

Federal Court



Cour fédérale

**Date: 20150611**

**Docket: IMM-1634-14**

**Citation: 2015 FC 741**

**Ottawa, Ontario, June 11, 2015**

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

**BETWEEN:**

**EUGENE MARIYADAS  
MARY DORIN CHRISHANTHY PETER  
ASHLEY LYDIA EUGENE**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. INTRODUCTION**

[1] This is an application under s 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [Act] for judicial review of the decision of an immigration officer [Officer], dated February 10, 2014 [Decision], which rejected the Applicants' application for permanent residence under the Convention refugees abroad class.

## II. BACKGROUND

[2] The Applicants are a Tamil family from Sri Lanka. They are a husband [Principal Applicant], wife, and their eight-year-old daughter.

[3] The Applicants seek refugee status based on the Principal Applicant's experiences with the Sri Lankan Army, the Liberation Tigers of Tamil Eelam [LTTE], and the Eelam People's Democratic Party [EPDP]. The Principal Applicant says he was detained in April 2008 and accused of having LTTE connections. He also says that he was harassed and threatened by the Sri Lankan Army, the LTTE and the EPDP while working as a graphic designer for a newspaper.

[4] In April 2008, the family fled Sri Lanka and have been living in India since then. In April 2009, the Applicants' extended family was approved to sponsor the Applicants for permanent residence under the Convention refugees abroad class.

## III. DECISION UNDER REVIEW

[5] The Applicants' application for permanent residence was refused on February 10, 2014. The Officer was not satisfied that the Applicants were members of the Convention refugees abroad class because the Principal Applicant and his wife provided inconsistent and conflicting answers regarding their fears of returning to Sri Lanka at their interview. The Officer said that she had provided the Applicants with opportunities to address her concerns but that they failed to provide sufficient details or explanation to alleviate her concerns. She concluded that the Applicants were not credible and she was not satisfied that they had a well-founded fear of

persecution, or that they have been, or continue to be, seriously and personally affected by civil war, armed conflict or massive violations of human rights.

#### IV. ISSUES

[6] The Applicants raise the following issues in this application:

1. Did the Officer err in failing to consider all of the grounds for protection that could have been inferred from the evidence?
2. Did the Officer err in failing to assess whether there was any independent evidence capable of supporting the Applicants' claim for refugee protection?
3. Did the Officer err in her assessment of the Applicants' credibility?

#### V. STANDARD OF REVIEW

[7] The Supreme Court of Canada in *Dunsmuir v New Brunswick*, 2008 SCC 9 [*Dunsmuir*] held that a standard of review analysis need not be conducted in every instance. Instead, where the standard of review applicable to a particular question before the court is settled in a satisfactory manner by past jurisprudence, the reviewing court may adopt that standard of review. Only where this search proves fruitless, or where the relevant precedents appear to be inconsistent with new developments in the common law principles of judicial review, must the reviewing court undertake a consideration of the four factors comprising the standard of review analysis: *Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 at para 48.

[8] The Applicants submit that questions of discretion and mixed fact and law are reviewed on a standard of reasonableness. Questions of procedural fairness and questions of law are reviewed on a standard of correctness: *Kastrati v Canada (Citizenship and Immigration)*, 2008 FC 1141 at paras 9-10. The Officer's decision as to whether the Applicants meet the Convention refugees abroad class is a question of mixed fact and law and is reviewed on a standard of reasonableness: *Kamara v Canada (Citizenship and Immigration)*, 2008 FC 785 at para 19 [*Kamara*]; *Alakozai v Canada (Citizenship and Immigration)*, 2009 FC 266 at para 18 [*Alakozai*]; *Alfred v Canada (Citizenship and Immigration)*, 2011 FC 987 at para 19. The Respondent submits that the standard of review for decisions under the Convention refugees abroad class is reasonableness: *Sivakumaran v Canada (Citizenship and Immigration)*, 2011 FC 590 at para 19 [*Sivakumaran*]; *Sribalaganeshamoorthy v Canada (Citizenship and Immigration)*, 2010 FC 11 at para 14.

