

Date: 20080911

Docket: IMM-1019-08

Citation: 2008 FC 1026

Toronto, Ontario, September 11, 2008

Present: The Honourable Mr. Justice Louis S. Tannenbaum

BETWEEN:

JACQUES PAUL

Applicant

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] I have before me an application for judicial review of a decision of the Immigration and Refugee Board dated February 19, 2008. The decision refused the refugee claim.

[2] In his argument the applicant raises the following:

1. Did the Board err in fact and in law in rejecting the credibility of the Applicant's testimony in that it misunderstood and misquoted his testimony and ignored parts of his evidence?

2. Did the Board adequately analyze the risks faced by the Applicant under section 96 (“political opinions”) and section 97?

[3] The reasons of the decision (signed February 11, 2008) are very elaborate. It would be appropriate to refer to several passages:

The panel heard the claimant’s testimony and analyzed all of the evidence.

Consequently, the panel is satisfied as to the claimant’s identity.

As for the merits of this case:

When a claimant swears to the truth of certain allegations, this creates a presumption that those allegations are true unless there be reason to doubt their truthfulness. A major indicator of a witness’s credibility is the consistency of that witness’s narrative. However, in the panel’s opinion, with respect to assessing credibility, the quality of the evidence submitted must be added to that.

The credibility and probative value of the testimony must be assessed in light of what is known of the overall conditions and laws in the claimant’s country of origin, as well as the experiences of persons who have gone through a similar situation in that country.

...

Consequently, and based on the above analysis, the panel grants no credibility to the claimant, and the panel does not believe any of the claimant’s story.

[4] The decision-maker did not accept the applicant’s testimony and therefore refused the refugee claim.

[5] It is well established in the case law that we must show a great deal of deference to decision-makers on the issue of the credibility of witnesses before them, witnesses they have seen and heard.

The decision-maker was certainly in a better place to assess the applicant's credibility and unless we find reasons to intervene in the evidence we must respect the decision-maker's decision.

[6] The analysis of the matter has persuaded me that the decision to refuse the refugee claim was very reasonable, and was based on the evidence filed. It There is no basis to intervene. Accordingly, the application for judicial review will be refused.

JUDGMENT

THE COURT ORDERS AND ADJUDGES that for the reasons given, the application for judicial review is dismissed.

“Louis S. Tannenbaum”

Deputy Judge

Certified true translation

Kelley A. Harvey, BCL, LLB

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1019-08

STYLE OF CAUSE: JACQUES PAUL v. MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 11, 2008

**REASONS FOR JUDGMENT
AND JUDGMENT:** TANNENBAUM D.J.

DATE OF REASONS: SEPTEMBER 11, 2008

APPEARANCES:

Anthony Kako FOR THE APPLICANT

Kristina Dragaitis FOR THE RESPONDENT

SOLICITORS OF RECORD:

Anthony Kako
Avocat
Toronto, Ontario FOR THE APPLICANT

John H. Sims, Q.C.
Deputy Attorney General of Canada
Toronto, Ontario FOR THE RESPONDENT