

Federal Court



Cour fédérale

Date: 20180214

Docket: IMM-4102-16

Citation: 2018 FC 173

Ottawa, Ontario, February 14, 2018

PRESENT: The Honourable Madam Justice Elliott

BETWEEN:

**ILIR DIMO
BEDRANA DIMO
ALEKSANDROS DIMO (MINOR)
KRISTIAN DIMO (MINOR)**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] This is an application under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], for judicial review of a decision made on September 8, 2016

[Decision] by the Refugee Protection Division [RPD] of the Immigration and Refugee Board of

Canada. The RPD found that the Applicants were neither Convention refugees nor persons in need of protection under sections 96 and 97 of the *IRPA*. The RPD also found that pursuant to subsection 107(2) of the *IRPA* there was no credible basis for the claims made by the Applicants. That finding precludes an appeal to the Refugee Appeal Division [RAD].

[2] The Applicants only challenge the finding that there was no credible basis to their claims.

[3] For the reasons that follow this application is denied. The RPD made reasonable findings that the evidence before it was either not credible or the parts that were credible did not support the Applicants' claim.

II. Style of Cause Amendment

[4] Although the Respondent is now commonly known as the Minister of Immigration, Refugees and Citizenship its name under statute remains the Minister of Citizenship and Immigration: *Federal Courts Citizenship, Immigration and Refugee Protection Rules*, SOR/93-22, s 5(2) and *IRPA* s 4(1).

[5] Accordingly, as part of this judgment, the style of cause is amended to reflect the Respondent as the Minister of Citizenship and Immigration.

III. Background Facts

[6] The Applicants are a father, mother and two minor children. All are citizens of Albania. The principal claimant is the father, Ilir Dimo [Mr. Dimo]. The risk from which they claim

refugee protection arises from a dispute over land Mr. Dimo purchased in September 2000 on an informal basis. There was no paperwork and no title registration. He bought the land from Myftar Llupi, the father of the alleged persecutor, Azem Llupi [Mr. Llupi]. Shortly thereafter Myftar Llupi died.

[7] In February, 2001 Mr. Dimo began to build a home on the land. In March, 2001 Mr. Llupi went to the building site and claimed he owned the land. He threatened Mr. Dimo and the building crew. Later that month, when Mr. Dimo was at the site, Mr. Llupi and a police officer arrived and threatened him. Allegedly, the police officer put a gun to Mr. Dimo's head and Mr. Llupi used the Officer's baton to beat Mr. Dimo after which he was hospitalized for three weeks.

[8] For her safety, Mr. Dimo's wife was immediately sent to Greece by his father. In April, 2001 Mr. Dimo left the hospital and joined his wife in Greece. Mrs. Dimo gave birth to their two children in Greece.

[9] It is alleged that Mr. Llupi and his associates went to Mr. Dimo's home in Albania in September, 2001 armed with a gun. They beat his father and brother, Klodjan, then burned the family home down. Klodjan was then sent to Greece however he was gravely injured there in December 2002. He died from the injuries on January 7, 2003. Mr. Dimo claims that Mr. Llupi or his associates killed his brother. He says he did not go to the police about his brother's death because he was afraid to do so since he and his family had no immigration status in Greece.

[10] Over the next ten years the Applicants moved to three different places in Greece without incident. Mr. Dimo claims that in June of 2013 one of Mr. Llupi's associates tried to kidnap his minor son from outside his school. The school security guard scared the kidnapper away when the son began yelling. Mr. Dimo says his son still has scars on his arms from the incident. As a result, the Applicants decided to seek a safer place to live and moved to a new location in Greece.

[11] In 2014 Mr. Dimo met a man who could arrange to provide false Greek passports to bring the Applicants to Canada. In March 2016, after arranging the necessary funds, the Applicants (Mr. Dimo followed by the other Applicants) came to Toronto as visitors using the fraudulent Greek passports. They then went to Hamilton and made an inland claim for refugee protection.

IV. **The decision under review**

[12] The RPD accepted the identity of the Applicants as Albanians. It found the determinative issue with respect to the claims was credibility. In addition it found that much of the evidence presented did not objectively establish on a balance of probabilities that certain events occurred for the reasons put forward by the Applicants. The panel concluded that Mr. Llupi and his associates did not seek out the Applicants in Greece.