[9] The first two issues raise questions of mixed fact and law regarding the Officer's determination under the Convention refugees abroad class. The Court agrees that these questions are reviewable on a standard of reasonableness: *Kamara*, above, at para 19; *Sivakumaran*, above, at para 19. The Officer's credibility assessment is also reviewable on a standard of reasonableness: *Aguebor v Minister of Employment and Immigration* (1993), 160 NR 315 (FCA); *Singh v Minister of Employment and Immigration* (1994), 169 NR 107 (FCA).

[10] When reviewing a decision on the standard of reasonableness, the analysis will be concerned with "the existence of justification, transparency and intelligibility within the decision-making process [and also with] whether the decision falls within a range of possible,

acceptable outcomes which are defensible in respect of the facts and law”: see *Dunsmuir*, above, at para 47; *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 59. Put another way, the Court should intervene only if the Decision was unreasonable in the sense that it falls outside the “range of possible, acceptable outcomes which are defensible in respect of the facts and law.”

## VI. STATUTORY PROVISIONS

[11] The following provisions of the Act are applicable to this proceeding:

### **Convention refugee**

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,

(a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themselves 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.

### **Définition de « réfugié »**

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) 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.

[12] The following provision of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 is applicable to this proceeding:

<b>Member of Convention refugees abroad class</b>	<b>Qualité</b>
145. A foreign national is a Convention refugee abroad and a member of the Convention refugees abroad class if the foreign national has been determined, outside Canada, by an officer to be a Convention refugee.	145. Est un réfugié au sens de la Convention outre-frontières et appartient à la catégorie des réfugiés au sens de cette convention l'étranger à qui un agent a reconnu la qualité de réfugié alors qu'il se trouvait hors du Canada.

## VII. ARGUMENT

### A. *Applicants*

[13] The Applicants submit that the Officer failed to consider all of the grounds for protection that could have been inferred from the evidence. Specifically, the Applicants say that the Officer failed to consider whether the Principal Applicant's previous employment with a newspaper and a publisher could have established the need for refugee protection. It is the Officer's duty to raise and consider relevant grounds: *Canada (Attorney General) v Ward*, [1993] 2 SCR 689 [*Ward*]; *Pastrana Viafara v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1526 at para 6 [*Pastrana Viafara*]; *Adan v Canada (Citizenship and Immigration)*, 2011 FC 655 at paras 30-31, 39 [*Adan*]. The Officer asked whether the Principal Applicant had worked as a journalist, but the fact that he had not should not have ended the Officer's questions in this regard.

[14] The Applicants also submit that the Officer erred in failing to consider whether the Applicants had satisfied the subjective and objective requirements for refugee protection, notwithstanding her finding that they were not credible: *Attakora v Minister of Employment and Immigration* (1989), 99 NR 168 (FCA); *Seevaratnam v Canada (Minister of Citizenship and Immigration)* (1999), 167 FTR 130 at paras 11, 13; *Manickan v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1525 at paras 1, 6. The Officer failed to consider the Principal Applicant's profile, specifically his ethnicity combined with his employment history, in light of the Sri Lankan country condition documents. The Officer is presumed to be familiar with general country conditions: Citizenship and Immigration Canada OP5: Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes; *Saiffee v Canada (Citizenship and Immigration)*, 2010 FC 589 at paras 28, 30-31. The Officer made no credibility findings about the Principal Applicant's past employment history. The documentary evidence indicates that journalists, and other individuals employed in the media, continue to be at risk in Sri Lanka. The Officer also failed to consider the risk of torture that the Applicants face as failed asylum seekers.

[15] Finally, the Officer erred in making a global credibility finding based on one inconsistency in the Principal Applicant's and his wife's testimony: *Guney v Canada (Citizenship and Immigration)*, 2008 FC 1134 at para 17. The Officer failed to say why she found the rest of the Applicants' evidence not credible.

