

Date: 20070112

Docket: IMM-3163-06

Citation: 2007 FC 18

Ottawa, Ontario, January 12, 2007

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

LOUAY BEN MESSAOUD

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

INTRODUCTION

[1] A clerical error does not vitiate uncontested credibility findings.

JUDICIAL PROCEDURE

[2] In its reason for decision, the Refugee Protection Division of the Immigration and Refugee Board (Commission) identified the applicant as Abderrahmane Messaoud instead of Louay Ben Messaoud.

[3] It is obvious, however, when comparing the reasons for decision of the Commission and the personal information form (PIF) filed by Louay Ben Messaoud in support of his claim for refugee status, that the decision of the Commission pertains to the refugee claim filed by Louay Ben Messaoud. The decision of the Commission deals with the same allegations on which Louay Ben Messaoud based his refugee claim.

[4] Moreover, the Commission states in its reasons for decision that the claimant successfully established his identity by his testimony and by the supporting documents which he submitted, including his national identity card, all of which attest to the claimant being Louay Ben Messaoud.

[5] Thus, while the Commission may have identified the claimant as Abderrahmane Messaoud, it is clear that its decision clearly pertains to the claim filed by Louay Ben Messaoud.

[6] Nevertheless, the applicant maintains that the Commission committed a reviewable error by incorrectly referring to Abderrahmane Messaoud in its reasons for decision.

[7] The applicant says that this error is sufficient in and of itself to vitiate the Commission's entire decision, despite the fact that it found the claim of Louay Ben Messaoud to be not credible, which finding is not challenged by the applicant.

[8] Credibility findings are evaluated on a standard of patent unreasonableness (*Aguebor v. Canada (Minister of Employment and Immigration)*, [1993] F.C.J. No. 732 (QL); *Pissareva v.*

Canada (Minister of Citizenship and Immigration), [2000] F.C.J. No. 2001 (QL); *Umba v. Canada (Minister of Citizenship and Immigration)*, 2004 FC 25, [2004] F.C.J. No. 17 (QL))

[9] While the Commission did refer to the name Abderrahmane Messaoud, it is clear that it accepted that the claimant established his identity as Louay Ben Messaoud. It is also clear that the Commission considered the allegations on which the claim of Louay Ben Messaoud was founded.

CONCLUSION

[10] The Court is satisfied that on a patent unreasonableness standard, the Commission's decision with respect to credibility is upheld.

[11] Accordingly, there is no reason why the Commission's decision should be set aside.

[12] Therefore, this application for judicial review is dismissed.

JUDGMENT

THIS COURT ORDERS that

1. The application for judicial review be dismissed;
2. No serious question of general importance be certified.

“Michel M.J. Shore”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3163-06

STYLE OF CAUSE: LOUAY BEN MESSAOUD
v. THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: January 9, 2007

**REASONS FOR JUDGMENT
AND JUDGMENT:** SHORE J.

DATED: January 12, 2007

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