Date: 20080624

Docket: IMM-5045-07

Citation: 2008 FC 774

Ottawa, Ontario, June 24, 2008

PRESENT: The Honourable Max M. Teitelbaum

BETWEEN:

BLERINA ARIZAJ

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (Act) for judicial review of the Immigration and Refugee Board, Refugee Protection Division (the Board) dated November 9, 2007 (Decision). The Board determined that the Applicant, Ms. Blerina Arizaj, is not a Convention refugee nor a person in need of protection within the meaning of sections 96 and 97 of the Act.

BACKGROUND

[2] The Applicant, an Albanian citizen, claims she has a fear of her abusive ex-boyfriend, Elton, and persons associated with him. The Applicant claims that Elton was physically abusive towards

her and forced her to have sexual relations with him. She claims that during their relationship, which began in July 2000, Elton became controlling. He insisted that she leave her employment and, in May 2002, he went to the Applicant's workplace and was very abusive. The Applicant did not report these matters to the police but moved to Kosovo with her sister in September 2002. She returned to Albania in September 2004.

[3] The Applicant claims that in October 2005, a person driving a grey car began to follow her on a daily basis and, from time to time, the person would say things to her. She claims that on December 10, 2005, friends of Elton's, namely Rolandi and another male person, forced her into a car and took her to a house outside Tirana where they proceeded to rape her. They then drove her back to Tirana and threatened that if she went to the police they would traffic her to Italy. The Applicant states that she told her parents about the incident and her mother reported the matter to the police. The claimant further alleges that she received a postcard on February 18, 2006, that stated not to forget about her trip to Italy.

[4] The Applicant left Albania in April 2006. She flew to Germany then took a train to France. She then flew from France to Toronto and made a claim for refugee status upon arriving at Pearson International Airport on April 11, 2006.

DECISION UNDER REVIEW

[5] The Board held that the Applicant did not have a well-founded fear of persecution based on a Convention ground in Albania and was not a person in need of protection in that her removal to

Albania would not subject her personally to a risk of life, cruel and unusual treatment or punishment or that she would face a danger of torture. The determinative issues were credibility and lack of subjective fear.

[6] The Board found the Applicant was not credible based on a number of omissions, inconsistencies and implausibilities regarding the following: the agent of persecution, the relationship between Elton and the two people who allegedly raped her, the Applicant's reason for not reporting her alleged rape to the police, the identity of the person who followed her in the car and when she found out the identity of this person, the person who arranged her false passport and how much was paid for the passport, the absence of a blood feud resulting from her alleged rape, and an envelope allegedly received from her parents in Tirana containing documents.

[7] The Board noted that had there been one or two of these inconsistencies, it would have considered giving the Applicant the benefit of the doubt. However, based on the number of omissions, inconsistencies and implausibilities, the Applicant was found on a balance of probabilities not to be credible.

[8] The Board also found that the Applicant did not have a subjective fear of persecution. The Board noted that there was no corroborative evidence that Elton was connected to the two alleged perpetrators of her assault in December 2000 and there was no evidence that Elton ordered them to rape her. The Board found that Elton had no interest in the Applicant since the time they broke up in July 2002.

[9] The Board also found that the Applicant's behaviour was indicative of asylum shopping. The Board noted that the Applicant's move to Kosovo, where she lived and worked for almost two years, was prompted by her alleged fear of Elton but that the Applicant made no efforts to claim protection there. Also, the Applicant stayed for two days each in both France and Germany before coming to Canada but did not make a claim for protection in either country. Further, as she held a Schengen visa, she could have gone to any of the fifteen Schengen member-countries, which are all democracies and generally respect human rights.

[10] The Board also turned its mind to the two medical reports provided by the Applicant. With respect to the first report from Albania, dated December 12, 2005, the Board noted that although it stated the Applicant had bruises on her neck and thigh and would receive clinical treatment for two weeks, the report did not indicate the cause of the bruises or when they happened. The Board placed little weight on this report, because the report did not mention any of the Applicant's allegations and because of the ease with which one can obtain false documents in Albania.

