



Immigration and
Refugee Board

Commission de l'immigration
et du statut de réfugié

Refugee Protection
Division

Section de la protection
des réfugiés

EXPEDITED REPORT

Claimant(s):	File Number(s): TA3-06250		
Counsel: JULIUS EHIKWE DR.	Designated Representative:		
RPO: K. HOSSAIN	Member: J. SIMEONX		
Interpreter: AHMED, SYED	Language: URD		
Country(ies): PAKISTAN			
Time of interview : Scheduled: Friday, August 8, 2003 at 08:30	Start:8:40	End:9:18	
Recordings (e.g. cassette tapes):			
Confirmation that PIF properly completed and signed:	Yes	<input checked="" type="checkbox"/>	
PIF amendments: No amendments to PIF			
List of documents produced (copies to be attached): NIC – original with CIC, certified true copy on file Copy Birth Certificate (issued in English) original seen Copy of Membership Card 519 Community Centre Copy Driver's License Pakistan, original seen, no translation provided Letter dated 2003 from 519 Church Street Community Centre Letter dated 2003 from Heritage Behavioral Health Services 5 pg Article – The International Lesbian and Gay Association – World Legal Survey, Pakistan			
Claimant consent required for same member at hearing?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>

PART A:

RPO OBSERVATIONS

1) BRIEF DESCRIPTION OF THE CLAIM:

Single Muslim male dob [redacted] alleges persecution in Pakistan because he is actively bisexual. PIF indicates claimant's his 'well connected' girlfriend had a group of men beat him up when she caught him in bed with his male lover. Claimant has no passport. Certified true copy of NIC (in possession of CIC) on file

2) APPLICATION OF CRITERIA AND REASONS FOR RECOMMENDATION:

s.19(1)





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Issues: Personal identity and identity as a citizen of Pakistan established through NIC, BC and claimant's Pakistani driver's license.

No concerns re alleged sexual identity. Oral testimony convincing and consistent with PIF. Claimant stated his first sexual partner had been his father who had relations with the claimant when the claimant was about 8 or 9 years old. Claimant's demeanour throughout delivery of this testimony was consistent with the nature of testimony given.

Claimant was convincing in his oral testimony that he liked women but preferred to have sexual relationships with men. Claimant did not embellish testimony, for example he stated that he was friends with a man in Canada but did not exaggerate the nature of this relationship, stating the two had had relations only once.

Concerns re implausibility of testimony in some areas were addressed. For example the claimant alleges he is from a poor family but that his girlfriend's family is very influential. Questions posed in this area were answered in a satisfactory matter. The claimant explained that the girl was a distant relative of his mother. She said that his mother's family had managed to attain higher social standing (through employment opportunities, etc) than the claimant's father. He said that his mother wanted him to marry this girl

I recommend that this claim be accepted without a full hearing. No outstanding concerns re personal or sexual identity, and allegation of persecution consistent with documentary evidence.

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

[Empty box for application of criteria and reasons for recommendation]

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

OR

I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

K. Hassan
Refugee Claim Officer

05 August 2003
Date

PART B: (Where applicable)

MEMBER'S DECISION AND SUPPORTING REASONS

Canada



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I AM SATISFIED THAT THE CLAIMANT HAS PROVIDED SUFFICIENT CREDIBLE AND TRUSTWORTHY EVIDENCE TO ESTABLISH HE IS A PAKISTANI NATIONAL AND THAT HE IS BISEXUAL. (SEE PSYCHOLOGICAL ASSESSMENT ON FILE.) THE DOCUMENTARY EVIDENCE SUPPORTS THE CLAIMANT'S FEAR OF BEING PERSECUTED SHOULD HE RETURN TO PAKISTAN, BECAUSE OF HIS SEXUAL ORIENTATION.
INCE, HIS CLAIM TO REFUGEE PROTECTION IS ACCEPTED.

I DETERMINE THIS CLAIMANT TO BE A CONVENTION REFUGEE.

OR

I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

Member

Gene C. Swain

Date

08-08-03

Canada