

Federal Court



Cour fédérale

Date: 20120419

Docket: IMM-2865-11

Citation: 2012 FC 449

Ottawa, Ontario, April 19, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

BALASUBRAMANIAM RAHULAN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The Refugee Protection Division of the Immigration and Refugee Board [Board] determined that the Applicant was neither a Convention Refugee nor a person in need of protection. The tribunal wrote complete, well-motivated reasons. They concluded with a determination as to a lack of credibility, lack of an objective basis, a missing subjective fear, in addition to a viable Internal Flight Alternative [IFA], and a change in circumstances. The Board detailed its findings in a clear and unequivocal manner. The Applicant is at odds with the credibility findings. The Board's decision is reasonable; and, therefore, no reason exists for this Court to intervene.

[2] The Court notes that the Applicant did not ask for asylum, but travelled through several countries for more than half a year. As specified by the Board in its reasons:

[20] An additional negative inference impacting on the claimant's credibility was the fact that the claimant left Sri Lanka on February 22, 2009, went to Russia, United Arab Emirates, Cuba, Panama, Haiti, and the Dominican Republic, allegedly in fear for his life, but did not claim for asylum in any of the eligible jurisdictions who are signatories to the Convention. He then reached the U.S. in May 2009 and filed an asylum claim, which he later withdrew on August 26, 2009, following which he came to Canada on September 16, 2009 and claimed for refugee protection.

[21] Asked why, he failed to claim elsewhere and would then risk withdrawing his application in the U.S. to file a separate claim in Canada, especially when he originally had a sponsorship application pending in Canada and/or when he was already in the asylum process in the U.S. and the claimant was non-responsive stating only that he did what the agent told him to do. Asked for a copy of his U.S. asylum claim document and what story he gave in the U.S. but the claimant said he did not have any of his U.S. materials. He failed to explain why not. Asked why he withdrew his claim in the U.S. and he indicated that it was what the agent instructed him, and two others that he was traveling with (and ended up being detained with in the U.S.), to do. Plus he testified that the judge told him to, so that he could come to Canada. He also added that it was because he has siblings in Canada and it was his intention to come here. Given the prior credibility issues in addition to the claimant's extensive travel from country to country for close to nine months (with a four month stay in the U.S.) and a voluntary withdrawal of his U.S. asylum claim, the Tribunal found that the claimant's actions were not consistent with those of someone in fear for his life.

[3] Therefore, the Applicant's application for judicial review is dismissed.

JUDGMENT

THIS COURT ORDERS that the Applicant's application for judicial review be dismissed.

No question of general importance for certification.

"Michel M.J. Shore"

Judge

Federal Court



Cour fédérale

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-2865-11

STYLE OF CAUSE: BALASUBRAMANIAM RAHULAN v
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: Montreal, Quebec

DATE OF HEARING: January 10, 2012

**REASONS FOR JUDGMENT
AND JUDGMENT:** SHORE J.

DATED: April 19, 2012

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