings it into disrepute".

I find that applicable to your risk as someone who expressed anti regime opinion while serving in  
the military.

45 The country condition documents indicate that the Egyptian government had a zero tolerance  
policy towards dissent including legislation and impunity for abuses by security forces who worked under  
the pretext of fighting terrorism. The government does arbitrarily arrest those they perceive to be anti  
regime.

50 So I find objectively unreasonable for you to seek the protection of the state as it is state  
authorities whom you fear.

5 For the same reason I find there is not an internal flight alternative for you anywhere in the country.

10 I do I find sir you have a nexus to the convention for political opinion and you mam for a particular social group as a family member.

I do find that what you fear in Egypt amounts to persecution and that there is more than a mere possibility of persecution occurring to you in future in Egypt.

15 I find you both to be Convention refugees and I accept your claims.

**CLAIMANT:** Thank you mam.


**COUNSEL:** Thank you very much (inaudible)

20 **MEMBER:** Thank you I wish you all the best in the future. Counsel thank you very much.

**COUNSEL:** Thank you (inaudible) thank you.

25 ----- REASONS CONCLUDED -----

I HEREBY DECLARE THAT THIS IS A TRUE  
TRANSCRIPT OF THE RECORDING AND THAT I HAVE  
SWORN THE OATH OF SECRECY



30

---

June Stanley, Transcriptionist  
For DigitScribe Inc.  
Security# 96202724-0002401889

35

October 21, 2019