B. *Respondent*

[16] The Respondent submits that the Applicants have failed to challenge the determinative credibility issue; rather, the Applicants attempt to circumvent this issue by reshaping their claim for protection before the Court. The Officer's credibility findings are entitled to a high degree of deference: *Alakozai*, above, at paras 19, 35-37; *Xuan v Canada (Citizenship and Immigration)*, 2013 FC 673 at paras 18-20. The Officer put her credibility concerns to the Applicants; not only did they fail to provide a reasonable explanation for the inconsistencies but their explanations evolved. The Federal Court has held that an officer need not provide individual credibility analyses when an applicant fails to provide independent evidence: *Paplekaj v Canada (Citizenship and Immigration)*, 2012 FC 947 at paras 14-17 [*Paplekaj*]; *Aguilar Moncada v Canada (Citizenship and Immigration)*, 2012 FC 104 at para 33.

[17] The Respondent also submits that the Applicants have reshaped their refugee claim before the Court. The Officer repeatedly asked the Applicants what they feared and the Principal Applicant consistently replied that he feared persecution due to his Tamil ethnicity. Judicial review is not an opportunity for a second chance to reshape a claim: *Singh v Canada (Citizenship and Immigration)*, 2011 FC 1370 at para 12 [*Singh*]; *Zsoldos v Canada (Attorney General)*, 2003 FCA 305. The Applicants cannot bolster the record by claiming new risks in their affidavit before the Court: *Construction and Specialized Workers' Union, Local 1611 v Canada (Citizenship and Immigration)*, 2013 FC 512 at para 83; *Stemijon Investments Ltd v Canada (Attorney General)*, 2011 FCA 299 at para 41.



[18] Finally, the Respondent submits that the Decision makes clear that the Officer considered whether the Applicants would face any risk as failed asylum seekers. The Global Case Management System [GCMS] notes are part of the reasons for the Decision: *Pirzadeh v Canada (Citizenship and Immigration)*, 2011 FC 461 at para 29.

C. *Applicants' Reply*

[19] In reply, the Applicants submit that they are not reshaping their claim before the Court but merely argue that the Officer failed to consider all of the grounds for possible protection that could have been inferred from the evidence. The Officer had a particular duty to consider whether the evidence could support additional grounds for protection in light of the fact that the Applicants were unrepresented: *Adan*, above. The Applicants also reiterate that they do in fact challenge the Officer's credibility findings.

D. *Respondent's Further Submissions*

[20] In further submissions, the Respondent notes that the Applicants' reply acknowledges that they did not put forward a claim of prospective risk based on the Principal Applicant's employment history. The only risk that the Principal Applicant indicated in relation to his work as a graphic designer was his fear that in the future he would have to work night shifts and may be picked up due to his Tamil ethnicity. The Court cannot decide an issue on judicial review that was not raised before an administrative decision-maker: *Toussaint v Canada (Labour Relations Board)* (1993), 160 NR 396 at para 5 (FCA); *Abbott Laboratories Limited v Canada (Attorney General)*, 2008 FCA 354 at para 37.

[21] The Federal Court of Appeal has also held that there is no error when a decision-maker fails to consider an element of a claim where it is reasonable to expect that the applicant would have raised the issue: *Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164 at para 10 (CA). The Applicants' reliance on *Ward* is misplaced. The Officer's failure to create a new prospective risk is not the same as the officer in *Ward*'s failure to decide under which enumerated ground a prospective risk fell under. There was no basis for the Officer to consider where the Principal Applicant's fear of being targeted as a graphic designer would properly fall because the issue was never raised: *Paramanathan v Canada (Citizenship and Immigration)*, 2012 FC 338 at paras 12-18; *Suppaiah v Canada (Citizenship and Immigration)*, 2013 FC 429 at para 41. It is illogical to seek judicial review on a claim of risk never placed before the Officer: *Mariko v Canada (Minister of Citizenship and Immigration)*, 2004 FC 1136 at para 29; *Kanapathipillai v Canada (Citizenship and Immigration)*, 2012 FC 477 at paras 29-31.

[22] The fact that the Applicants were initially self-represented does not remove the Applicants' burden to establish their claim; nor does it increase the Officer's burden: *Adams v Canada (Citizenship and Immigration)*, 2007 FC 529 at paras 24-25; *Kamara*, above, at paras 20-21, 25. Furthermore, the Applicants were represented for at least part of their initial application; written submissions from a lawyer were placed before the Officer.

