

IMM-2361-96

OTTAWA, ONTARIO, THIS 5th DAY OF MAY 1997

PRESENT: THE HONOURABLE MR. JUSTICE NOËL

BETWEEN:

Pedro Aleksei MARCHANT ANDRADE,
Mereya SANTOS-LEIVA,

Applicants,

and

MINISTER OF CITIZENSHIP AND IMMIGRATION
OF CANADA,

Respondent.

ORDER

The application for judicial review is dismissed.

Marc Noël

Judge

Certified true translation

C. Debn, LL.L.

BETWEEN:

Pedro Aleksei MARCHANT ANDRADE,
Mereya SANTOS-LEIVA,

Applicants,

and

MINISTER OF CITIZENSHIP AND IMMIGRATION
OF CANADA,

Respondent.

REASONS FOR ORDER

NOËL J.

This is an application for judicial review of a decision of the Refugee Determination Division (the tribunal) dated June 20, 1996, determining that the applicants, who are both citizens of Chile, are not Convention refugees.

The applicants have not questioned the facts as recounted by the tribunal. However, they contend that the tribunal rejected their claims on the sole basis of the documentary evidence. According to the applicants, the tribunal should have accepted the uncontradicted testimony of the principal applicant.

I am not of this opinion. The tribunal's decision is not based solely on the documentary evidence. It was the events recounted by the principal applicant, when considered having regard to the documentary evidence, that led the tribunal to conclude that his account was implausible. After considering the testimony of the principal applicant, I conclude that the tribunal was entitled to draw that conclusion.

The applicants also contend that the tribunal ignored the documentary evidence that could have confirmed the events they stated they had experienced. I am rather of the view that the tribunal responded to the invitation extended to them by the officer responsible for verification to assess the logic of the principal claimant's account in

light of the conditions suggested by the weight of the documentary evidence. There is nothing to suggest that in so doing the tribunal did not lend an attentive ear to all the evidence that was before it.

For these reasons, the application is dismissed.

Marc Noël

Judge

Ottawa, Ontario
May 5, 1997

Certified true translation

C. Delon, LL.L.

FEDERAL COURT OF CANADA
TRIAL DIVISION

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT FILE NO: IMM-2361-96

STYLE OF CAUSE: PEDRO ALEKSEI MARCHANT ANDRADE ET AL. v. MCI

PLACE OF HEARING: MONTRÉAL

DATE OF HEARING: MAY 1, 1997

REASONS FOR ORDER OF NOËL J.

DATED MAY 5, 1997

APPEARANCES:

ÉVELINE FISET FOR THE APPLICANTS

ÉDITH SAVARD FOR THE RESPONDENT

SOLICITORS OF RECORD:

Éveline Fiset FOR THE APPLICANTS

George Thomson FOR THE RESPONDENT
Deputy Attorney General of Canada