

Federal Court



Cour fédérale

**Date: 20110112**

**Docket: IMM-2558-10**

**Citation: 2011 FC 32**

**Toronto, Ontario, January 12, 2011**

**PRESENT: The Honourable Mr. Justice Hughes**

**BETWEEN:**

**AGRON ZOGU  
VJOLLCA ZOGU (A.K.A. VIOLLCA  
KAPLLANI)  
CINDY ZOGU  
ARVOJOLA ZOGU**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This is an application for judicial review of a decision of the Refugee Protection Division of the Immigration and Refugee Board of Canada dated April 16, 2010 denying the Applicants' claim for refugee protection in Canada. I am dismissing this application.

[2] The Applicants are a husband, wife and their two children. The husband and wife are Albanian citizens, they left Albania and entered into the United States illegally. Their two children were born in the United States and are citizens of that country. The Applicants instituted asylum claims in the United States which were rejected. The Applicants then entered Canada and made a refugee claim. That claim was rejected by the decision at issue.

[3] First, there is no dispute that the refugee claim made by the two children, who are United States citizens, were properly rejected.

[4] The basis of the refugee claims made by the husband and wife rested on the evidence of the husband and certain documents. The Member hearing the matter found the husband not to be a credible or trustworthy witness and one who embellished the evidence to bolster the claim. The Member further found certain documents to be false or suspect. These are matters within the jurisdiction of the Member to determine and, while not unassailable, on an application such as this the Applicants bear a heavy burden in rebutting such findings (*Culinescu v. Canada* 136 F.T.R. 241). Notwithstanding the able efforts of Counsel for the Applicants, I find that the Applicants have not satisfied the burden of displacing those findings.

[5] Similarly, with respect to an internal flight alternative I find that the Applicants did not lead sufficient evidence at the hearing before the Member to displace the presumption that such an alternative is available.

[6] In the result the application is dismissed. There is no question for certification.

**JUDGMENT**

**THE COURT ADJUDGES that:**

1. The application is dismissed;
2. There is no question for certification;
3. No Order as to costs.

“Roger T. Hughes”

---

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKETS:** IMM-2558-10

**STYLE OF CAUSE:** AGRON ZOGU, VJOLLCA ZOGU (A.K.A. VIOLLCA KAPLLANI), CINDY ZOGU, ARVOJOLA ZOGU  
v.  
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATES OF HEARING:** January 12, 2011

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

**DATED:** January 12, 2011

**APPEARANCES:**

Ronald Shacter FOR THE APPLICANTS

Rafina Rasheed FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Ronald Shacter FOR THE APPLICANTS  
Barrister & Solicitor  
Toronto, ON

Myles J. Kirvan FOR THE RESPONDENT  
Deputy Attorney General of Canada