

Federal Court



Cour fédérale

Date: 20200819

Docket: IMM-6052-19

Citation: 2020 FC 834

Ottawa, Ontario, August 19, 2020

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

NIZAMUL ISLAM KHAN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant fled his country of origin, claiming refugee protection in Canada. He alleged persecution on the basis of religion and beliefs unlike those he held.

[2] The Refugee Protection Division [RPD] dismissed the Applicant's claim on the basis of lack of credible evidence in respect to the establishment of his identity.

[3] The Applicant disputes the finding in respect of lack of credibility in regard to his identity.

[4] The Court finds the decision of the RPD reasonable on the basis of significant detailed evidentiary findings as to the documents which the Applicant submitted.

[5] The RPD concluded with reason that the identity documents did not establish identity which is of pivotal importance to a refugee claim (reference is made to paragraph 14 of a recent judgment of Justice Norris, *Omaboe v Canada (Citizenship and Immigration)*, 2019 FC 1135).

[6] Although the Applicant's 2003 passport appeared to be authentic, the documents, upon which the Applicant relied, were considered in a detailed analysis by the Canada Border Services Agency [CBSA] to demonstrate serious anomalies.

[7] It was determined by the RPD that the new passport of the Applicant was based on information from an altered identity document.

[8] In addition, the Applicant's birth certificate had also been found to have important discrepancies and notable signs of authenticity were significantly absent.

[9] In reading the RPD decision as a whole in context, the Court concludes subsequent to an analysis of the file, that all of the identity documents of the Applicant had been considered. As a

result, probative value of the Applicant's identity documents was not given to the documentary evidence.

[10] The testimony in respect of the identity documents and the analysis by the CBSA have convinced the Court that the findings of the RPD are reasonable due to a lack of trustworthy evidence by the Applicant to the contrary.

[11] The RPD rendered a reasonable decision in light of the entirety of the evidence on file. The application for judicial review is therefore dismissed. There is no question of general importance for certification.

JUDGMENT in IMM-6052-19

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

There is no serious question of general importance to be certified.

"Michel M.J. Shore"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6052-19

STYLE OF CAUSE: NIZAMUL ISLAM KHAN v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY VIDEOCONFERENCE BETWEEN
OTTAWA, ONTARIO AND MONTRÉAL, QUEBEC

DATE OF HEARING: AUGUST 12, 2020

JUDGMENT AND REASONS: SHORE J.

DATED: AUGUST 19, 2020

APPEARANCES:

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