[13] The RPD found there was insufficient credible or persuasive evidence to establish a vendetta ever existed against the Applicants. On that basis, there was no ongoing threat to their lives. As there was a lack of reliable corroborating documentation it also found there was no

credible or trustworthy evidence which would have allowed the panel to make a favourable decision. That resulted in the RPD's finding that there was no credible basis for the claims.

[14] In the decision the RPD reviewed six different aspects of the Applicants' claim, as set out below.

A. *The Land Dispute*

[15] The RPD found that Mr. Dimo bought a plot of land from the Llupi family. In addition to Mr. Dimo's statement, there was objective documentation from the United States Agency of International Development indicating that the vast majority of property transactions in Albania are done informally.

[16] The RPD did not believe that Mr. Llupi and the police officer assaulted Mr. Dimo. It found that Mr. Dimo had not established on a balance of probabilities that Mr. Llupi sought to harm him or his family. He did not provide any medical documents to confirm his three week stay in the hospital or his injuries nor did he show that he had tried to obtain any such documents.

[17] The panel asked Mr. Dimo why, if Mr. Llupi had wanted rid of him, he did not simply kill Mr. Dimo at the time of the confrontation. It rejected Mr. Dimo's answer which was to the effect that Mr. Llupi was a malicious man who was a Muslim fanatic and he didn't want Christians around. The RPD also found there was not sufficient credible and trustworthy

evidence to support that religion was a motivating factor for Mr. Llupi or even that Mr. Llupi was even of the Muslim faith.

[18] The RPD found it was not credible that Mr. Llupi would pursue a fifteen year vendetta against the Applicants when he could have settled the matter in March, 2001. In addition, the RPD observed that when Mr. Dimo abandoned the property and moved to Greece there was no one left to challenge the claim of Mr. Llupi.

[19] After reviewing the evidence and the claims the RPD found that on a balance of probabilities Mr. Dimo was not assaulted by either Mr. Llupi or the police officer. It also found that Mr. Llupi would not pursue the Applicants to Greece just because Mr. Dimo refused to stop working on the land after the first warning.

B. Assaults on Family and Burning Down the Family Home

[20] The RPD determined that Mr. Dimo's father, and Mr. Dimo's brother (Klodjan) were not assaulted at the family home and it was not burned down. There were no photographs of the destroyed home and it was not insured. The supporting documents to the alleged events were notarized statements made by Mr. Dimo's mother, Sofije Dimo (Mrs. Dimo) and a separate statement made by his father Kristaq Dimo. Neither of the statements mentioned the house being burnt down by Mr. Llupi or his associates; they also did not mention the attack on Mr. Dimo's brother or his father although each statement did mention the death of Klodjan in Greece and that there was conflict with Azem Llupi.

[21] The RPD found it was not plausible that neither of the parents would mention the attacks and the burning down of their house when submitting material to the panel concerning Mr. Dimo's treatment by Mr. Llupi. As result, the panel found that Mr. Dimo had embellished and fabricated the events and the allegations that Mr. Llupi had targeted the family were not true.

C. *The Joint Declaration by Four Persons Including Family Members and Neighbours*

[22] Four people - family members and neighbours - jointly signed a declaration letter dated May 25, 2016 the purpose of which was to corroborate the Applicants' claim. Mr. Dimo claimed he had told these people about his problems while he was in Albania and they also had some knowledge about Mr. Llupi. The joint letter declared that "Azem Llupi", which is the son's name, had an alias as "Mr. Myftar Llupi", which is the father's name. When questioned by the panel about this apparent contradiction, Mr. Dimo's explanation was that people were changing their names in Albania at that time.

[23] The RPD rejected that explanation on the basis that Mr. Dimo had testified that the authors had their own knowledge of who he was dealing with at the time. The RPD found that the explanation was so at odds with Mr. Dimo's claim that the four people had their own knowledge of who he had been dealing with that his story regarding who was involved in the vendetta against him was not credible. It gave the joint letter no weight other than accepting that the four people knew the names of the people involved in the initial land transaction.

[24] Due to the unresolved contradiction in the name of the alleged agent of persecution the RPD concluded the Applicants had not credibly demonstrated that they were targeted by any member of the Llupi family.

D. *Klodjan's Death*

[25] The RPD received an Albanian death certificate showing the death of Mr. Dimo's brother as well as a photograph of his headstone. In their statements, Mr. Dimo's parents noted the official explanation for Klodjan's death was a workplace accident but said that they each strongly believed Mr. Llupi or his associates were behind his death.

