

## CITIZENSHIP AND IMMIGRATION

### IMMIGRATION PRACTICE

Judicial review of Immigration and Refugee Board of Canada, Refugee Appeal Division (RAD) decision upholding Refugee Protection Division (RPD) decision rejecting applicants' refugee claim — Applicants, Albanians, seeking refugee status on basis of abuse — Applicants identifying two interpretation/translation errors apparent in transcript of RPD hearing and in decision — Seeking to admit a statutory declaration of interpreter, translator of Albanian documents, testimony, explaining these errors before RAD — RAD refusing to admit declaration on basis that no explanation provided as to why this information not produced before decision rendered — Issue whether RAD's decision not to admit evidence reasonable — RAD's decision unreasonable — RAD's reasoning making little sense with respect to new evidence of misinterpretation — Impact of interpretation errors not known until RPD rendering its decision — Declaration neither available to applicants prior to release of RPD's decision, nor could applicants reasonably have been expected to have presented it to RPD — RAD's decision on this point lacking transparency, justification, intelligibility — RAD seeming to misunderstand content of declaration — RAD also not accurately transcribing interpretation error said to have been made with respect to mistranslated police report: RAD simply repeating error — RAD's decision set aside, remitted for reconsideration — Application allowed.

BILBILI V. CANADA (CITIZENSHIP AND IMMIGRATION) (IMM-2561-17, 2017 FC 1188, Diner J., judgment dated December 22, 2017, 10 pp.)