

Federal Court



Cour fédérale

Date: 20240306

Docket: IMM-9323-22

Citation: 2024 FC 372

[ENGLISH TRANSLATION]

Ottawa, Ontario, March 6, 2024

PRESENT: Associate Chief Justice Gagné

BETWEEN:

CHANTAL MATEMB KALONG

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Chantal Matemb Kalong is a citizen of the Democratic Republic of Congo who alleges that the Refugee Appeal Division (RAD) did not believe her account of the events that allegedly led her to leave her country to seek refugee protection in Canada.

[2] The events in question allegedly took place in June 2017, July 2019 and August 2019, and she left her country on October 6, 2019. All the events were apparently tied to her reporting on the mistreatment of child soldiers in April 2016, as part of the job she held at the National Commission for Disarmament, Demobilization and Reinsertion (CONADER).

[3] The RAD raised a significant number of contradictions between the applicant's Basis of Claim Form and her testimony before the Refugee Protection Division and between her testimony and the documentary evidence. One of these contradictions—likely the most important one—is the fact that in her Basis of Claim Form, she stated that she was unemployed in Kinshasa from December 2016 to May 2018, not employed by CONADER, at its camp in Kamina.

[4] The applicant did not explain this contradiction in her memorandum or at the hearing. She argues that the RAD erred by not considering the documentary evidence that supports her testimony.

[5] However, not only did the RAD address this documentary evidence, but it also correctly found that it did not support that the applicant worked for CONADER in 2016, 2017 and 2019. It consisted of a training certificate from 2004, a membership card issued in March 2005 and valid until June 2006, a few undated photos in which the individuals are not easily identifiable, and a letter from a colleague that merely refers to events that took place in 2004 and 2005.

[6] Lastly, the applicant alleges that the RAD erred [TRANSLATION] “by not providing reasons for its decision based on Chairperson’s Guideline 4.” However, she did not provide any further details about the nature of this error.

[7] She does not allege that she was mistaken at the time she completed her Basis of Claim Form, in which she stated that she was unemployed in Kinshasa at the time the events at the core of her claim for refugee protection occurred.

[8] In short, after an independent review of the evidence, including the inconsistencies between the testimony and the objective documentary evidence or the evidence submitted in support of her claim for refugee protection, it was open to the RAD to conclude that the applicant’s claim was not credible and that she had not met her burden of proving the elements on which it was based relied. The Court’s intervention is therefore not justified.

[9] The parties have not proposed any question of general importance for certification and none arises from the facts in this case.

JUDGMENT in IMM-9323-22

THE COURT’S JUDGMENT is as follows:

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

“Jocelyne Gagné”

Associate Chief Justice

Certified true translation
Elizabeth Tan

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9323-22

STYLE OF CAUSE: CHANTAL MATEMB KALONG v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING: MARCH 5, 2024

JUDGMENT AND REASONS: GAGNÉ A.C.J.

DATED: MARCH 6, 2024

APPEARANCES:

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Sarah Sbeiti FOR THE RESPONDENT

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