

Federal Court



Cour fédérale

**Date: 20160607**

**Docket: IMM-2617-15**

**Citation: 2016 FC 630**

**Ottawa, Ontario, June 7, 2016**

**PRESENT: The Honourable Mr. Justice O'Reilly**

**BETWEEN:**

**GEMECHU SHONORA GETA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] Mr Gemechu Shonora Geta arrived in Canada in 2008 from Ethiopia in order to study at Dalhousie University. In 2015, he claimed refugee protection based on his fear of persecution in Ethiopia as a member of the Oromo ethnic group.

[2] A panel of the Immigration and Refugee Board dismissed Mr Geta's application based on a lack of credible evidence. In particular, while Mr Geta claimed to have participated in a number of demonstrations in Ethiopia before he came to Canada, the Board found that he was uncertain about the dates of those events and failed to provide details in his written narrative. Similarly, the Board did not accept that Mr Geta's family had been contacted by security officers, as he had claimed, since he had not mentioned that fact in his written narrative. In addition, Mr Geta claimed to have been detained for ten days when he visited Ethiopia in 2014, yet social media evidence showed him socializing with friends during at that time. Further, Mr Geta claimed to be an active member of the Nova Scotia Oromo Community Association (OCA). However, he indicated in his written application that he did not belong to any organization and, before the Board, he could not support his claim of membership with persuasive documentary evidence. Finally, the Board expressed doubt about Mr Geta's subjective fear of persecution given that he did not claim refugee protection immediately upon returning to Canada in 2014; he waited until February 2015.

[3] The Board did accept, however, that Mr Geta made a power-point presentation in 2010 to members of the OCA, and that he participated in a public protest in Toronto in 2015 that was attended by about 80 persons. Still, it found that there was no credible basis for Mr Geta's claim.

[4] Mr Geta argues that the Board's conclusions were unreasonable because they were unsupported by the evidence and wrong in law. He asks me to quash its conclusion and order another panel to reconsider his claim.

[5] I can find no basis for overturning the Board's decision and I must, therefore, dismiss this application for judicial review. The sole issue is whether the Board's decision was unreasonable.

II. Was the Board's decision unreasonable?

[6] Mr Geta maintains that the Board should have considered whether his political views, expressed in his 2010 presentation and his involvement in the 2015 demonstration, would come to the attention of Ethiopian authorities. Further, he contends that the Board applied the wrong test – it found that there was insufficient evidence to show that his activities *would* be brought to the attention of Ethiopian authorities, which implies that he had to meet a standard of proof “on the balance of probabilities”, not the proper standard of “more than a mere possibility” of persecution.

[7] In addition, Mr Geta submits that the Board wrongly concluded that his delay in applying for refugee protection after his return to Canada in 2014 reflected a lack of subjective fear of persecution. In fact, he waited only eleven days after the expiration of his work permit to make a claim, and he actually had 90 days to apply for his visa to be restored. Therefore, his delay in applying for refugee status did not show a lack of subjective fear. Similarly, Mr Geta argues that the Board drew an unreasonable adverse inference from the fact that his family in Ethiopia had not been targeted for mistreatment as a consequence of his alleged activities. He suggests that the evidence showed that targeting was merely possible rather than probable.

[8] Finally, Mr Geta contends that the Board's conclusion that there was no credible basis for his claim was unreasonable. He points out that the Board accepted that he made the 2010

presentation, that he attended the 2015 demonstration, and that Ethiopian authorities monitor opposition activities abroad. There was, therefore, in his view, at least some credible evidence underlying his claim.

[9] I disagree with Mr Geta's submissions.

[10] Regarding whether Mr Geta's activities would come to the attention of Ethiopian authorities, the evidence before the Board did not show sufficient indicia of risk that he would attract the attention of officials as a returnee. As for the test the Board applied, I note that the Board used the word "would" in connection with a factual finding, where the applicable standard of proof on an applicant is the balance of probabilities. This is distinguishable from the legal burden of proof on Mr Geta, which involves the lower standard of more than a mere possibility of persecution. The Board found that there was insufficient evidence showing that Mr Geta's conduct "would be brought to the attention of Ethiopian authorities or that he would be perceived to be a person who spoke out against the government". It went on to find that Mr Geta had failed to show that there was more than a mere possibility of persecution. I can see no error on the Board's part.

[11] On the issues of delay and the risk to Mr Geta's family, the Board's findings were supported by some evidence. There was some delay during which Mr Geta risked deportation, and there was some potential risk to Mr Geta's family. I note, however, that these conclusions were not, in any case, central to the Board's decision.

[12] With respect to the Board's "no credible basis" finding, I cannot conclude that its conclusion was unreasonable. There was little evidence supporting Mr Geta's claim (a presentation, attendance at a demonstration, and some monitoring by Ethiopian authorities). The Board specifically found that there was little reason to believe that Mr Geta would be perceived as an opponent of the Ethiopian government. Mr Geta's identity as an Oromo, on its own, does not provide a credible basis for the claim on the facts. Therefore, the Board's conclusion that there was no credible basis for Mr Geta's claim was not unreasonable.

### III. Conclusion and Disposition

[13] The Board based its conclusions on a reasonable interpretation of the evidence before it, and applied the proper test. Therefore, its decision represents a defensible outcome based on the facts and the law. Accordingly, I must dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

"James W. O'Reilly"

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Judge

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

**DOCKET:** IMM-2617-15

**STYLE OF CAUSE:** GEMECHU SHONORA GETA v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JANUARY 14, 2016

**JUDGMENT AND REASONS:** O'REILLY J.

**DATED:** JUNE 7, 2016

**APPEARANCES:**

Micheal Crane FOR THE APPLICANT

Lucan Gregory FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Micheal Crane FOR THE APPLICANT  
Barrister and Solicitor  
Toronto, Ontario

William F. Pentney FOR THE RESPONDENT  
Deputy Attorney General of  
Canada  
Toronto, Ontario