[23] Finally, the Applicants have failed to point to any errors with the Officer's credibility findings: *Alibali v Canada (Minister of Citizenship and Immigration)*, 2004 FC 657 at para 18; *Jarrah v Canada (Minister of Citizenship and Immigration)*, 2002 FCT 180 at paras 17-18. The

fact that the Applicants are dissatisfied with the result is not a ground for seeking judicial review:  
*Singh*, above, at para 12.

## VIII. ANALYSIS

[24] The Applicants have raised three (3) principal grounds for review, and I will deal with them in turn.

### A. *Failure to Consider All of the Grounds that Could be Inferred from the Evidence*

[25] A reading of the Decision (including the GCMS notes) makes it clear that the Officer went to considerable pains to identify and explore the basis for the Applicants' fear of returning to Sri Lanka. The Officer cannot invent fears and must rely upon what the Applicants say they fear. The Officer repeatedly asked the Applicants what they feared and then asked questions in an attempt to identify the objective basis for their stated fears.

[26] Specifically, the Applicants complain that the Officer did not explore and address the Principal Applicant's former employment as a graphic designer for both the Uthayan Newspaper in Jaffna and the Amaithi Press in Vavuniya with a view to identifying a possible ground for protection.

[27] When the Principal Applicant was directly asked "Can you tell me why you believe that you or your family would be personally targeted?" his answer was as follows (CTR at 56):

...In 2008 and 2007 I was picked up, and before that my wife (before marriage in 1993) was picked up to work for them. Her

father had to get her released. Even besides that, I was working for a paper called Udayan Publications, and we could never go to work. They always intercepted us and troubled us. In 2004, I moved to Vavunia [sic] and I worked as a graphic designer and at that point, the army used to trouble us. I had gone through a lot. That's why I decided to leave SL. What did you do at the newspaper? –graphic designer You didn't work as a journalist? – no I am still having trouble understanding why you believe that things that may have happened in the past would cause you to fear returning now? –even last year, my parents were rounded up and since I was the missing member in the family, they have been asking for me. My parents were tortured, when they didn't tell them about my whereabouts. My records of being arrested once are with the police and I am sure that when I go back, they will arrest me again. When were your parents picked up? –last December when they went for a midnight mass. They were arrested. And then the incident of the young girl being raped scares me because my dtr is 8 years old. I feel there is no guarantee for my safety. What makes you think the same thing would happen to your daughter? What is the connection to your family? –Since it has happened to someone there. It could also happen to my daughter. There is no guarantee for life. That girl's parents would not have expected it to happen. I do not want to take the risk with my dtr. Unfortunately, terrible crimes happen in every country but what makes you think that your family might be targeted in a similar way? –the same thing can happen to anyone. Even if we go back, there is no guarantee for any of us. We were young people at that time and we were picked up so many times which is what made us come to India. Now we are scared that whatever is happening to others can happen to us too. My b-i-l was picked up from inside the house right in front of us but we were unable to ask any questions. Even when I was going to work, no one knew if I would come home after work. Things are the same even now. Since there is no security, I am afraid of going back...

[28] Later in the interview, the Officer again attempted to get to the bottom of the Applicants' fears and asked the Principal Applicant "I would like to give you one more chance to explain to me why this incident relates to your family? As I said earlier horrible crimes happen in every country, including Canada. Why do you believe this incident with the little girl would put your family at risk?"

[29] In his answer to this question, the Principal Applicant again mentions his employment (CTR at 57):

...this incident happened in our village to people who we know very well, that is why we are scared because I will also be going to the same village if I go back. Also, if I have to work, I have to work with any paper or publication because I am a graphic designer and I will also be given only night shifts. So, if they pick me up, people won't even know because in 2007 the same thing happened. People who saw me being picked up were the ones who informed my parents, otherwise they would have never known where they took me. Now a Tamil organization called EPDP is giving us problems because they think that all Tamils are LTTE. What is the name of your village? –Mandeithevu. This is an island where only fisherman live. Even my brother's shops are in Jaffna, it's about 6-7 kms away and even if I have to go back I have to live in my land and my village and I have to travel for my work, which is why I'm scared that I might be picked up on my way to or from work...