[11] Regarding the second medical report from a psychologist, dated June 24, 2006, the Board noted that, although the report indicates that the Applicant is suffering from a "depressive episode of moderate severity" and that the Applicant "requires treatment by a mental health professional," the Applicant had not attended even one free group therapy session that the psychologist had recommended to and arranged for the Applicant. The Board also gave little weight to this report, stating that the report did not establish satisfactorily or persuasively that the claimant's depressive condition was caused by the allegations upon which she based her refugee claim.

[12] Based on these findings, the Board held that the Applicant was not a Convention refugee or a person in need of protection. This is the decision under review in this application for judicial review.

ISSUES

[13] I will first address a preliminary issue on this application, that is, the Applicant's affidavit sworn on January 5, 2008. It is a well-recognized principle that an application for judicial review involves a review of the record before the original decision-maker. As the information contained in this document was not before the Board, the affidavit does not properly form part of the record on this application for judicial review and will not be considered by this Court.

[14] The sole issue on this application is as follows:

1. Did the Board err in assessing the Applicant's credibility by ignoring evidence before it?

STATUTORY FRAMEWORK

[15] The following provisions of the Act are relevant on this application for judicial review:

96. A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,	**96.** A qualité de réfugié au sens de la Convention — le réfugié — la personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un groupe social ou de ses opinions politiques :

(a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themself of the protection of each of those countries; or

(b) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.

a) soit se trouve hors de tout pays dont elle a la nationalité et ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de chacun de ces pays;

b) soit, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle, ne peut ni, du fait de cette crainte, ne veut y retourner.

97. (1) A person in need of protection is a person in Canada whose removal to their country or countries of nationality or, if they do not have a country of nationality, their country of former habitual residence, would subject them personally

(a) to a danger, believed on substantial grounds to exist, of torture within the meaning of Article 1 of the Convention Against Torture; or

(b) to a risk to their life or to a risk of cruel and unusual treatment or punishment if

(i) the person is unable or, because of that risk, unwilling to avail themself of the protection of that country,

(ii) the risk would be faced by the person in every part of that country and is not faced generally by other individuals

97. (1) A qualité de personne à protéger la personne qui se trouve au Canada et serait personnellement, par son renvoi vers tout pays dont elle a la nationalité ou, si elle n'a pas de nationalité, dans lequel elle avait sa résidence habituelle, exposée :

a) soit au risque, s'il y a des motifs sérieux de le croire, d'être soumise à la torture au sens de l'article premier de la Convention contre la torture;

b) soit à une menace à sa vie ou au risque de traitements ou peines cruels et inusités dans le cas suivant :

(i) elle ne peut ou, de ce fait, ne veut se réclamer de la protection de ce pays,

(ii) elle y est exposée en tout lieu de ce pays alors que d'autres personnes originaires

in or from that country,	de ce pays ou qui s'y trouvent ne le sont généralement pas,
(iii) the risk is not inherent or incidental to lawful sanctions, unless imposed in disregard of accepted international standards, and	(iii) la menace ou le risque ne résulte pas de sanctions légitimes — sauf celles infligées au mépris des normes internationales — et inhérents à celles-ci ou occasionnés par elles,
(iv) the risk is not caused by the inability of that country to provide adequate health or medical care.	(iv) la menace ou le risque ne résulte pas de l'incapacité du pays de fournir des soins médicaux ou de santé adéquats.

STANDARD OF REVIEW

[16] Recently, in the Supreme Court of Canada's decision in *Dunsmuir v. New Brunswick*, 2008 SCC 9 [hereinafter *Dunsmuir*], the Court abandoned the patent unreasonableness standard leaving only two standards of review, correctness and reasonableness. The Supreme Court also stated that the standard of review analysis need not be conducted in every instance. Instead, where the standard of review applicable to the particular question before the court is well-settled by past jurisprudence, the reviewing court may adopt that standard of review. Only where this search proves fruitless must the reviewing court undertake a consideration of the four factors comprising the standard of review analysis (*Dunsmuir* at para. 62).

