

Federal Court



Cour fédérale

Date: 20130124

Docket: IMM-5898-12

Citation: 2013 FC 57

[UNREVISED ENGLISH CERTIFIED TRANSLATION]

Montréal, Quebec, January 24, 2013

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

RODNEY HERON CANTE HERNANDEZ

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] When a refugee claim as a whole makes no sense and the very crux of it has no merit, the claimant's story itself crumbles.

[2] In response to the application for judicial review, this Court notes that, following a thorough analysis, the contradictions, implausibilities and behaviour of the applicant are entirely inconsistent

with his account of the events. The applicant's claim escapes any inherent logic and, thus, confirms a lack of credibility.

[3] The applicant, a student at the Technological University of Tlaxcala, Mexico, alleged that he worked in research with one of his fellow students who suggested that they go into business together, using "cactus nopal" in food products, after they won prizes at several science fair exhibitions.

[4] The applicant alleged that the persecuting student wanted to force him to use this intellectual property, in an abusive manner, to create a business.

[5] According to the transcript of the hearing at the Refugee Protection Division (RPD), the applicant was inconsistent with respect to the owner of the research itself, suggesting initially that the university was the owner, then changing his version. The dates surrounding the allegations of these events, described by the applicant, were mostly forgotten; but the applicant still remembered the dates surrounding his story very well without remembering the core of the story. The contradictions were pointed out by the RPD. They concern the applicant's complaint to the authorities, the owner of the intellectual property of the research itself and, also, the details of the university regarding the crux of his refugee claims.

[6] For all the foregoing reasons, the Court dismisses the applicant's application for judicial review.

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-5898-12

STYLE OF CAUSE: RODNEY HERON CANTE HERNANDEZ v MCI

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: January 23, 2013

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

DATED: January 24, 2013

APPEARANCES:

Stewart Istvanffy FOR THE APPLICANT

Thomas Cormie FOR THE RESPONDENT

SOLICITORS OF RECORD:

Stewart Istvanffy FOR THE APPLICANT
Montréal, Quebec

William F. Pentney FOR THE RESPONDENT
Deputy Attorney General of Canada
Montréal, Quebec