[26] The RPD accepted that Klodjan died on or about January 5, 2003 but found that Mr. Dimo had not established, on a balance of probabilities, that his brother's death was at the hands of Mr. Llupi or his associates.

[27] In arriving at this finding the panel reviewed a statement from Ferdinand Ciko, a friend of Klodjan. He said that he saw two people exit a black vehicle with an Albanian licence plate and request to speak to Klodjan and he would be back in about ten minutes. Klodjan then left with them and did not return. Mr. Ciko said he later learned Klodjan had been found severely injured on a building site.

[28] The RPD reviewed the death certificate for Klodjan. It left the "Place of Death" and "Cause of Death" sections blank. The RPD concluded that as the place of death did not indicate it was Greece, the Applicants had not proven that Klodjan died in Greece.

[29] The RPD gave the statements of the parents and the letter from Mr. Ciko no weight with respect to corroborating the basis of claim, that the Applicants feared harm from Mr. Llupi.

[30] With no other evidence to substantiate the claim, other than an Albanian licence plate, the RPD concluded that the Applicants had not provided credible and trustworthy evidence to support the allegation that Klodjan died in Greece and that he was targeted there by Mr. Llupi or his associates. The panel was satisfied that Klodjan died but found this was not a result of Mr. Llupi or his associates as the presence of an Albanian license plate is speculative at best to substantiate any connection to Mr. Llupi.

E. *Attempted Kidnapping of the Minor Child from School*

[31] The Applicants presented to the RPD a letter from a friend who claimed to have witnessed the attempted abduction of the minor applicant Kristian at his school. The friend's letter said a man who appeared to be about thirty years old exited a vehicle with Albanian licence plates and attempted the abduction. He was chased off when the child cried and several parents alerted the security guard who then became involved.

[32] In his Basis of Claim form, Mr. Dimo indicated a knife was used during the attempted kidnapping but the friend's letter omitted that information. The RPD asked Mr. Dimo to explain this omission. It found his response that the friend probably did not see everything because so many parents were around was unsatisfactory. The friend had estimated the age of the kidnapper, identified an Albanian licence plate and said the child had been grabbed by the wrist. The RPD concluded the friend would have been close enough to also observe whether a knife had been

used and such an important detail would reasonably have been included if the event occurred. It gave the friend's statement no weight.

[33] The RPD concluded that the claim of an attempted abduction was fictitious; it had been advanced only to support the claims of the Applicants. It determined that there was no trustworthy or reliable evidence to show that Mr. Llupi or his associates were aware of the child's location in Greece or, as he was born in Greece and had never been to Albania, what he looked like.

[34] Finally, the panel noted that the attempted kidnapping occurred more than twelve years after the land dispute arose and ten years after Klodjan's death. It concluded that, on a balance of probabilities, Mr. Llupi and his associates were not behind the alleged abduction attempt in 2013.

F. *No Ongoing Threat*

[35] The panel found that as no incidents occurred in Greece related to the actions of Mr. Llupi or his associates there was no ongoing vendetta by Mr. Llupi and the Applicants' claims in that respect were not credible.

[36] It noted that an undated, unsworn declaration from Mrs. Dimo had been provided in which she recounted a personal attack on June 3, 2016 by persons looking for the Applicants. She said she came to realize they were sent by Mr. Llupi. She stated these persons threatened her and threatened to kill Mr. Dimo if they found him. They pushed her and she fell, suffering a

chest and pelvis injury for which she received prescription pain medication. Two such prescriptions were attached to her letter.

[37] The RPD noted that the prescriptions were not supported by a medical letter or a police report and they were accordingly given no weight. The panel also found it not credible that, other than the alleged burning down of the family home in September 2001, this incident was the first time Mr. Llupi or his associates had approached Mr. Dimo's parents - particularly if he had been searching for the Applicants for the previous fifteen years. The RPD concluded Mrs. Dimo's declaration was fictitious and had been advanced only to support the claim of the Applicants.

[38] The panel further noted the prescriptions which were allegedly written June 4, 2016 appeared not to have been filled by Mrs. Dimo as they were not retained by the pharmacy to prevent reuse. It concluded however that even if the prescriptions were genuine they did not establish on a balance of probabilities that Mrs. Dimo's injuries resulted from actions by Mr. Llupi or his associates since it had found the attack did not occur.

V. **Issues and Standard of Review**

[39] The Applicants have raised two issues: (1) whether the hearing was procedurally fair; and, (2) whether the no credible basis finding was reasonable.