[17] Prior to the Supreme Court of Canada's recent decision in Dunsmuir, it was trite law that the Board's factual and credibility findings were reviewable on the now defunct patent unreasonableness standard (*Nyirasuku v. Minister of Citizenship and Immigration,* 2006 FC 803 at

para. 28, citing *Chowdhury v. Canada (Minister of Citizenship and Immigration)* (2006), 287 F.T.R. 1, 2006 FC 139 at para. 12; *Thavarathinam v. Canada (Minister of Citizenship and Immigration)*, 2003 FC 1469 (F.C.A.) at para. 10; *Aguebor v. Canada (Minister of Citizenship and Immigration)* (1993), 160 N.R. 315, [1993] F.C.J. No. 732 (F.C.A.) (QL) at para. 4).

[18] The Board's credibility analysis is central to its role as trier of fact. As such, these findings are to be given significant deference by the reviewing Court. Thus, the standard of review applicable to the Board's credibility findings in this application will be the reasonableness standard and the Board's decision shall stand unless the Board's credibility findings fall outside the range of possible, acceptable outcomes which are defensible in respect of the facts and law (*Dunsmuir*, *supra*, at para. 47).

ANALYSIS

[19] The Applicant argues that the Board erred by ignoring the testimony of the Applicant's sister. In support of this assertion, the Applicant argues that the Board made no reference to the sister's testimony which testimony, in the Applicant's view, corroborated the details the Applicant provided in her oral and written evidence. The Applicant's sister's evidence, suggests the Applicant, was essential in bolstering the Applicant's credibility and confirmed most of the key elements of the Applicant's claim, including the abuse the Applicant suffered at the hands of Elton, the Applicant's poor psychological state and her belief that this was a result of the rape, and the Applicant and the Applicant's sister's belief that the Applicant could only get treatment privately, which they could not

afford. Thus, it was unreasonable for the Board not to give any consideration to the Applicant's sister's credibility.

[20] I am not satisfied that the Board ignored the testimony of the Applicant's sister in coming to its decision. It is well-established that there exists a presumption that the Board considered all the evidence before it and that the Board need not mention every piece of evidence in its reasons (*Florea v. Canada (Minister of Employment and Immigration)*, [1993] F.C.J. No. 598 (F.C.A.) (QL)). The determinative factors in the Board's decision were credibility and lack of a subjective fear. The Applicant's sister's testimony did not relate to or address the deficiencies in the Applicant's testimony. She did not provide evidence on the numerous elements upon which the Board found the Applicant not to be credible, specifically, the connection between Elton and Rolandi, details on reporting the rape to the police, how the passport was arranged, the absence of a blood feud, or details regarding the envelope allegedly received from Tirana. While the Applicant's sister did state that the Applicant had told her that she had to pay for therapy, this was itself contradicted by the Applicant's own testimony, which was that because she was on welfare, she was invited to participate in group seminars but decided not attend as she was not comfortable participating in group sessions.

[21] Further, I note that the Applicant's sister has resided in Canada since 2004 and was therefore not present in Tirana for any of the events in 2005 or 2006 that caused the Applicant to leave Albania. Thus, the evidence provided by the Applicant's sister relating to these events was merely a

restatement of the details of the events recounted to her by the Applicant whom the Board found not to be credible.

[22] The Applicant also submits that although the Board referred to the psychological report from Dr. Devins in its Decision, the Board failed to adequately consider the impact of the Applicant's psychological problems on her ability to testify. The Applicant relies on *Rudargi v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 911, for the principle that the Board must consider whether the Applicant's psychological circumstances might help explain any omissions in her narrative or inconsistencies between her port of entry ("POE") declaration and her personal information form ("PIF").

