

Federal Court



Cour fédérale

Date: 20121101

Docket: IMM-1091-12

Citation: 2012 FC 1279

Toronto, Ontario, November 1, 2012

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

HIRUT GETANEH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

SHORE J.

[1] The establishment of identity is the key by which to commence any immigration proceeding. Without the identification of an individual, no commencement point to a narrative exists. Every narrative needs a designation, a point of view of an individual from whom a narrative emanates. Without an identifiable individual, a story never, formally, begins.

[2] The Refugee Protection Division [RPD] of the Immigration and Refugee Board denied the claim for the refugee protection of the Applicant.

[3] The claim of the Applicant was presented on the basis of an alleged fear of persecution for having been a member of the All-Amhara People's Organization [AAPO].

[4] The claim was denied as the identity of the Applicant could not be ascertained by the RPD.

[5] Rule 7 of the *Refugee Protection Division Rules*, SOR/2002-228 stipulates:

Documents establishing identity and other elements of the claim

7. The claimant must provide acceptable documents establishing identity and other elements of the claim. A claimant who does not provide acceptable documents must explain why they were not provided and what steps were taken to obtain them.

Documents d'identité et autres éléments de la demande

7. Le demandeur d'asile transmet à la Section des documents acceptables pour établir son identité et les autres éléments de sa demande. S'il ne peut le faire, il en donne la raison et indique quelles mesures il a prises pour s'en procurer.

[6] The Applicant traveled to Canada on an Israeli passport that did not belong to her; as she did not have any identity documents, she was detained (although later released on the basis of a United Nations High Commissioner for Refugees [UNHCR] document that bore her photograph; and which she had related to her former alleged Party membership; however, she could not confirm, through evidence, membership therein.

[7] No evidence whatsoever supported the Applicant's alleged travel route, nor could the Applicant adequately explain her having waited two years prior to requesting asylum.

[8] No corroboration was obtained by the RPD from the Applicant in respect of her (former alleged) membership or activities in the AAPO.

[9] The Applicant, although she had lived in Israel for (9) nine years, had not been granted refugee status therein.

[10] As Amharic is spoken, outside of Ethiopia, in a number of countries in the Horn of Africa her language ability did not prove her identity any further.

[11] The Applicant remains unknown, as to her identity, having traveled twice on false passports.

[12] The Applicant spent a protracted period of time in Israel from which she was obliged to leave; she then traveled on a false Israeli passport.

[13] The decision of the RPD is reasonable under the circumstances as nothing can be ascertained as to the identity of the Applicant which still remains the subject of a conundrum as to who she is, what she did; from where she emanates and, as to what her intentions imply.

[14] On the basis of the above, the Applicant's application for judicial review is dismissed.

JUDGMENT

THIS COURT’S JUDGMENT is that the Applicant’s application for judicial review be dismissed. No question of general importance for certification.

“Michel M.J. Shore”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1091-12

STYLE OF CAUSE: *HIRUT GETANEH v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION*

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: NOVEMBER 1, 2012

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

DATED: NOVEMBER 1, 2012

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