

Federal Court



Cour fédérale

**Date: 20160526**

**Docket: IMM-4352-15**

**Citation: 2016 FC 582**

**Ottawa, Ontario, May 26, 2016**

**PRESENT: The Honourable Mr. Justice Phelan**

**BETWEEN:**

**EGBE MANKA EBIKA**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION AND MINISTER OF PUBLIC  
SAFETY AND EMERGENCY  
PREPAREDNESS**

**Respondents**

**JUDGMENT AND REASONS**

**I. Introduction**

[1] The Applicant, a citizen of Cameroon, claimed refugee protection on the basis that, as a lesbian, she would be persecuted in her home country. This judicial review challenges a decision of the Refugee Protection Division [RPD] finding that there was “no credible basis” for the claim.

## II. Background

[2] The RPD found that the Applicant was not a credible witness and had not provided sufficient trustworthy and reliable evidence that she was a lesbian and that she was sought by police or sexually assaulted in Cameroon because she was a lesbian.

[3] The general credibility finding was based on significant omissions from the Applicant's Basis of Claim [BOC], contradictions between the Applicant's testimony and documentary evidence as well as irregularities with documents produced.

[4] The Applicant's refugee claim bore a striking resemblance to a claim made earlier by her half-sister. The core stories are almost identical.

The Applicant had failed to mention the existence of her half-sister, alleging that she was unaware of her existence despite listing the same residential address on their respective study permit applications.

[5] The RPD had a number of other credibility concerns aside from the half-sister's contrived claim – these included vagueness as to her lover's name; inconsistency as to membership in the Humanity First Cameroon organization; and direct contradictions in her narrative.

[6] No weight was given to her testimony. Her documentary evidence from Cameroon was found to be false and her Canadian documents were given little weight.

[7] The Applicant relied on a psychological report but it was discounted because it never mentioned the Applicant's alleged rape incident – a seminal event.

[8] The Applicant also submitted two pictures of her in a Rainbow Refugee Society t-shirt and a letter from a volunteer at the Rainbow Refugee Society supporting the claim of being a lesbian. Both pieces of evidence were rejected for insufficiency – the photos did not establish sexual orientation and the letter was based on attendance at LGBTQ events.

[9] The RPD, having examined all the evidence, reached a “no credible basis” finding.

### III. Analysis

[10] The standard of review regarding credibility findings is reasonableness (*AB v Canada (Citizenship and Immigration)*, 2014 FC 899).

[11] A finding of “no credible basis” is a severe finding with significant consequences (loss of right to appeal to the Refugee Appeal Division). It is more than a credibility finding (*Pournaminivas v Canada (Citizenship and Immigration)*, 2015 FC 1099). Therefore, to make such a finding, the RPD must examine and reject a piece of relevant evidence so that there is no credible evidence which could support a claim.

[12] In this case, the RPD did exactly that. The Member took each piece of relevant evidence and assessed it. Having rejected each piece of evidence, there was nothing left upon which a

claim could be based. Both the oral and documentary evidence failed to meet the standard of sufficiency.

IV. Conclusion

[13] Therefore, this judicial review is dismissed. There is no question for certification.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed.

"Michael L. Phelan"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-4352-15

**STYLE OF CAUSE:** EGBE MANKA EBIKA v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION AND MINISTER  
OF PUBLIC SAFETY AND EMERGENCY  
PREPAREDNESS

**PLACE OF HEARING:** VANCOUVER, BRITISH COLUMBIA

**DATE OF HEARING:** FEBRUARY 24, 2016

**JUDGMENT AND REASONS:** PHELAN J.

**DATED:** MAY 26, 2016

**APPEARANCES:**

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