[23] The Applicant also argues that the Board disregarded the medical report provided by the Applicant from a gynecologist in Albania, dated two days after the Applicant was allegedly raped. This report, the Applicant argues, was highly probative as it provided evidence that the Applicant had bruises on her neck and thigh and that she received clinical treatment for two weeks. The Applicant submits that the Board erred in two respects in relation to this report. First, the Board was required to engage in a more detailed reasoning as to why it suspected the particular documents before it were fabricated. The Applicant relies on the Federal Court's decision in *Iqbal v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 1219, wherein Justice Campbell held that the easy accessibility of fraudulent documents does not mean that the particular documents before the Board were in fact fabricated.

[24] The Applicant further contends that the Board breached the principles of procedural fairness by making a negative finding on the authenticity of this medical report without giving the Applicant an opportunity to address the Board's concern regarding the authenticity of the document. In support of this argument, the Applicant relies on Justice Shore's recent decision in *Keqaj v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 388, wherein it was held that the Board breached its duty of procedural fairness by not raising its concerns to the Applicant thereby depriving the Applicant of an opportunity to address and clarify the Board's results. As a result of this breach, the Board was found to have made an erroneous finding of fact in a perverse or capricious manner.

[25] In my view, the Board clearly dealt with both medical reports and provided justifiable reasons for according them little weight. With respect to the medical report from Albania, the Board noted that the report did not mention any cause of the bruises or when they happened. The Board mentioned three reasons for placing little weight on the report, specifically, that the Board had already found the Applicant not to be credible, the ease by which one may obtain false documents in Albania, and because the report lacked sufficient detail, including the cause for the bruises and when the incident causing the bruises occurred. It is clear, from reading the Board's decision, that it did not reject the medical report from Albania solely on the ground that false documents can easily be obtained in Albania. In my view, given the numerous concerns regarding the Applicant's credibility and the lack of detail contained in the medical report from Albania, it was open to the Board to give this report little weight.

[26] With respect to the psychological report submitted by the Applicant in support of her claim, I am also of the view that the Board gave sufficient regard to this document and did not err in its decision to assign this report little weight. The Board noted that the report was written by the psychologist after having seen the Applicant on only one visit and that, although diagnosed with a "depressive episode of moderate severity" and that the Applicant "require[s] treatment by a medical health professional," the Applicant had not attended a single session of free therapy as of her hearing, which was a year after the date of the medical report. Further, the Board found that "there was nothing persuasive in the findings of the psychologist to show that the claimant was abused and how." Thus, the Board found that the psychologist's report did not satisfactorily or persuasively establish that the Applicant's depressive condition is a result of the events that she was alleging in support of her claim for refugee protection. In addition to these reasons, the Board, relying on this Court's decisions in *Rokni v. Canada (Minister of Citizenship and Immigration)*, [1995] F.C.J. No. 182 (F.C.T.D.) (QL) and *Danailov v. Canada (Minister of Employment and Immigration)*, [1993] F.C.J. No. 1019, correctly noted a psychiatric report "cannot possibly serve as a cure-all for any and all deficiencies in a claimant's testimony" and where such a report is submitted and there are concerns regarding the claimant's testimony, "opinion evidence is only as valid as the truth of the facts on which it is based." I find that the Board had sufficient reasons for assigning little weight to the psychological report.

[27] With respect to the Applicant's allegation that the Board erred by failing to consider the impact that her psychological state could have on her testimony, I also find that the Board did not err in this regard. I note that the psychological report submitted by the Applicant states that the

Applicant would likely be nervous and intimidated at the hearing. Thus, it would not have been altogether unusual if, because of her nerves or feeling intimidated, the Applicant made some inconsistent statements or omitted some details in her testimony. However, a review of the record and the Decision reveals that the number of omissions, inconsistencies and implausibilities were so many that there were significant reasons to question the Applicant's credibility. The Board explicitly noted: "Had I encountered with one or two of the above inconsistencies, I probably would consider giving [the Applicant] the benefit of the doubt. However, cumulatively, there were too many instances of omissions, inconsistencies and implausibilities. Therefore, considering all the evidence in its totality, I find on a balance of probabilities that the claimant is not credible."

