

Federal Court



Cour fédérale

Date: 20150319

Docket: IMM-7393-13

Citation: 2015 FC 353

Toronto, Ontario, March 19, 2015

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

ABDURRAHMAN KARADAG

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is a judicial review of a decision of a Member of the Refugee Protection Division dated October 25, 2013 wherein the Applicant's claim for refugee protection in Canada was rejected.

[2] The Applicant is an adult male citizen of Turkey. He is ethnically Kurdish. The Applicant was active in political demonstrations in Turkey and claims to be targeted by the police.

[3] I have reviewed the transcript of the oral hearing before the Member. The hearing was a mess largely caused because the Member and the Applicant were in the same room but the interpreter was in another city, and the telephone connections were terrible. This caused many communications to and from the interpreter to be inaudible or indecipherable or misunderstood. The Member, in her reasons, ascribes some of the answers given by the Applicant that, in reading the transcript, were clearly misunderstood or later corrected.

[4] Further, as to a critical piece of evidence, arrest warrants, there were concerns. The Member's concerns, apparently arising from country condition documents, should have been put to the Applicant for an explanation, if any. Given the critical nature of this evidence, it was an error not to put these concerns to the Applicant.

[5] The best course of action is to send this matter back for re-determination by a different Member. At the new hearing, the interpreter should be in the same room as the Member and the Applicant. Any concerns that the Member has as to critical evidence should be put to the Applicant.

[6] The application is allowed. No party requested certification of a question.

JUDGMENT

THE COURT THEREFORE ORDERS AND ADJUDGES that:

1. The application is allowed;
2. The matter is to be re-determined by a different Member mindful of these
Reasons;
3. No question is certified;
4. No Order as to costs.

"Roger T. Hughes"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-7393-13

STYLE OF CAUSE: ABDURRAHMAN KARADAG v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 19, 2015

JUDGMENT AND REASONS: HUGHES J.

DATED: MARCH 19, 2015

APPEARANCES:

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