

**Date: 20080118**

**Docket: IMM-2239-07**

**Citation: 2008 FC 63**

**Ottawa, Ontario, January 18, 2008**

**Present: The Honourable Mr. Justice Simon Noël**

**BETWEEN:**

**SIMON ELIAS AWAD**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This is an application for judicial review of a decision by the Refugee Protection Division (RPD) dated May 14, 2007, concluding that the applicant is neither a “Convention refugee” nor a “person in need of protection”.

**I. Issue**

[2] Did the RPD err in fact or in law in determining that the applicant was not credible?

[3] For the following reasons, the application for judicial review will be dismissed.

## **II. Facts**

[4] The applicant is a citizen of Lebanon and claims that he was persecuted in Lebanon and Nigeria because of his religion. He is not a Nigerian citizen.

[5] In 1989, the applicant moved to Nigeria for business reasons. Following the events of September 11, 2001, his peaceful life in the province of Kano was punctuated by religious tensions. He says that he feared persecution in both Nigeria and in Lebanon because he dismissed one Ali Attoué, a member of the Hezbollah party. The applicant alleges that after this dismissal, he was the victim of threats and acts of vandalism in Nigeria and that when he returned to Lebanon in 2002, he received threatening telephone calls. His appeals to the police were ignored because of the situation in Lebanon and Hezbollah's grip on the entire country.

[6] The applicant left Lebanon and arrived in Canada on November 17, 2005. He applied for permanent residence based on humanitarian and compassionate considerations in February 2006 and claimed refugee status; the negative response to that claim is the subject of this judicial review.

## **III. Decision at issue**

[7] The RPD decision was based on the applicant's lack of credibility and the fact that his behaviour was inconsistent with the alleged fears. The RPD noted significant contradictions between his story and his Personal Information Form (PIF). The RPD found that a number of aspects of the applicant's story were not true. Last, the RPD was not satisfied with the applicant's explanations at the hearing. It therefore denied his application.

**IV. Analysis**

[8] Where an applicant's credibility is involved, it is recognized that the appropriate standard of review for this purely factual exercise is patent unreasonableness. See the Federal Court of Appeal decision in *Aguebor v. Canada (Minister of Employment and Immigration)*, [1993] F.C.J. No. 732 (QL).

[9] After carefully reading the record, the Court finds that the applicant failed to demonstrate the truthfulness of his story. Moreover, there is nothing in the story that would invite the Court's intervention. The Court noted certain anomalies (Lebanon is not a Muslim country, the passport confirms a trip to Nigeria from 2002 to 2004), but they are not sufficient to warrant the Court's intervention.

[10] After carefully reading the entire decision and the evidence adduced, I find that the decision by the RPD is not patently unreasonable.

[11] Accordingly, the Court will not intervene. The Court invited the parties to submit a question for certification, but none was proposed.

**JUDGMENT**

**THE COURT ORDERS AND ADJUDGES THAT:**

- The application for judicial review is dismissed.
- No question is certified.

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**“Simon Noël”  
Judge**

Certified true translation  
Mary Jo Egan, LLB

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

**DOCKET:** IMM-2239-07

**STYLE OF CAUSE:** SIMON ELIAS AWAD and  
MINISTER OF CITIZENSHIP  
AND IMMIGRATION (MCI)

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** January 16, 2008

**REASONS FOR JUDGMENT  
AND JUDGMENT BY:** The Honourable Mr. Justice Simon Noël

**DATED:** January 18, 2008

**APPEARANCES:**

Anthony Karkar FOR THE APPLICANT

Caroline Doyon  
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**SOLICITORS OF RECORD:**

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