[28] Had there been only a few minor inconsistencies, I may have been inclined to agree with the Applicant that the Board had erred in failing to consider the impact of her psychological state and that this could be the cause of some minor inconsistencies or omissions. However, given the significance of the omissions, inconsistencies and implausibilities, as found by the Board, I am satisfied that the Board did not err in this regard. In addition, I note that there was one significant inconsistency between the Applicant's POE declaration and her PIF, which were both declared extraneous to the possible intimidating atmosphere of a refugee hearing. In the POE, the Applicant stated that the person she feared was Rolandi. Yet, in her PIF, she identified Elton as the agent of persecution. Thus, in light of this inconsistency and the many other inconsistencies, omissions, and implausibilities in the Applicant's claim, I find that the Board did not err by failing to consider the impact that her psychological state could have on her testimony.

[29] The Applicant also challenges the inconsistencies the Board found with respect to the information in the Applicant's POE and PIF. She relies on Justice Shore's recent decision in *Yener v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 372, where the Court cautioned against expecting significant detail from the port of entry notes when they are only intended to assess admissibility and eligibility issues. Further, the Applicant argues that she provided a reasonable explanation at the hearing for the lack of detail in her port of entry narrative. Specifically, she explained that in her POE declaration, she only focused on the final incident that precipitated her flight from Albania and that "she was not feeling right because of all this mistreatment." At the hearing, she further stated that there were no real contradictions between the two narratives but suggested that her PIF narrative simply added more detail.

[30] In its Decision, the Board thoroughly considered and compared the information provided by the Applicant in her POE declaration and her PIF. The Board noted that in the two and a half page POE, the Applicant provided a detailed account of her fear, when it started, and her allegations. In the POE, the Applicant wrote that "It all started seven months ago when an individual from the same city where I live, that is from Tirana, ...continuously followed me in his car...once in a while he would lower the glass of his window and mumble." She identified this man as Rolandi and claimed that he followed her in a grey car for about two and a half months. She also recounted the details surrounding the alleged rape and Rolandi's threat that if she reported the matter to the police and he got caught, "...their entire gang, with other members who were abroad, were going to get revenge on me and my brother." Yet, in her PIF, the Applicant identified Elton as the agent of persecution. At the hearing, the Board questioned the Applicant regarding the omission of Elton's

name from her POE. The Applicant explained that she was speaking about the main incident and therefore focused only on that incident and that she mentioned Roland because she could not remember other names.

[31] The Board found that this was not a reasonable explanation, noting that the the declaration provided details of the alleged incident as well as other matters, such as how long her sister had been in Canada, that the Applicant would like to stay in Canada as a Canadian citizen, and information relating to her education and job in Albania. The Board also found that the omissions and inconsistencies surrounding the date when the incidents allegedly occurred were material and rejected the Applicant's counsel's submission that the Applicant's long trip and stress were additional factors contributing to this omission. The Board noted that "[t]he claimant had two leisurely stop-overs in Europe on the way to Canada" and held that "one does not forget to mention the name of the alleged agent of perseution [sic] with whom she had a relationship for two years."

[32] I find the Board's findings relating to these omissions and inconsistencies to be reasonable. It was open to the Board to reject the Applicant's explanation for why she claimed that it "all started seven months ago" in her POE when in fact, according to the Applicant's claims in her PIF and at the hearing, the events on which she claimed protection began six years ago. Further, I find it material that she failed to name Elton, the alleged agent of persecution and former boyfriend of two years, in her POE and find her explanation for this omission, specifically, that she could not remember other names, to be unsatisfactory, especially considering the Applicant's long history with Elton and the detail she provided in relation to other elements in her POE.

[33] The Applicant also takes issue with the Board's finding that the Applicant's brother did not know about the rape. She suggests that she provided a "perfectly plausible" explanation at the hearing, the explanation being that her brother was away at the time and that she later told him that she was sick and stated that "he is married, he has his own family, he has his own problems." Again, I find that the Board's finding regarding to this implausibility was not an unreasonable one.