[30] It has to be borne in mind that the Officer made a global negative credibility finding: "These inconsistent stories diminish the credibility of everything that you have told me" (CTR at 54). Notwithstanding this finding, the Officer appropriately went on to consider the country documentation on returning Tamils from India and attempted to identify what the Applicants believed placed them at risk in light of the fact that the documentation does not suggest that all Tamils are at risk.

[31] As the Principal Applicant's answers make clear, he did not say at the interview that he was afraid of being picked up or targeted because he has worked as a graphic designer in the past, or that he was afraid that he will be picked up in the future because he will work as a graphic designer for a newspaper in the future. His stated fear is that he may be picked up on this way to and from work and no one will know about it. He does not identify association with a

publication as a basis for his fear. As regards past association with a publication, the evidence suggests that the Principal Applicant has not worked as a graphic designer since April 2006. His most recent employment experience included computer and field operations.

[32] The Officer's role is not to suggest possible grounds for protection that the Applicants can then adopt. The Officer's role is to give the Applicants a full opportunity to identify the basis of their fears and then to explore their subjective fears with a view to identifying an objective basis. See *Pastrana Viafara*, above. This is precisely what the Officer did in this case. The Principal Applicant provided no basis for a possible inference that he feared risks associated with working for a publication. That is a new ground that the Applicants have raised as part of this application. It was not a ground that was placed before the Officer – either directly or by inference – and so the Officer's failure to consider it cannot be considered a reviewable error. The Applicants' former legal counsel made submissions to the Officer on behalf of the Applicants and did not suggest that the Principal Applicant's past work as a graphic designer was related to prospective risk. Rather, counsel submitted that the Applicants were "victims of persecution at the hands of the Sri Lankan Security Forces and the LTTE and were forced to flee due to lack of state protection" (CTR at 184). As for the future, the Principal Applicant says he intends to work as a graphic designer "with any paper or publication." He does not say this will be Tamil-related or a publication that opposes the government. So there is no evidence to support a future risk because of his association with some publication that could lead to his being harassed or attacked. The record shows that the Principal Applicant's Personal Information Form discussed two incidents of persecution that happened while he was a graphic designer for a newspaper. So, there was some information before the Officer regarding the Principal

Applicant's past experience of persecution while working in the media and there was general documentary evidence regarding the treatment of journalists and media professionals. What was missing was any attempt by the Applicants to link this information to future risk. The Principal Applicant had not been working as a "media professional" for the last two years in Sri Lanka and there was no indication that he would continue to work as a "media professional." He also, as discussed in the judgment, never said he was at risk because he was a media professional, but rather he was at risk because he is a Tamil who would have to work nights. There also wasn't any real evidence about the risks that "media professionals" continue to face. There is evidence of journalists perceived to be LTTE supporters being at risk but there just doesn't seem to be anything else that applies to these Applicants.

B. *Independent Evidence Capable of Supporting a Claim for Refugee Protection*

[33] The Applicants say that (Applicants' Record at 259):

The Officer failed to assess the principal Applicants' [*sic*] profile, due to his ethnicity in addition to his past employment in the media/journalism industry in light of the documentary evidence with which she is expected to be familiar. Moreover, the evidence before the Officer was that the Applicants would be returning forcibly from India to Sri Lanka as refused asylum seekers.

[34] Once again, the Applicants refer to the Principal Applicant's employment situation and say that the evidence before the Officer was that it was not only journalists who face persecution in Sri Lanka, but also those "employed with or associated with media publications." The Applicants then say that (Applicants' Record at 262):

there was evidence before the Officer linking the principal Applicant to the documentary evidence relating to the risks faced by individuals of certain profiles in Sri Lanka; evidence which

should have been assessed by the Officer despite the Officer's credibility findings.

[35] The Applicants are, once again, complaining that the Officer did not assess a prospective risk which they did not raise in their claim. As previously discussed, there is no evidence to show that the Principal Applicant claimed to have a profile at risk based upon his possible future association with some publication and there was no inference to this effect. The Principal Applicant said he feared persecution because he is a male Tamil and because he is afraid for his daughter.

[36] There was also no evidence before the Officer regarding which publication the Principal Applicant might work for in the future that would place him at risk.

