

Federal Court



Cour fédérale

Date: 20210817

Docket: IMM-3379-20

Citation: 2021 FC 844

Montréal, Quebec, August 17, 2021

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

ADOUM OUMAR OUMAR

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of a decision from the Refugee Appeal Division (RAD) dated July 7, 2020, which confirmed the refusal of the refugee claim of the Applicant as he is neither a Convention refugee nor a person in need of protection under the *Immigration and Refugee Protection Act*, SC 2001, c 27, ss 96-97(1).

[2] The Applicant is a citizen of Chad and is claiming refugee protection for fear of risk to life or of serious harm from authorities as a result of his political activities with the Union nationale pour la démocratie et le renouveau. The Applicant sought asylum in Canada in April 2017, passing through the United States the month prior.

[3] The Refugee Protection Division (RPD) dismissed the asylum claim on the basis of lack of credibility. The RAD confirmed the decision and, as a result, the Applicant has not established that he has a prospective fear of return to his home country.

[4] This judicial review relates to the reasonability of the RAD's decision in regard to the evidence. As set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85, a "reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation of the facts and law that constrain the decision maker".

[5] The Applicant submits that the RAD had undertaken a microscopic examination of the evidence in disregarding or misrepresenting, misstating or depreciating his narrative with respect to his political activities and a similar previous unsuccessful refugee claim in France resulting however from his uncle's activities. The RAD had equally depreciated the Applicant's explanations for the absence of a membership card, the omission to raise harassment due to ethnicity as a ground for the claim and the inconsistencies arising from declarations given at the port of entry.

[6] With respect, the Applicant's arguments amount to a disagreement with the assessment conducted by the RAD and suggest other avenues of interpretation of the evidence, inviting the Court to reweigh the evidence contrary to its role on judicial review (see *Brar v Canada (Minister of Employment and Immigration)*, [1986] FCJ no 346 (CA)).

[7] Credibility findings are sufficient to affect the entirety of the claim. It is not sufficient to point to different outcomes based on the evidence to intervene; rather, the onus requires proof that the finding was made in a perverse or capricious manner or without regard for the evidence (*Zhu v Canada (Citizenship and Immigration)*, 2013 FC 1139 at paras 47, 49).

[8] The determinative issue was credibility resulting from an important accumulation of omissions, contradictions and discrepancies in the Applicant's evidence throughout the record affecting the core of the claims (see *Ocean v Canada (Immigration, Refugees, and Citizenship)*, 2019 FC 1234 at para 43).

[9] For instance, there were marked inconsistencies between the Applicant's basis of claim, his narrative and the port of entry declarations, which were reviewed and confirmed the following day, with regard to the asylum claim made in France and the circumstances therein; this was relevant to the nature and seriousness of the threats, as well as the Applicant's narrative as a whole. There were also contradictions related to the Applicant's political activities, whether he participated in a manifestation or only participated in a meeting in order to prepare for such an event. Further, the Applicant omitted to raise his ethnicity as a ground of asylum at anytime until the end of the RPD hearing.

[10] The RAD was entitled to compare the port of entry declarations with the Applicant's testimony and draw negative inferences based on inconsistencies, contradictions and discrepancies, particularly where it relates to essential elements of the claim and the explanation provided is found unreasonable (see *Neame v Canada (Minister of Citizenship and Immigration)*, [2000] FCJ no 378 at paras 20-21).

[11] The tribunal was further entitled, as a result of significant credibility findings in the present case, to give little or no probative value to the documentation on prospective fear; this is nevertheless insufficient on its own for any other outcome but that of the tribunal, according to its reasoning (*Ogaulu v Canada (Citizenship and Immigration)*, 2019 FC 547 at para 26; *Alba v Canada (Citizenship and Immigration)*, 2007 FC 1116 at para 21; *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 at para 24). Moreover, the Applicant's testimony was found repetitive and lacked detail; he did not establish that his profile could be subject to persecution in Chad because of his political activities.

[12] Due to the different narratives brought forward by the Applicant, himself, on entry, in his basis of claim and before the tribunal, and the significant distinctions drawn on a fulsome level with regard to the evidence, the RAD did not give credence to the Applicant's claim. The impugned decision on credibility is reasonable. For the foregoing reasons, the application for judicial review is dismissed.

JUDGMENT in IMM-3379-20

THIS COURT'S JUDGMENT is that the application for judicial review be dismissed.

There is no serious question of general importance to be certified.

"Michel M.J. Shore"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3379-20

STYLE OF CAUSE: ADOUM OUMAR OUMAR v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: AUGUST 16, 2021

JUDGMENT AND REASONS: SHORE J.

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