[34] With respect to the Board's consideration of the Applicant's failure to claim in Kosovo, the Applicant argues the Board ignored the Applicant's explanation for not claiming protection in Kosovo, namely that it was the incident of rape, which did not occur until she returned from Kosovo, that precipitated her flight from Albania. She further argues that she would not be safe in Kosovo as people travel freely from Albania to Kosovo.

[35] With respect to the Board's findings on this point, I note that the Board's consideration that the Applicant did not claim protection in Kosovo was but one element of its finding that the claimant lacked a subjective fear. The Board also found that the Applicant had failed to establish that Rolandi and his friends were "instruments of Elton" and that Elton had ordered them to rape her, or that they are connected. The Board held that, on a balance of probabilities, Elton has had no interest in the claimant since July 2002 when the couple broke up. The Board noted that the Applicant moved to Kosovo after her break-up with Elton and that this move was prompted by her alleged fear of Elton and ultimately concluded that if the Applicant was truly afraid, she would have made efforts to claim protection there. The other elements upon which the Board found that the

Applicant did not have a subjective fear of persecution include that the Applicant did not submit a claim for protection in either France or Germany, through which she traveled on her way to Canada, nor did she apply in any Schengen member-country, for which the Applicant held a visa. The Board concluded that her behaviour was indicative of asylum shopping.

[36] I also find that the Board did not err in its consideration of the Applicant's failure to claim protection in Kosovo. Although a claimant is not required to claim refugee status at the earliest opportunity, this is a factor that the Board may consider when assessing whether a claimant has a subjective fear. As stated by Chief Justice Lutfy in *Gavryushenko v. Canada (Minister of Citizenship and Immigration)* (2000), 194 F.T.R. 161 at para. 11:

> The fact that a person does not seize the first opportunity of claiming refugee status in a signatory country may be a relevant factor in assessing his or her credibility, but it does not thereby constitute a waiver of his or her right to claim that status in another country.

Reading the Decision as a whole, I am satisfied that the claimant's failure to claim protection in Kosovo was but one element leading the Board to its conclusion that the Applicant lacked a subjective fear of persecution in Albania. I am satisfied that the Board did not err in considering the Applicant's failure to make a claim for refugee protection in Kosovo, Germany, France, or a Schengen member-country, especially considering the numerous other concerns leading the Board to its finding that the Applicant was not credible.

[37] The Applicant also takes issue with the Board's implausibility findings regarding the claimant's reporting, or lack thereof, of the alleged rape incident to the police. The Applicant argues

that the Board misinterpreted her evidence on this issue, which contributed to the Board's unreasonable credibility finding.

[38] After a careful reading of the record and the Board's decision, I find that this argument is without merit. The Board noted that the claimant, herself, did not report the alleged rape to the police but that her mother allegedly reported the incident a few days later. The Board relied on the Applicant's PIF wherein she stated that she did not report the rape to the police because "my good friend Sonila was kidnapped; held, raped and beaten for three days. She reported it to the police and nothing was done about it at all" and that in her declaration, the Applicant's reason for not reporting the incident was that the police "never do their job, and they are very corrupt." The Board found it implausible that the Applicant would not report the incident of rape to the police but that she reported the unsigned postcard with an implied threat. The Board further noted that there was no concrete evidence that either of the alleged incidents were reported to the police.

[39] It was open to the Board to find it implausible that the Applicant would not report the alleged rape to the police because she distrusted them, but that she nevertheless allegedly reported having received an unsigned postcard with an implied threat. It was illogical that this distrust prevented the Applicant from reporting an alleged major incident but did not prevent her from allegedly reporting an implied threat. Thus, this implausibility finding, too, was open to the Board and was not unreasonable.

[40] The Applicant also contends that although the Board paid lip service to the Gender Guidelines, the Board was not alive and alert to the Guidelines and failed to properly consider them in arriving at its conclusion. The Applicant notes that the Applicant's counsel, in his submissions, specifically emphasized the importance of looking at the Guidelines and to look at how the Board should be dealing with someone who has had the Applicant's experiences. The Applicant argues that the Board failed to do so and, thus, its entire perception of the Applicant's credibility is faulty.

