

Federal Court



Cour fédérale

**Date: 20180222**

**Docket: IMM-2096-17**

**Citation: 2018 FC 201**

**Ottawa, Ontario, February 22, 2018**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**SOKOREY SHARIF AHMED**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Ms. Sokorey Sharie Ahmed (the “Applicant”) seeks judicial review of a decision of the Immigration and Refugee Board, Refugee Protection Division (the “Board”), dismissing her claim to be found a Convention Refugee or person in need of protection, pursuant to section 96 and subsection 97(1), respectively, of the *Immigration and Refugee Protection Act*, S.C. 2001, c 27 (the “Act”).

[2] The Board made negative credibility findings and determined that the Applicant had failed to establish her identity, as a citizen of Somalia. It also made a finding, pursuant to subsection 107(2) of the Act that the Applicant's claim had no credible basis.

[3] The Board's decision involved the assessment of evidence and of credibility. These issues are reviewable on the standard of reasonableness; see the decisions in *Kocinar v Canada (Minister of Citizenship and Immigration)*, 2017 FC 329. The content of the standard of reasonableness, according to the decision in *Dunsmuir v. New Brunswick*, [2008] 1 S.C.R. 190 means that a decision of a statutory decision maker is justifiable, transparent and intelligible, and falls within a range of possible and acceptable outcomes.

[4] In my opinion, the determinative issue in this application is the Board's finding that the Applicant had failed to establish her identity. Failure to establish identity allows the Board to dismiss a claim without further consideration; see the decision in *Rahal v. Canada (Minister of Citizenship and Immigration)*, 2012 FC 319.

[5] Section 106 of the Act addresses a claimant's need to establish identity and provides as follows:

**Credibility**

106 The Refugee Protection Division must take into account, with respect to the credibility of a claimant, whether the claimant possesses acceptable documentation establishing identity, and if not, whether

**Crédibilité**

106 La Section de la protection des réfugiés prend en compte, s'agissant de crédibilité, le fait que, n'étant pas muni de papiers d'identité acceptables, le demandeur ne peut raisonnablement en justifier la raison et n'a pas pris les

they have provided a reasonable explanation for the lack of documentation or have taken reasonable steps to obtain the documentation. mesures voulues pour s'en procurer.

[6] The Board rejected the evidence offered by the Applicant. It rejected the evidence of two witnesses who testified on her behalf. The Board was not satisfied with the evidence tendered about the Applicant's identity as a citizen of Somalia.

[7] On the basis of my review of the evidence before the Board, I am satisfied that the Board reasonably concluded that the Applicant had failed to establish her identity. It is unnecessary for me to address the Applicant's submission about the Board's finding pursuant to subsection 107(2) of the Act.

[8] In the result, this application for judicial review is dismissed, no question for certification arising.

**JUDGMENT for IMM-2096-17**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed,  
no question for certification arising.

"E. Heneghan"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-2096-17

**STYLE OF CAUSE:** SOKOREY SHARIF AHMED v. MCI

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** NOVEMBER 22, 2017

**JUDGMENT AND REASONS:** HENEGHAN J.

**DATED:** FEBRUARY 22, 2018

**APPEARANCES:**

Lani Gozlan

FOR THE APPLICANT

David Joseph

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Lani Gozlan  
Barrister & Solicitor  
Toronto, ON

FOR THE APPLICANT

Attorney General of Canada

FOR THE RESPONDENT