



Date: 20110405

Docket: IMM-4692-10

Citation: 2011 FC 414

[UNREVISED CERTIFIED ENGLISH TRANSLATION]

Montréal, Quebec, December 5, 2011

PRESENT: The Honourable Mr. Justice Beaudry

BETWEEN:

FRITZNEL FRANÇOIS

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] This is an application for judicial review of the negative decision dated July 29, 2010, by the Refugee Protection Division of the Immigration and Refugee Board (the panel).

[2] The application for judicial review will be dismissed for the following reasons.

[3] Fritznel François (the applicant), a citizen of Haiti, fears that he will be persecuted if he were to return to his country, because he alleges that he was a member of the MOCHRENA political group from March 1997 to February 2000.

[4] He fled Haiti for the United States in 2000, where he filed a claim for asylum that was refused. The applicant travelled to Canada in May 2008 and claimed refugee protection in Canada.

[5] The panel found the applicant not to be credible by reason of his lack of knowledge of the MOCHRENA party, of which he claimed to have been a member for three years, and of the steps he took for his asylum claim in the United States.

[6] Moreover, the panel, citing *Thirunavukkarasu v. Canada (Minister of Employment and Immigration)* (C.A.), [1994] 1 F.C. 589, was also of the view that an internal flight alternative (IFA) was available to him, either in Jérémie or Les Cayes, cities that are far from Port-de-Paix, where the persecution took place.

[7] The standard of review in similar matters is reasonableness (*Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190).

[8] After reviewing the evidence, the transcript as well as the parties' submissions, I believe that the reasons given by the panel with regard to the applicant's lack of credibility are justified.

[9] Given the applicant's vague and inaccurate answers about the MOCHRENA party, the panel was justified in finding that it did not believe his story.

[10] As to the possibility of an IFA, the panel correctly directed itself in law in applying the principles set out by the case law to the case that was before it. The applicant was given the opportunity to bolster his evidence and his personal situation was taken into consideration.

[11] It is not the function of the Court to re-weigh the evidence when the panel's reasons and findings are supported by the evidence, as in the case at bar. This decision is very succinct. It could have included additional details, but it cannot be described as being unreasonable.

[12] The parties did not submit any question for certification and this matter does not contain any.

ORDER

THE COURT ORDERS that the application for judicial review be dismissed. No question is certified.

“Michel Beaudry”

Judge

Certified true translation

Sebastian Desbarats, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4692-10

STYLE OF CAUSE: FRITZNEL FRANÇOIS v. MCI

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: April 5, 2011

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

DATED: April 5, 2011

APPEARANCES:

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