[41] In my view, this allegation is without merit. It is clear from the Board's decision that it was alive to the Gender Guidelines when it made its decision. Further, at the hearing, the Board noted that the importance of the allegation on which the Applicant's claim was based, stating that "[t]he allegations were of rape, which is serious."

[42] The Gender Guidelines have been developed in order to sensitize Board members to the particular difficulties women may have in demonstrating their claims due to the different social, cultural, and legal norms that apply to women in other countries. The Guidelines are not intended to serve as a cure for all deficiencies in an Applicant's claim. As I have already held, I am not convinced that the Applicant has established that the Board failed to consider to the Gender Guidelines when coming to its decision. The Board recognized the applicability of the Gender Guidelines and applied them. However, these Guidelines are not enough to resolve the major inconsistencies in the Applicant's claim and the Board therefore properly rejection the Applicant's claim for protection.

[43] Lastly, the Applicant argues that the Board erred by impugning the Applicant's credibility on the "minute details" regarding how much she paid for her fraudulent passport. The Applicant argues that as a result of her psychological state, she had a memory lapse, and further submits that she provided a clear explanation as to how she obtained the fake passport and how much she paid. The Applicant submits that the Board's finding that there was a "massive discrepancy" between whether the Applicant paid €1000 or €700 was erroneous arguing that the Board exaggerated any perceived discrepancy and conducted a microscopic analysis of the Applicant's credibility.

[44] In its Decision, the Board noted the following with respect to the Applicant's testimony regarding how she obtained the fraudulent passport and how much she paid:

> The claimant provided different variations of who arranged her false passport. She testified that Arthur Kodra, a friend of her sister, arranged the passport. In her CIC interview,the claimant is reported to have stated that the false passport was supplied by Sajmir, a friend of Kodra. It continues, stating, "The subject did not have any contact with him." At the hearing, she testified that she herself arranged the passport with the help of a friend. In explanation, she stated that both the claimant and sister worked with Kodra to get the false passport. In the CIC interview notes, her sister arranged her passport through a friend of hers. Instead of clearly stating the facts, she further muddled the issue as if manufacturing answers.
>
> […]
>
> The claimant testified at the first day of her hearing that her sister Adira paid 2000 euros of the false passport. She agreed that it was a very large sum of money but her sister could afford it because she has a well-paying job. In the Schedule 1, and at the hearing, she stated at one time 700 euros and at another time she stated 1,000 euros as the amount that she paid for the false passport. In explanation for this massive discrepancy, which was pointed out to be very significant - particularly in the Albanian context, she responded that 700 euros was for the passport without photo alteration. She explained the difference between 1000 euros and 2000 euros by stating that her sister paid, therefore she did not know. So many answer to the same question posed, suggests to me that the smaller building blocks of the story were not based on facts but were manufactured on the spot.

[45] A review of the record including the Applicant's testimony reveals that the Applicant did indeed give conflicting testimony regarding how she obtained the fraudulent passport and how much was paid. Contrary to the submissions put forward by the Applicant, I do not agree that the Board undertook a microscopic review of the evidence. Instead, based on the inconsistent testimony of the Applicant, it was not unreasonable for the Board to question the Applicant's evidence on this issue and, together with the other many inconsistencies, omissions, and implausibilities, find that the Applicant was not credible.

[46] Based on my findings above, I am satisfied that the Board did not err in its assessment of the Applicant's credibility, nor did the Board fail to consider evidence before it.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that this application for judicial review is dismissed. No question was submitted for certification.

"Max M. Teitelbaum"
Deputy Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-5045-07
STYLE OF CAUSE:	Blerina ARIZAJ v. The Minister of Citizenship and Immigration
PLACE OF HEARING:	Toronto, Ontario
DATE OF HEARING:	June 11, 2008
REASONS FOR JUDGMENT:	TEITELBAUM D.J.
DATED:	June 24, 2008

APPEARANCES:

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