Federal Court of Canada
Trial Division

Section de première instance de
la Cour fédérale du Canada

IMM-3613-96

BETWEEN:

SAMUEL DARFOUR
VIDA BADU

Applicants

- and -

THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

Respondent

REASONS FOR ORDER

PINARD J.

This is an application for judicial review pursuant to section 82.1 of the *Immigration Act*, R.S.C. 1985, c. I-2 (hereinafter the "Act") of a decision of Martine Beaulac, Post Claim Determination Officer dated September 20, 1996, wherein she refused the applicants' application for landing as members of the Post-Determination Refugee Claimants in Canada ("PDRCC") class.

The applicants, Samuel Darfour and Vida Badu, were respectively born in 1963 and 1964 in Ghana, and are husband and wife. Mrs. Badu bases her claim on that of her husband's, she therefore relies on the facts as outlined by Mr. Darfour.

The Post Claim Determination Officer (the "Officer") began by noting that the panel of the Immigration and Refugee Board had concluded that the applicants' testimonies were not credible due to inconsistencies and contradictions which they could not explain when asked to do so. However she then emphasized that:

> Notwithstanding the decision of CRDD, my role is to determine whether there exists credible and trustworthy evidence that would satisfactorily establish the existence of a reasonable possibility of the noted risks for the

> alleged reasons, should the applicants return to Ghana, taking into consideration the present situation of that country.

She went on to describe changes occurring in Ghana in her Reasons for decision. She outlined the country's move toward a constitutional democracy, constitutional protections afforded its citizens, and the accomplishments of the Commission for Human Rights and Administrative Justice. She highlighted the fact that Ghana is no longer mentioned in Amnesty International Report 1996, and also relied on the US Country Reports on Human Rights Practices 1995 and 1996, Europa Year Book 1995 and 1996, and IRB Ottawa, Question and Answer Series document dated September 1994: "Ghana: Update on the Fourth Republic".

The Officer also referred to the applicants' personal situation, outlining that the applicants left their country almost four years ago and their children and families still live in Ghana without facing problems. She also noted as an indicator the fact that the applicants travelled to Niger, Libya and Tunis before coming to Canada, and yet they did not seek asylum in these countries. Finally, she pointed out that the applicant (Mr. Darfour) was never personally involved in political parties or activities.

She arrived at the following conclusion with respect to the documentation submitted by the applicants:

> The reference documents and their personal profiles do not support the subject's allegations that they would be targeted upon their return to Ghana. There is no credible and subsisting evidence that Mr. Darfour is sought by the authorities of Ghana.

Her final conclusion was that in her opinion, "Mr Darfour and Ms Badu would not face any of the alleged risks of inhumane treatment, severe sanction or loss of life should they be returned to Ghana".

Upon considering the arguments presented by counsel for the parties and upon reviewing the evidence before the Court, I find that:

a. there was a sufficient basis, notably sufficient information, upon which the Officer could arrive at her determination;

b. the Post Claim Determination decision was made in accordance with the legislative scheme prescribed in the Act and the Regulations adopted thereunder; as no notice pursuant to section 57 of the *Federal Court Act* has been served with respect to that legislative scheme, it cannot be adjudged to be invalid, inapplicable or inoperable by this Court, and therefore, the decision of the Officer cannot be set aside on the ground that it is based on a legislative scheme which violates sections 7 and 12 of the *Canadian Charter of Rights and Freedoms*;

c. the applicants' argument that the Officer did not sufficiently outline her reasons is without merit; the Federal Court of Appeal already stated in *Williams v. M.C.I.* (1997), 147 D.L.R. (4th) 93, that there is no obligation on an administrative tribunal to give reasons, unless the enabling legislation specifically requires it; there is also no obligation to discuss each argument raised by an applicant;

d. the reference by the Officer to the applicants' personal and country information in her Reasons for decision suggests that she did consider the whole of the evidence prior to arriving at her decision; this indeed gives rise to the presumption that she has in fact considered the totality of the evidence[1], which presumption has not been displaced by the applicants;

e. given the Officer's appreciation of facts and credibility, her decision cannot be said to be inconsistent with prior decisions of this Court and it cannot be said to violate article 3 of the United Nations' *Convention Against Torture and other forms of Inhuman or Degrading Treatment or Punishment (1984)*.

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1 See *Hassan v. M.E.I.* (1993), 147 N.R. 317 (F.C.A.).

Consequently, absent any reviewable error, the application for judicial review is dismissed. The factual context herein does not give rise to any matter for certification.

OTTAWA, Ontario
October 2, 1997

JUDGE