

Federal Court



Cour fédérale

Date: 20121010

Docket: IMM-2997-12

Citation: 2012 FC 1184

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Montréal, Quebec, October 10, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

NADIA LESLIE LA ROACH

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is a judgment as a result of an application for judicial review of a decision by the Refugee Protection Division (RPD) that the applicant was not a Convention refugee or a person in need of protection.

[2] The applicant told the story that, given the alleged sexual assault during her childhood, she fled her father when she left Saint Vincent and the Grenadines.

[3] The RPD analyzed the evidence that is also before the Federal Court and this same evidence shows that the applicant's testimony and the written account are not plausible, given the context and the circumstances. The inherent logic of the RPD, which stems clearly from its decision, shows clearly and precisely a thorough consideration of the statements made by the applicant and also an analysis in accordance with Guideline No. 4 relating to women refugee claimants fearing gender-related persecution.

[4] The inconsistencies, ambiguity and implausibilities raised by the RPD, provide a basis (according to the Supreme Court of Canada's decision in *Dunsmuir v New Brunswick*, 2008 SCC 9, [2008] 1 SCR 190) for dismissing the application for judicial review.

[5] Therefore, the applicant's application for judicial review is dismissed.

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-2997-12

STYLE OF CAUSE: NADIA LESLIE LA ROACH c
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: October 10, 2012

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

DATED: October 10, 2012

APPEARANCES:

Ornella Saravalli FOR THE APPLICANT

Pavol Janura FOR THE RESPONDENT

SOLICITORS OF RECORD:

Ornella Saravalli FOR THE APPLICANT
Counsel
Montréal, Quebec

Myles J. Kirvan FOR THE RESPONDENT
Deputy Attorney General of Canada
Montréal, Quebec