



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 File No.: TA5-10480

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

R. DAWSONX
Presiding Member

s.19(1)

In the claim for refugee protection of:

DOB:

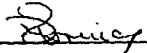
ID:

This claim was determined without a hearing on the February 6, 2006

The Refugee Protection Division determines that the claimant

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

March 16, 2006


for Registrar

RPD.15 (April 2002)
Disponible en français

Canada



EXPEDITED REPORT

Claimant(s):	File Number(s): TA5-10480
Counsel: ANWAR LEWIN	Designated Representative:
RPO: R. TIWARI	Member: R. DAWSONX
Interpreter:	Language: ENGLISH
Country(ies): JAMAICA	
Time of interview : Scheduled: Monday, February 6, 2006 at 10:30 AM	Start: 10:30 am End: 11:15 am
Recordings (e.g. cassette tapes):	
Confirmation that PIF properly completed and signed:	Yes ☒
PIF amendments:	
List of documents produced (copies to be attached):	
Jamaica Passport [copy] Birth Certificate [copy] 2 Letters from Gay friends in Canada [original] 1 Letter from daughter's mother in Jamaica [copy]	
Claimant consent required for same member at hearing?	Yes ☐ No ☐

PART A:

RPO OBSERVATIONS

1) BRIEF DESCRIPTION OF THE CLAIM:

The claimant is a 29 yr old bisexual man. He had a relationship with a woman in Jamaica with whom he has a child; she was the only person in whom he confided about his sexuality and she did not object to this, as she indicated in her letter that he was a good father and provider. He had a number of homosexual relationships with men, most of whom he met at the tourist hotels and resorts. His homosexuality was discovered when he was found in a compromising situation with a tourist from England. This led to attacks on him by members of his local community and the refusal of the police to help. He then came to Canada and made a refuge claim after about 8 months.

2) APPLICATION OF CRITERIA AND REASONS FOR RECOMMENDATION:

The claimant's oral and written evidence was generally consistent and mostly spontaneous. His story is also plausible, when considering the country conditions in Jamaica. I found him to be a credible witness. He also provided supporting corroborative evidence in the form of 2 letters from homosexual friends in Canada, as well as his daughter's mother [girlfriend] in Jamaica. As I find that he has provided trustworthy evidence about his sexuality, I believe that he will be at risk if he returns to Jamaica and he cannot expect protection from the Jamaican police which is known to be homophobic.

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

- ☒ I RECOMMEND THAT THIS CLAIM IS SUITABLE TO BE ACCEPTED WITHOUT A HEARING.
OR
☐ I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

[Signature]
Refugee Claim Officer

Feb. 28 / 2006
Date

PART B: (Where applicable)

MEMBER'S DECISION AND SUPPORTING REASONS

SEE APPENDIX "A"

- ☒ I DETERMINE THIS CLAIMANT TO BE A CONVENTION REFUGEE.
OR
☐ I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

[Signature]
Member

06/03/06
Date

Canada

APPENDIX "A" TO EXPEDITED REPORT

Based on my review of the file, this report, and the RPO's recommendation, I am persuaded that the claimant faces a serious possibility of persecution in Jamaica by reason of his sexual orientation that faces persecution.

Based on the above I am satisfied with the claimant's identity.

Rick Dawson