[40] The Applicants hasten to point out that the procedural fairness issue affects the finding of no credible basis because credibility concerns that Mr. Dimo was not permitted to address during

the hearing are relevant to the finding of no credible basis. They concede that these concerns do not go to the question of the validity of the refugee claim.

A. *Procedural Fairness Issue*

[41] The Applicants allege that the panel breached procedural fairness by failing to put two perceived inconsistencies to Mr. Dimo during the hearing thereby depriving him of the ability to provide an explanation for those concerns. The two matters in issue are: 1) that Mr. Dimo's brother did not die in Greece; 2) that because the prescriptions were returned to Mr. Dimo's mother and were not kept by the pharmacist, she had not been assaulted.

[42] Relying on the Federal Court of Appeal decision in *Canada (Attorney General) v Sketchley*, 2005 FCA 404 , [2006] 3 FCR 392, the Applicants say that issues of procedural fairness are owed no deference and are reviewable on a standard of correctness. That has not been contested by the Respondent and is the appropriate standard to apply on these facts.

B. *No Credible Basis Issue*

[43] The Applicants submit that as a finding of no credible basis is rare it can only be found where there is no credible or trustworthy evidence which could support a claim. If the panel fails to appropriately consider any evidence upon which the claim could have been accepted it will be found to have acted unreasonably: *Ramón Levario v Canada (Citizenship and Immigration)*, 2012 FC 314 at paras 18 – 19, 9 Imm LR (4th) 198 [*Ramón Levario*].

[44] A finding that there is no credible basis to a claim may be set aside even though the claimant was found not credible. In *Rahaman v Canada (Minister of Citizenship & Immigration)*, 2002 FCA 89, [2002] 3 FC 537 [*Rahaman*], the Court of Appeal stated that a finding of no credible basis could be set aside if there is both independent and credible documentary evidence capable of supporting a positive determination of the claim. The Court specifically found that “the existence of some credible or trustworthy evidence will not preclude a “no credible basis” finding if that evidence is insufficient in law to sustain a positive determination of the claim.” (at para 30 [emphasis in original]; see also para 19).

[45] A no credible basis finding is reviewable on a standard of reasonableness: *Mahdi v Canada (Citizenship and Immigration)*, 2016 FC 218 at para 9, 263 ACWS (3d) 737.

[46] Although the standard of review for such a finding is reasonableness, the threshold faced by the RPD in arriving at that determination is high because the finding removes an applicant’s right to appeal to the Refugee Appeal Division. A determination that there is no credible basis for a claim is not reasonable if the panel fails to appropriately consider any evidence upon which the claim could have been accepted: *Chen v Canada (Citizenship and Immigration)*, 2015 FC 1133 at para 17, 260 ACWS (3d) 143, citing *Ramón Levario* at para 19.

[47] With respect to credibility findings in general, the RPD is entitled to considerable deference. It has been held many times that decisions concerning credibility are within “the heartland of the discretion of triers of fact”: *Siad v Canada (Secretary of State)*, [1997] 1 FC 608,

[1996] FCJ No 1575 (QL) at para 24 (FCA) citing *Giron v Canada (Minister of Employment & Immigration)* (1992), 143 NR 238 at 239, [1992] FCJ No 481 (QL) at para 1 (FCA).

[48] Deference includes recognizing the ability of the RPD to determine the weight it ascribes to the evidence it does accept: *Pushpanathan v Canada (Minister of Citizenship and Immigration)*, 2002 FCT 867 at para 67, 116 ACWS (3d) 570.

[49] A decision is reasonable if the decision-making process is justified, transparent and intelligible resulting in a determination that falls within the range of possible, acceptable outcomes which are defensible on the facts and law: *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47, [2008] 1 SCR 190 [*Dunsmuir*].

[50] “[I]f the reasons allow the reviewing court to understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range of acceptable outcomes, the Dunsmuir criteria are met”: *Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at para 16, [2011] 3 SCR 708.

VI. Analysis

A. *Was the Hearing Procedurally Fair?*

(1) Death of Mr. Dimo's Brother

[51] The Applicants say that although the RPD gave Mr. Dimo the opportunity to respond to other concerns it had with evidence; it should have also given him the chance to respond to

concerns that the Albanian death certificate for his brother did not indicate his place of death while Mr. Ciko's letter claimed the death was in Greece.

