

Date: 20080116

Docket: IMM-2677-07

Citation: 2008 FC 56

Montréal, Quebec, the 16th day of January 2008

Present: the Honourable Mr. Justice Simon Noël

BETWEEN:

JUGAL KISHORE

Applicant

and

THE 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), rendered by Barbara Berger on June 5, 2007, that Jugal Kishore (the applicant) was not a “Convention refugee” or a “person in need of protection”, since he did not appear to be credible in his testimony.

I. Issue

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

[3] As we know, the applicable standard of review of an RPD decision questioning credibility is that of patent unreasonableness (*Singh v. Canada (Minister of Citizenship and Immigration)*, 2007 FC 732; [2007] F.C.J. No. 977 (QL)).

[4] The RPD simply did not believe the account given by the applicant to explain his claim. In doing this, it relied on several aspects of the case.

[5] The Court reviewed all the complaints the applicant had against this decision and took them into account in its own analysis of the evidence before the RPD.

[6] Although the Court has certain reservations as to the analysis of the delay in filing the claim and the non-reference to certain documents, the overall analysis of the facts underlying the account is not patently unreasonable.

[7] The account given by the applicant to justify his claim did not have an odour of truth that could justify intervention by the Court. The RPD concluded that the applicant was not credible in this regard. That is its function. When such reasons are given in a way that is not patently unreasonable, the Court will not intervene.

[8] The parties were asked to submit a question for certification, but declined.

JUDGMENT

THE COURT ORDERS AND DIRECTS THAT:

- the application for judicial review is dismissed;
- no question is certified.

**“Simon Noël”
Judge**

Certified true translation

Brian McCordick, Translator

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2677-07

STYLE OF CAUSE: JUGAL KISHORE v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: January 15, 2008

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

DATED: January 16, 2008

APPEARANCES:

Michel Le Brun FOR THE APPLICANT

Sylviane Roy FOR THE RESPONDENT

SOLICITORS OF RECORD:

Michel Le Brun FOR THE APPLICANT
LaSalle, Quebec

John H. Sims, Q.C. FOR THE RESPONDENT
Deputy Attorney General of Canada
Montréal, Quebec