

Federal Court



Cour fédérale

Date: 20100924

Docket: IMM-932-10

Citation: 2010 FC 961

Ottawa, Ontario, September 24, 2010

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

HENRIETTA MBONE NTONE SONA

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application for judicial review, pursuant to section 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27, of a decision of the Refugee Protection Division of the Immigration and Refugee Board that found that the applicant was neither a Convention refugee nor a person in need of protection.

[2] The applicant is a citizen of Cameroon and claims protection on the basis of political opinion because she was a member of the Southern Cameroons National Council (SCNC), an anglophone organization, and the Human Rights Defence Group (HRDG), which she says made her a target for the current governing party, the Cameroon People's Democratic Movement (CPDM). The Board rejected her application principally on grounds of credibility. It found that "there is insufficient credible and trustworthy evidence with respect to pivotal areas of the claimant's testimony and documents, notably, whether the claimant established an affiliation as a member of the SCNC."

[3] I do not accept the submission of the applicant that the Board erred in making a "negative credibility finding on a faulty premise and thereby without regard for the material actually before it," that it made "perverse findings of fact regarding apparent inconsistencies and implausibilities," or that "there was a reasonable apprehension that the panel was biased and therefore deprived the claimant of her right to a hearing before an impartial tribunal."

[4] The Board's conclusion on credibility was well supported by its review of the evidence before it. The Board considered a number of points which led it to conclude that the applicant had failed to establish an affiliation with the SCNC or the HRDG, including the following:

- (1) The applicant could not produce an HRDG membership card and provided no alternative documentation or adequate explanation why she could not so do;
- (2) The applicant could not produce an original copy of her SCNC card, and the copy she provided spelled "democracy" as "democraty"; this despite the

- organization being an English-language group and despite the Board Member's past experience with SCNC membership cards which contained no such spelling errors;
- (3) The applicant could not spell "democracy"; she spelled it "democrace";
 - (4) The applicant stated that the SCNC was founded in 1961 whereas it was founded in the early 1990s;
 - (5) The applicant did not have anything beyond general knowledge of the SCNC;
 - (6) The applicant stated in her Personal Information Form (PIF) that her uncle was the Vice-Chairman of the Limbe branch of the SCNC, whereas in her oral evidence she stated that he was President of his community; and
 - (7) The applicant did not state in her PIF nor was it set out in the port-of-entry notes that she was a member of the SCNC.

[5] The Board also concluded that the applicant had failed to establish that she was detained and sought by police, as she had alleged, based on the following inconsistencies in her evidence:

- (1) The applicant stated on her PIF that she was beaten during her first arrest, but during the oral hearing she said "nothing" happened to her on that occasion;
- (2) The applicant did not provide any media documents covering the protest where she said she was arrested;

- (3) The applicant stated in her PIF that she escaped detention while cutting grass, whereas in her oral evidence she stated she escaped while mopping an office;
- (4) The applicant stated in her PIF that a guard's brother picked her up after she escaped, whereas in her oral evidence she stated it was a guard's distant relative;
- (5) The medical report from Cameroon provided by the applicant was inconsistent with her PIF; and
- (6) The medical report from Canada provided by the applicant was inconsistent with her PIF.

[6] The applicant submits that the Board erred in failing to properly appreciate her psychological assessment – she suffers from post-traumatic stress disorder – which, she submits explains why her version of events was not consistent. I accept the respondent's submission that the medical opinions she provided fail to disclose that her condition would result in her evidence being confused and contradictory. Further, as the respondent points out, the Canadian medical opinion recites a version of events leading to her alleged condition that differs from what she outlined at the hearing and to immigration authorities.

[7] Accordingly, I find that the Board did not err in making its negative credibility findings, it used no faulty premise, and its determination was clearly made on the material before it as well as the applicant's oral testimony.

[8] I also do not accept the applicant's submission that the Board erred in rejecting the documentation she presented solely because of the spelling mistake, or that the Board failed to consider the socio-economic and political realities of Cameroon – specifically that the Board expected that documents produced in Cameroon would comply with “Western standards of perfection.” It was not an error for the Board to reject the SCNC membership card presented by the applicant because of the spelling mistake. It was also in a different format. As the Board noted in its reasons, it has experience with this very type of membership card and was in a position to identify the card presented by the applicant as not being genuine.

[9] Contrary to the applicant's submissions, there was a reason not to believe her testimony, namely, the many inconsistencies in her evidence, the problems with the documentation, and the applicant's lack of knowledge regarding the group of which she claimed to be a part.

[10] I further find that there is no basis for the applicant's submission that the Board was either ignorant about Cameroon or expected the applicant to conform to a “usual” pattern. The Board Member specifically stated that she had experience adjudicating claims regarding the SCNC. The Board did not compare the applicant to any “pattern”, but rather came to its conclusion based on its reasonable determination that the applicant was not credible.

[11] The applicant's testimony was rejected, and her documentation determined to be unreliable. In such circumstances, an applicant fails to establish a link to persecution. I agree with Justice

Tremblay-Lamer's conclusion in this regard in *Seevaratnam v. Canada (Minister of Citizenship and Immigration)*, 167 F.T.R. 130 (T.D.), at para. 8:

Clearly, where the only evidence linking the claimant to the persecution emanates from his or her testimony, rejecting the testimony means there is no longer a link to the persecution. It becomes impossible to establish a link between the person's claim and the documentary evidence.

[12] Lastly, there is nothing in the Board's decision to suggest bias. The Board did not ignore the totality of the evidence; it determined that some of the evidence was not reliable. The Board considered the evidence as a whole and came to a reasonable decision.

[13] No question for certification was proposed by the parties and there is none on these facts.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that:

1. This application is dismissed; and
2. No question is certified.

“Russel W. Zinn”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-932-10

STYLE OF CAUSE: HENRIETTA MBONE NTONE SONA v.
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 16, 2010

**REASONS FOR JUDGMENT
AND JUDGMENT BY:** ZINN J.

DATED: SEPTEMBER 24, 2010

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