[52] The Applicants maintain that Mr. Ciko's letter was given no weight on the sole basis that the place of death was not listed on the death certificate. I disagree. The RPD arrived at the conclusion that Mr. Ciko's letter and statements by the parents should be afforded "no weight insofar as corroborating the basis of the claims". The basis of claim clearly says that the Applicants fear they will be murdered or physically harmed if returned to Albania and the person they fear is Azem Llupi.

[53] In my view, the RPD's treatment of Mr. Ciko's letter was reasonable. The RPD did not disbelieve Mr. Ciko. It simply noted that Mr. Ciko's statement provided no direct, corroborating evidence of how Klodjan died. Mr. Ciko stated that Klodjan left with some unknown people. The only possible tie to Mr. Llupi would be that the car he saw had an Albanian licence plate. That fact was not disbelieved. It plainly does not reasonably tie back to Mr. Llupi. The bald statement that the car that Klodjan was seen entering in Greece bore Albanian licence plates is not independent corroborative evidence of any aspect of the Applicants' claim to fear Mr. Llupi.

[54] Similarly, while Mr. Dimo believes that Mr. Llupi or his associates were behind Klodjan's death, Mr. Ciko's statement does not make that leap. Nor does his statement rationally lead to that conclusion when considered with other evidence. The statements made by Mr. Dimo's parents state that the official explanation was that Klodjan died from a workplace accident. Mr. Ciko's statement that he later learned that Klodjan was found severely injured at a

building site does not point in any way to involvement by Mr. Llupi; if anything, it confirms the official statement.

[55] Mr. Dimo says he might have been able to address the omissions in the death certificate, which was only issued in May 2016, as being based on the passage of time had he known the panel had concerns with it.

[56] In my view, the death certificate omitting the place of death was not determinative to the RPD's finding that Mr. Llupi was not involved with Klodjan's death. When the RPD referred to the death certificate it was a distinct reference that was not related to Mr. Ciko's letter. The RPD statement was that the panel "also notes" that the death certificate was left blank in two places.

[57] The RPD reasonably found neither document substantiated that Mr. Llupi was involved with Klodjan's death. The evidence of an incomplete Albanian death certificate and an Albanian licence plate being seen the night that Klodjan died did not support the allegation that Klodjan was targeted in Greece by Mr. Llupi or his associates. It was reasonable for the RPD to find that evidence was insufficient with respect to whether Mr. Llupi was involved with Klodjan's death.

(2) No Proof of Assault of Mr. Dimo's Mother

[58] With respect to Mrs. Dimo's second statement in which she alleged that she fell and injured herself when one of Mr. Llupi's men pushed her, the RPD noted that no medical letter or police report was produced about the assault. It also noted that fifteen years had elapsed since the prior alleged incident with Mr. Llupi when he was said to have burned down the house. From

those observations the RPD concluded that Mrs. Dimo's account of an attack was not credible and was fictitious, being advanced to support the claim of an ongoing threat against the Applicants.

[59] The panel then separately observed that Mrs. Dimo's prescriptions were written on June 4, 2016 but she still had possession of them on July 18, 2016 to be able to fax them to the hearing with her letter. The RPD believed the pharmacy would have kept the prescriptions after they were filled. It concluded that Mrs. Dimo did not suffer the injuries she alleged. That finding by the RPD was speculative and unreasonable. There was no evidence to support it and the RPD does not explain how it arrived at that conclusion.

[60] The RPD did not rely on the finding about the prescriptions. It immediately concluded that, even if the prescriptions were genuine, they did not establish that Mrs. Dimo's injuries resulted from actions by Mr. Llupi or his associates. The passage of time and lack of medical or police reports to substantiate the assault had already established that the attack did not happen.

[61] Given the reasons provided by the RPD, it is my view that there was nothing that Mr. Dimo could have added about the prescriptions that would have changed the RPD's conclusion that his mother was not attacked by Mr. Llupi's men.

B. *Was the No Credible Basis Finding Reasonable?*

[62] The Applicants allege that the panel engaged in a microscopic analysis of the credibility of documentation to reduce the weight given to individual pieces of evidence. They also allege

that the panel failed to consider the totality of the evidence before it. The Applicants claim that the evidence was not reasonably assessed and, in some cases, a reasonable explanation for an apparent contradiction was unreasonably discounted.

[63] As an example of the alleged microscopic analysis the Applicants point to the four-neighbouring families' joint statement submitted from residents of the village in Albania where the land was located. The statement corroborates the sale of the land as well as the dispute with the Llupi family. The Applicants object to the RPD putting no weight on the letter just because the signatories mixed up the names of Azem Llupi and his father Myftar. They say that the RPD said it would only accept information within the personal knowledge of the signatories but it then ignored that they had personal knowledge of the feud.

