

Court File No. IMM-3813-96

IN THE FEDERAL COURT OF CANADA
TRIAL DIVISION

B E T W E E N:

ALI MOHAMMED IBRAHIM

Applicant

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

BEFORE THE HONOURABLE MR. JUSTICE JAMES JEROME
TRANSCRIPT OF REASONS

APPEARANCES:

Mr. Kirk J. Cooper for the Applicant

Mr. Brian Frimeth for the Respondent

HELD AT:

Courtroom No. 7
330 University Avenue
Toronto, Ontario
June 24, 1997

REASONS

The application will be dismissed. My reasons are as follows.

First of all, it is fundamental that the obligation rests always on an applicant in immigration matters to establish on credible evidence the basis for their claim, whether it be Refugee Status or any other status.

And therefore, in the case of this Applicant, it is for the Board to decide first of all whether there is a genuine subjective fear on the part of the Claimant, and that if so, give the subjective evidence to support it, evidence that the Board must find to be credible, reasonable and acceptable.

And in this case, they do a brief analysis, but in my opinion they do justice to his presentation in a few pages. They find that he did not adduce credible evidence because he claims to be subject to a fear that they do not believe exists, both subjectively and objectively which is the first test that they are to put his evidence to.

They also find, therefore, that he has failed through his credible evidence to support his refugee claim.

They make specific reference to his supposed fear to be of a conscription. It must surely be appropriate for them to then say that first of all there is no official conscription in the country of origin. The claim of this Claimant that he is likely to be the subject of a program of unofficial conscription is one that they considered, but rejected. And so would I.

It is not of question of whether I would have reached the same conclusion, but I certainly would have in this case.

And therefore, for these brief reasons the application is dismissed. And as soon as I have had an opportunity to edit the transcript of my reasons, I will file it pursuant to section 50 of the *Federal Court Act* as reasons.