

Pervasive decision va9-02166

Law



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Affiliation Goes Here The assignment is an argument in favor of a claimant, who was harassed by Sri Lankan state agents, as he was suspected to be a member of the LTTE. The claimant is being detained by the Sri Lankan authorities.

Pervasive Decision

At the hearing, the argument was made by the counsel for the Minister of Public Safety and Emergency Preparedness regarding the presently changed circumstances in Sri Lanka that the Sri Lankan government or army or any other paramilitary agencies would not target, harass, or carry out other persecutory acts toward the claimant, if he were to return to Sri Lanka as he was neither a member nor a suspected member of the LTTE (Amnesty International Report, 2010).

The use of words like "durable," "effective" or "meaningful" are only helpful when anyone wants to keep only question in mind (Oxman-Martinez et al., 2005), and hence the only test, that can be derived from the definition of Convention Refugee in Section 2 of the Immigration and Refugee Protection Act does the claimant now have a well-founded and genuine fear of persecution? After considering all the circumstances, the young Tamil male faced in connection to fetching LTTE information by the Sri Lankan army, paramilitary agencies and the government, the claimant filed a claim of refugee status seeking protection from the mentioned forces of Sri Lanka (LaViolette, 2004).

Section 97(1)(b)(ii) of the Immigration and Refugee Protection Act states that the protection is limited to the claimants who face some specific risks that are not faced generally by other people in or from the country and thus, the <https://assignbuster.com/pervasive-decision-va9-02166/>

claimant is not a person in need of protection (Dauvergne, 2003). In this instance, even though the war of September 2006 is over and situation is different in Sri Lanka, that does not favor Refugee Protection Act, so the young Tamil man should receive protection (Kruger, Mulder & Korenic, 2004).

The Members of the justice panel must take the new evidences under consideration available from the current year of 2009 where even though the situation is different, the situation of the young Tamil male is no different. Hence, the paramilitary agencies, Sri Lankan army and government officials need to reconsider their belief that the young male belongs to the LTTE group.

Works Cited

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