

Federal Court



Cour fédérale

Date: 20121011

Docket: IMM-3074-12

Citation: 2012 FC 1188

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Montréal, Quebec, October 11, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

KARIMA YAKOUB

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

Introduction

The Refugee Protection Division (RPD) may reject uncontradicted evidence if that evidence does not accord with the probabilities affecting the case as a whole (*Toora v Canada (Minister of Citizenship and Immigration)* 2006 FC 828).

[1] This decision is a result of an application for judicial review of a decision by the RPD of the Immigration and Refugee Board, dated February 15, 2012.

[2] The RPD found that the applicant was not credible with respect to her account in which she alleged that she was a victim of the male authority of her brothers, who forced her to marry a violent man who was already married.

[3] Significant inconsistencies were pointed out by the RPD with respect to the testimony and her Personal Information Form (PIF) and also between her oral and written accounts.

[4] Among these inconsistencies, the RPD, in its decision, pointed out significant discrepancies about her marriage, her place of residence after the marriage, the date of the refugee claim, the desire to formalize her marriage with a man that she had wanted to escape (despite the fact that she tried to explain that it was so that she could formally divorce him, although her behaviour leads to a very different inherent logic) and changing how she called the man whom she alleges she had married.

[5] The applicant's degree of understanding is not in question. As a businesswoman, she is educated and also speaks French and has an understanding of other cultures, countries and her own situation. Therefore, the discrepancies within her own account and her personal testimony are surprising.

[6] For all these reasons of lack of credibility raised by the RPD, in the context analyzed by the RPD, the decider of fact at trial rendered a reasonable decision (with an inherent logic).

[7] Therefore, the Court dismisses the applicant's application for judicial review (*Dunsmuir v New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190, at paragraphs 54, 57 and 62).

JUDGMENT

THE COURT ORDERS that the applicant's application for judicial review be dismissed.

There is no question of general importance to certify.

"Michel M.J. Shore"

Judge

Certified true translation

Catherine Jones, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3074-12

STYLE OF CAUSE: KARIMA YAKOUB v
THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: October 11, 2012

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

DATED: October 11, 2012

APPEARANCES:

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