[64] Contrary to the Applicants' submission, the RPD accepted that the signatories knew the names of the people involved in the land transaction. It did not accept that they knew of the feud. The transcript of the hearing before the RPD shows that, with respect to the joint letter the panel said to Mr. Dimo "[s]o their knowledge about this whole incident and the property is from what you have told them? Is that correct"? Mr. Dimo's reply, after noting that they see things and hear things, is that "they found out about my problems from me because I was the one experiencing this problem. Nobody else could tell them that except for me". The panel makes note of both this fact and that Mr. Dimo said that they had some knowledge on their own about the person he was dealing with at the time.

[65] The panel also questioned Mr. Dimo about the Azem/Myftar alias statement in the joint declaration. It then received the explanation from him that people were changing their names in Albania at the time. The RPD rejected that explanation as Mr. Dimo had said that the villagers had their own knowledge of who he dealt with. It therefore gave his explanation no weight and found that the joint letter contradicted Mr. Dimo's claim as to who was the alleged agent of persecution. It then placed no weight on the joint declaration other than what was within their own knowledge which was the names of the people involved in the original land transaction. Those conclusions are supported by the transcript.

[66] Given Mr. Dimo's statement that the declarants had their own knowledge and the reference to Myftar being an alias, I am unable to find that the conclusion drawn by the RPD to place no weight on the joint declaration was either microscopic or unreasonable.

[67] The Applicants also say it was unreasonable for the RPD to accept that Klodjan died but then conclude that he did not die in Greece simply because the death certificate contained no place of death or cause of death. They further submit that the RPD should not have discounted the letter about the son's attempted kidnapping just because it did not mention the knife. Nor should the RPD have disregarded the letter from the parents just because it did not mention that the father and brother were attacked and the family home was burned down.

[68] The problem with those arguments is that even if some weight had been given to any of those documents they would not have changed the finding of no credible basis as they do not support the basis of claim that Mr. Llupi was pursuing the Applicants. The RPD had already

found that the original altercation at the property never took place and that in any event it was not credible that Mr. Llupi would pursue the Applicants over a period of fifteen years, in another country, after he had already successfully and quickly removed Mr. Dimo from the land.

[69] Other than the two initial statements from the parents, none of the documents put forward would, even if accepted, point to Mr. Llupi as pursuing the Dimo family in Greece. The initial declarations from the parents were not consistent with Mr. Dimo's basis of claim form and were reasonably rejected for failing to mention critical events such as the allegation that Mr. Llupi attacked them and burned down their house. When no satisfactory explanation was provided for those omissions - other than Mr. Dimo saying they were old and their memories were poor – giving the declarations no weight was reasonable.

[70] The attempt to kidnap the minor child cannot rationally be connected to Mr. Llupi based solely on the sighting of an Albanian licence plate. When the RPD asked Mr. Dimo whether he had any evidence other than the licence plate to prove that Mr. Llupi was behind the attempted abduction he confirmed he did not but he thought it could only be somebody that was looking to kill him who would do such a thing. The totality of the evidence supports that the RPD reasonably rejected that explanation.

[71] Ultimately, the RPD accepted that the Applicants purchased land from the Llupi family and that Krodjan died. It found that neither of those facts supported the section 96 or 97 *IRPA* claims and that there were was a lack of reliable corroborating documents. When that was coupled with the failure of the Applicants to claim refugee protection during their years in

Greece, the RPD found their claim that they had been targeted and harmed as a result of the land purchase was, on a balance of probabilities, not credible or trustworthy.

[72] I can find no error in that conclusion and agree with the Respondent that the no credible basis finding was reasonable. The credible elements of the documentary evidence as reasonably found by the RPD are insufficient to sustain the basis of claim and the explanations offered by Mr. Dimo did not resolve any discrepancies or overcome the lack of credible and trustworthy evidence.

[73] For these reasons, the application is dismissed. There is no question for certification.

JUDGMENT IN IMM-4102-16

THIS COURT'S JUDGMENT is that:

1. The name of the Respondent is amended to The Minister of Citizenship and Immigration.
2. The application is dismissed. There is no question for certification.

“E. Susan Elliott”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4102-16

STYLE OF CAUSE: ILIR DIMO ET AL v THE MINISTER OF CITIZENSHIP
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PLACE OF HEARING: TORONTO, ONTARIO

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