

Court File No. IMM-3702-96

IN THE FEDERAL COURT OF CANADA
TRIAL DIVISION

B E T W E E N:

SUGU ALLAUDIN MOHAMED NAUFI

Applicant

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

BEFORE THE HONOURABLE MR. JUSTICE JAMES JEROME
TRANSCRIPT OF REASONS

APPEARANCES:

Mr. Raoul Boulakia for the Applicant

Mr. Stephen Gold for the Respondent

HELD AT:

Courtroom No. 7
330 University Avenue
Toronto, Ontario
June 24, 1997

REASONS

I disagree with your submission. This is a case in which the Board, it seems to me, did more than adequately consider the important elements necessary to their finding.

They first of all made an advert of credibility on the basis of contradictions in the Claimant's own evidence about the number of detentions that he had. But on top of that, with respect to their determination that in any event he had a safe internal flight alternative. Here is their language at the top of page 3:

"The Claimant encountered no adverse experiences from the authorities after he and his family relocated. He cultivated his farm at Catapiditi (phonetic) without incident. Once, in 1994 the Claimant said that he had been stopped and some money was taken from him and not returned, but that is all."

Therefore, there is evidence before the Board upon which they could conclude that he had spent some time at a different location without incident,

and that therefore, the internal flight alternative is an adequate conclusion, a proper conclusion on evidence before that. There is also evidence to support their adverse finding of credibility. It is identified on page 4, and that therefore, their conclusion is as follows:

"The Refugee Division for the above reasons finds the evidence of the Claimant's detention not credible or trustworthy."

And I would reach the same conclusion. But of course, the test is not whether I would reach the same conclusion, but whether the Board had evidence before it to justify its conclusion.

In the alternative, if the evidence of his detention is credible then he has not just one, but two alternative internal flight alternatives in Columbo N'Gambo (phonetic).

The Panel has taken into account his experiences and generally we find these incidents cannot now provide him with a basis for a well founded, fair persecution. And his relocation in 1990 did provide him with that internal flight alternative.

That is precisely the assessment that they should make, that they have not only said that there is a

safe internal flight alternative for this Claimant in theory, but they have personalized it with this person's own experience in his own country. That is all it takes.

Therefore, for these reasons your application for judicial review is dismissed, and I will edit the reasons once they have been transcribed and filed under Section 50 of the *Federal Court Act*.

The endorsement today will be that for reasons given orally, the application is dismissed. Brief written reasons will be filed.