[37] The Applicants refer to the United Nations High Commissioner for Refugees Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka which mention that "other media professionals" may be at risk, but the Principal Applicant did not claim he was at risk as a "media professional" and he provided no evidence that he would be targeted in the future because of his job. Once again, the Applicants are seeking judicial review on an issue that they did not place before the Officer or that the Officer could surmise as a risk as a matter of inference. The Applicants were very clear about the risks that they said they faced and the Officer repeatedly asked for clarification of those risks.

[38] The Applicants also complain that the Officer did not assess the risks they face as "refused asylum seekers." Once again, the Applicants are raising a ground for review that was



not before the Officer and when the Officer asked if there were other reasons to fear returning to Sri Lanka, the Principal Applicant's wife answered definitively "No, there is nothing else." The Officer also made it clear to the Principal Applicant that "Everything you tell me today is confidential and no one in your country will know what we talked about." There is no suggestion in the Principal Applicant's responses to the Officer's questions that he feared he would be mistreated as a failed asylum seeker. Once again, the Applicants are raising an issue for review that was not placed before the Officer, either directly or by way of inference. When asked "Why do you believe you can't return now?", the Principal Applicant answered (CTR at 56):

...as soon as we go to the airport, I am afraid I'll be picked up. I don't have land or a house to start a new life. Also, EPDP and the army have been inquiring and the police records have all the family details. Even last year my parents were picked up and tortured. They wanted to know where I was. My brothers are finding it difficult to live there. I have also heard that people who have been away from SL for a long time are picked up [sic] as soon as they land and are interrogated. In 2012, I heard that a 7 year old girl was raped and her body was found in a well. My daughter is growing up so I am scared for her security. What makes you think you would be picked up at the airport? -I hear from people in India that those who have gone to SL are picked up but they don't know their whereabouts. The CID is constantly watching people who return back to SL. That is why I am afraid the same thing might happen to me. It's very normal for people entering a country or returning to their home country to be questioned about what they have been doing by the authorities. -I am scared because we are Tamils and my identity card shows me as a Tamil citizen. We are all suspected of being supported [sic] of being LTTE. If they pick us up at the airport, we don't know where they will take us. Nobody will know where they have taken me.

[39] The Principal Applicant never says he fears returning as a failed asylum seeker.

Regardless, the Decision shows that the Officer went on to address the documentary evidence on Tamils returning to Sri Lanka. In my view, the Applicants have not raised a reviewable error

with regard to this evidence. The Applicants did not show that they fit the profile of anyone who might be harmed upon return. Their subjective fears were not enough.

C. *Assessment of Credibility*

[40] Credibility was at the centre of the Decision. The Applicants suggest that the Decision was unreasonable because the Officer drew a global negative credibility conclusion from inconsistent evidence between the Principal Applicant and his wife. They also argue that the Officer had no reason to disbelieve the Principal Applicant's employment history.

[41] The claims of past targeting were central to the claim and, as the Officer points out, the adult Applicants provided inconsistent responses which "directly related to your stated fears of returning to Sri Lanka" (CTR at 3). The Principal Applicant's employment history is irrelevant to the Decision because the Principal Applicant's employment profile was not claimed as a ground of prospective risk. As already discussed, the Principal Applicant feared that he would be targeted travelling back and forth to work, particularly at night. This fear is directly connected to the past incidents of targeting for which the adult Applicants provided evidence that was contradictory in significant material ways. However, the Officer also made it clear that the "inconsistent stories diminish the credibility of everything that you have told me" (CTR at 54). In other words, the inconsistencies were so significant that the Applicants could not be regarded as truthful. Having found the Applicants untruthful on the facts supporting the central part of their claims, there was no impediment to rejecting all of their testimony without specifically addressing it where other incidents and factors were supported only by their testimony. See

*Paplekaj*, above, at para 17; *Alakozai*, above, at paras 36-37. This left the Officer to assess the risks to the Applicants as Tamils returning from India, which the Officer did.

[42] In conclusion, I can find no reviewable error with this Decision.

[43] Counsel agree there is no question for certification and the Court concurs.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that**

1. The application is dismissed.
2. There is no question for certification.

"James Russell"

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Judge

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

**DOCKET:** IMM-1634-14

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