



IMM-4829-96

Between:

NOV 6 1996

**MARIE CLAIRE ONGAMBO-OKONDA
KEVIN KABEYA-MULUMBA**

Applicants

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER

TREMBLAY-LAMER J.:

This is an application for judicial review of a decision of the Convention Refugee Determination Division of the Immigration and Refugee Board denying refugee status to the Applicant and her minor son on the grounds that the Applicant's testimony lacked credibility and their claim, an objective basis.

I am satisfied that the credibility findings were reasonable. The inferences were open to the panel on the record and affords no legal basis upon which the Court could intervene.

Further I am of the opinion that the Refugee Division correctly applied the proper test for Convention Refugee status. I can see how the term "satisfait" does possibly convey the imposition of a higher standard of proof on the Applicant. However the Board correctly

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identified the test by referring to the term "possibilité raisonnable" and by citing the Federal Court of Appeal in *Adjei*.¹

The application for judicial review is dismissed.

Neither counsel recommended certification of a question in this matter. No question will be certified.

TORONTO, ONTARIO
This 8TH day October 1997

"Danièle Tremblay-Lamer"

Judge

¹

Adjei v. Canada (Minister of Employment and Immigration) [1989]
2 F.C. 686 (F.C.A.)

FEDERAL COURT OF CANADA

Names of Counsel and Solicitors of Record

COURT NO: IMM-4829-96

STYLE OF CAUSE: MARIE CLAIRE ONGAMBO
OKONDA,
KEVIN KABEYA-MULUMBA

- and -

THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

DATE OF HEARING: OCTOBER 8, 1997

PLACE OF HEARING: TORONTO, ONTARIO

REASONS FOR ORDER BY: TREMBLAY-LAMER, J.

DATED: OCTOBER 8, 1997

APPEARANCES:

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For the Applicants

Mr. David Tyndale
For the Respondent

SOLICITORS OF RECORD:

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For the Respondent