

Date: 20080208

Docket: IMM-2962-07

Citation: 2008 FC 171

Ottawa, Ontario, February 8, 2008

PRESENT: The Honourable Mr. Justice Harrington

BETWEEN:

SANDRA OJEZELE

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] According to Ms. Ojezele, she is a Nigerian lesbian. She is wanted by the Nigerian police who murdered her partner in their small village. She escaped to Benin City where she lived on the street. She was befriended by a Good (and Bad) Samaritan who took her under his wing, arranged a passport, brought her to Canada and then abandoned her with \$300 in a Montreal motel. She later amended her Personal Information Form to add that while they were in Benin City he repeatedly raped her.

[2] The Refugee Protection Division of the Immigration and Refugee Board held that she was neither a refugee within the meaning of the *United Nations Convention* nor a person in need of international protection. She was found not to be credible. This is a judicial review of that decision.

[3] It was submitted on behalf of Ms. Ojezele that her story was possible and that the Panel erred in the manner in which questions were put to her. She was asked to explain why the police only looked for her sporadically from 2004 to 2006 when she was living in notoriety at the time in a small village and was not in hiding. She was also asked why the man in Benin City befriended her rather than some other street person. Naturally, she could not give an answer. In context, however, the questions were really whether any reason had been given to her.

[4] Findings of fact, including credibility, are not to be disturbed unless patently unreasonable. The Panel expressed some concern as to whether she was really from Nigeria, but proceeded on the basis that she was. That is a fact which must be accepted for the purposes of this case. The Panel simply did not believe her allegations that she came to Canada with the help of a total stranger who brought her to a hotel in Benin City where he paid her expenses, bought airline tickets, let her use his daughter's passport, flew with her to Montreal where he dropped her off at a motel, gave her some money and then disappeared. The essence of the Panel's decision is:

This makes no sense, why would a man who took pity on a woman to the point of spending thousands of dollars and his time to bring her to Montreal, and abandon her in a strange country where she alleged to know no one.

Moreover, the claimant filed an addendum to her Personal Information Form (PIF) (P-7), in which she stated that Emma had raped her while at the hotel in Benin City. The panel asked her why

she had not disclosed this information when she wrote her original story. She answered that she was ashamed and could not make herself reveal these events at that time.

The panel again doubts the veracity of these last minute allegations. For why, if in payment for services rendered, Emma abused the claimant in Nigeria, he would not continue to do so once in Canada, if this was the reason he took her under his care.

[5] There is a complete air of unreality about this story. As the Court of Appeal held in

Shahamati v. Canada (Minister of Employment and Immigration), [1994] F.C.J. No. 415 (C.A.):

[...] we have not been persuaded that the Board's finding on credibility was either unreasonable or perverse. Contrary to what has sometimes been said, the Board is entitled, in assessing credibility, to rely on criteria such as rationality and common sense.

ORDER

THIS COURT ORDERS that the application for judicial review is dismissed. There is no serious question of general importance to certify.

“Sean Harrington”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2962-07

STYLE OF CAUSE: SANDRA OJEZELE v.
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: Montréal, QC

DATE OF HEARING: February 6, 2008

**REASONS FOR ORDER
AND ORDER:** HARRINGTON J.

DATED: February 8, 2008

APPEARANCES:

Me Luciano Mascaro	FOR THE APPLICANT
Me Edith Savard	FOR THE RESPONDENT
Mr. Alain Langlois, articling student	

SOLICITORS OF RECORD:

Arpin, Mascaro & Associés Barristers & Solicitors Montréal, QC	FOR THE APPLICANT
John H. Sims, Q.C. Deputy Attorney General of Canada	FOR THE RESPONDENT