



Immigration and
Refugee Board

Refugee Protection
Division

Commission de l'immigration
et du statut de réfugié

Section de la protection
des réfugiés

RPD File No.: TA2-27572

NOTICE OF DECISION
[Immigration and Refugee Protection Act, ss.107(1)]
[Refugee Protection Division Rules, Rule 61]

L. FIGG
Presiding Member

In the claim for refugee protection of:

DOB:

ID:

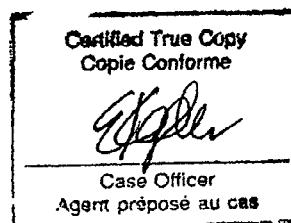
s.19(1)

This claim was determined without a hearing on the May 30, 2003

The Refugee Protection Division determines that the claimant

**IS A CONVENTION REFUGEE AND THEREFORE THE REFUGEE PROTECTION
DIVISION ACCEPTS THE CLAIM.**

June 11 2003



for Registrar

RPD.15 (April 2002)
Disponible en français

Canada



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EXPEDITED REPORT

Claimant(s):	File Number(s): TA2-27572		
Counsel: RICHARD ADDINALL	Designated Representative:		
RPO: J. HARNUM	Member: FIGG		
Interpreter: SANCHEZ, NELLIE	Language: SPA		
Country(ies): PERU			
Time of interview: Scheduled: Wednesday, May 21, 2003 at 08:30	Start: 10:40	End: 11:20	
Recordings (e.g. cassette tapes): TA2-27572			
Confirmation that PIF properly completed and signed:	Yes	☒ X	
PIF amendments: Q.15, In.5 son now in Lima, Peru			
List of documents produced (copies to be attached): See attached			
Claimant consent required for same member at hearing?	Yes	☒ X	No ☐

PART A:

RPO OBSERVATIONS

1) BRIEF DESCRIPTION OF THE CLAIM:

Claimant is Peruvian citizen in his fifties. Married and separated from his wife for over 20 years. Claimant indicates he is bisexual. Claimant alleges he was arrested/detained and beaten by the police on three occasions. All occurred in areas where gay men congregate, and each time he was told it was for disturbing the peace. The incidents occurred , and 2002. The claimant suffered injuries and was treated in hospital following all of the beating. Due to the head injuries received he was required to attend a special neurological hospital. The claimant went into hiding in Lima following the last occasion, then fled to Canada via Mexico and the USA.

2) APPLICATION OF CRITERIA AND REASONS FOR RECOMMENDATION:

1) Identity: The claimant alleges his Peruvian passport was left in Mexico, and that agents helped him travel by land in a van from Mexico to Canada. The claimant presented his National ID card, driver's licence and birth certificate as evidence of his identity as a national of Peru. These documents were accepted by CIC and CIC has made no mention of them being fraudulent.

2) Credibility: The claimant's claim is based on his sexual identity. The claimant gave credible testimony about his identity as a bisexual man...although for the past 25 years he has only been involved in sexual relations with men. His testimony was consistent with the information provided in his PIF and the POE notes. Furthermore, the claimant provided original medical notes dated after two of the incidents confirming he had suffered contusions consistent with having been beaten.

Canada

s.19(1)

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2. APPLICATION OF CRITERIA AND REASONS FOR RECOMMENDATION (cont'd):

3) Objective basis: The claimant's testimony is consistent with the information contained in the country documents on Peru. Peru remains a very conservative society and police have been documented arresting and extorting gay men. Being known to the authorities as a gay man, the claimant would face more than a mere possibility of future beatings and arrests should he return to Peru.

☒ **X**
OR

I RECOMMEND THAT THIS CLAIM IS SUITABLE TO BE ACCEPTED WITHOUT A HEARING.

☐

I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

[Signature]
Refugee Claim Officer

Date

29.5.03

PART B: (Where applicable)

MEMBER'S DECISION AND SUPPORTING REASONS

See attached notes

☒

I DETERMINE THIS CLAIMANT TO BE A CONVENTION REFUGEE.

OR

☐

I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

Member

Date

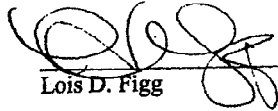
Canada

The claimant is a 59-year old male from Peru.

He is credible and his allegations generally supported by the objective documentary evidence filed as exhibits in this case. He has adequately established his personal identity.

He has established a nexus to the Convention definition (i.e. member of a particular social group - homosexual male). The harm he fears can properly be characterized as "persecutory." I find that neither adequate state protection nor a viable internal flight alternative exists for this claimant.

He has established that he faces a serious possibility of persecution should he return to Colombia. I find that he is a Convention refugee.


Lois D. Figg

38 May '03
date