

**BETWEEN:**

**AUGUSTA EGBOCHI INNOCENT**

Applicant

**- AND -**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION**

Respondent

**REASONS FOR ORDER**

(Delivered orally from the Bench  
on July 23, 1997, as edited)

**McKEOWN J.**

The applicant, a citizen of Nigeria, seeks judicial review of the decision dated October 8, 1996 of the Refugee Division of the Immigration and Refugee Board (the Board) wherein the Board determined the applicant not to be a Convention refugee.

The issues are whether the Board in its credibility finding misconstrued the evidence and failed to take into account relevant evidence and failed to confront the applicant with alleged inconsistencies.

I will review the third issue first. I concur with MacKay J. who said in *Danquah v. The Secretary of State of Canada*, November 17, 1994, Court File

IMM-105-94 at pp. 2-3:

... A hearing tribunal has no obligation to point to aspects of the applicant's evidence that it finds unconvincing where the onus is on the applicant to establish a well-founded fear of persecution for reasons related to Convention refugee grounds.

This disposes of the third issue.

With respect to the credibility findings of the Board, I again agree with MacKay J. when he stated in *Akinlolu v. Minister of Citizenship and Immigration*, March 14, 1997, Court File IMM-551-96 at p. 6:

Where the determination of the panel ultimately turns on its assessment of credibility, an applicant for judicial review has a heavy burden, as the reviewing Court must be persuaded that the determination made by the panel is perverse or capricious or without regard to the evidence before it. Thus, even where the reviewing Court might itself have come to a different conclusion on the evidence it will not intervene unless the applicant establishes that the decision of the panel is essentially without foundation in the evidence.

I will review briefly the applicant's submissions in respect of alleged errors by the Board. The Board found the applicant's testimony with respect to the finding of the body of Gedeon to be at variance with the documentary evidence. In my view, the Board's findings respecting the documentary evidence were open to it. It was not necessary to review each and every piece of documentary evidence separately.

The applicant submits that the Board's findings on credibility concerning the applicant's statement that only the wife of Gedeon had left Kano was in error. Again the Board's findings were open to it on the evidence.

The applicant submitted the Board's finding on her awareness of the curfew was in error. In my view, the Board drew a plausible inference based on the evidence.

The applicant also submitted that the Board's finding that she did not live in Kano was in error. Again the Board's findings on credibility and implausibility were open to it. In *Aguebor v. Minister of Employment and Immigration* (1993), 160 N.R. 315 Déary J.A. stated at 316:

There is no longer any doubt that the Refugee Division, which is a specialized tribunal, has complete jurisdiction to determine the plausibility of testimony: who is in a better position than the Refugee Division to gauge the credibility of an account and to draw the necessary inferences? As long as the inferences drawn by the tribunal are not so unreasonable as to warrant our intervention, its findings are not open to judicial review ...

The Board's finding on the language issue was open to it. The Board was not compelled to accept her explanation.

In light of the Board's findings on her credibility in general its finding on the education certificate was open to it.

In spite of the applicant's counsel's able submissions, the Board did not err in any material finding on credibility. Therefore, the application for judicial review is dismissed.

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OTTAWA, ONTARIO  
August 8, 1997

Judge