

Federal Court



Cour fédérale

Date: 20150521

Docket: IMM-4639-14

Citation: 2015 FC 652

BETWEEN:

**EDWARD BESONG OBEN
YVONNE KUNJU BALOGOUN
SAMUEL OBEN BESONG
ANNE BESONG**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR JUDGMENT

(Judgment given orally from the Bench in Toronto, Ontario on May 14, 2015)

SIMPSON J.

[1] The Applicants' application for a Pre-Removal Risk Assessment [PRRA] was denied by a PRRA Officer on May 7, 2014. They now apply for judicial review of that decision pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the IRPA].

[2] The Applicants are a family of four. The Principal Applicant, his wife and his son are citizens of Cameroon. His five year-old daughter was born in Spain where the family lived as permanent residents; however, she too is a citizen of Cameroon. The Principal Applicant and his wife also have two year-old daughter. She is a Canadian citizen by birth.

[3] During a trip to Cameroon in 2005 to 2006, the Principal Applicant joined the Southern Cameroon National Council [SCNC].

[4] In May 2009, the Principal Applicant travelled from Spain to Cameroon to attend an SCNC conference. On May 30th, during the meeting, the Principal Applicant was arrested for participating in an organization which promoted separatism in Cameroon. He was detained and tortured. On June 5, 2009, the Principal Applicant was released with the intervention of his lawyer and a humanitarian group. On June 7, 2009, he returned to Spain.

[5] On November 18, 2009, the Applicants arrived in Canada and made refugee claims against Cameroon; however, the claims were refused by the Refugee Protection Division of the Immigration and Refugee Board [the RPD] due to credibility concerns and a lack of corroborating evidence to support the claim. The RPD was particularly concerned about the absence of press reports and medical records, and it also found the Principal Applicant's demeanour unsuitable. The RPD concluded that on a balance of probabilities, the Principal Applicant was not a member of SCNC and that he had never been arrested or detained.

I. The PRRA Application

[6] As new evidence on the PRRA application, the Applicants submitted an article from the Recorder Newspaper titled “Searching for new homes: The case of S. Cameroonians.” The article was dated January 23, 2013 [the Article], and it mentioned the Principal Applicant stating that he became a member of SCNC in 2006 and that he was detained and accused of participating in a separatist organization. It further stated that he was released due to the intervention of a human rights group and that he left Cameroon in June 2009.

II. The PRRA Decision

[7] The Officer concluded that the Article did not meet the requirements for new evidence because, although the Article post-dates the RPD decision, it refers to the Applicant’s arrest and detention [the Incident] which took place prior to the rejection of the Applicant’s claim. The PRRA Officer found that, in light of the seriousness of the Incident, the Applicants were required to provide a satisfactory explanation for why a contemporaneous newspaper article about the Incident was not reasonably available to the Applicants for their RPD hearing [the Explanation].

III. The Issue

[8] Was the Officer’s refusal to accept the Article as new evidence reasonable?

IV. Discussion

[9] Counsel for the Applicant concedes that the Explanation was not included with the letter from the Applicants' immigration consultant which enclosed the Article. He also conceded that, in normal circumstances, an explanation is required.

[10] However, he submits that because the PRRA Officer's decision shows that he was aware that the US Department of State Report for 2013 includes an acknowledgment that freedom of the press is restricted in Cameroon and that the press is sanctioned for criticizing abusive government action, it was unreasonable for the Officer to insist on the Explanation because press reports were unlikely to exist.

V. Conclusion

[11] I am not persuaded by this submission. In my view, given that the Applicant allegedly had a lawyer and human rights activists working on his behalf at the time of the Incident, and given that he also had family members in the country, it was reasonable for the Officer to require the Explanation.

[12] For these reasons, Judgment was given on May 14, 2015 dismissing the application.

"Sandra J. Simpson"

Judge

Ottawa, Ontario
May 21, 2015

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4639-14

STYLE OF CAUSE: EDWARD BESONG OBEN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 14, 2015

REASONS FOR JUDGMENT: SIMPSON J.

DATED: MAY 21, 2015

APPEARANCES:

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