

Date: 20080326

Docket: IMM-3093-07

Citation: 2008 FC 377

Ottawa, Ontario, March 26, 2008

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

HOVE TENDAI WELLINGTON

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] Mr. Hove claimed refugee protection in Canada on the basis of his membership in the Movement for Democratic Change (MDC) in Zimbabwe. A panel of the Immigration and Refugee Board denied his claim on the grounds that Mr. Hove had not established that he was persecuted as a result of his association with the MDC. Mr. Hove argues that the Board should have given greater consideration to his family's connection with the party. Had it done so, he submits, it would have accepted his claim for refugee protection. Mr. Hove asks me to overturn the Board's decision and order a new hearing. However, I can find no basis for overturning the Board's decision and must, therefore, dismiss this application for judicial review.

I. Issue

[2] Did the Board take adequate account of Mr. Hove's family's political connections?

II. Analysis

1. Factual Background

[3] Mr. Hove's sister, Martha Nyamupaguma, presented her refugee claim to the Board at the same time as he did. The Board accepted Ms. Nyamupaguma's claim on the basis that she had a visible profile working for the MDC which caused her to be harassed, threatened and beaten. However, the Board rejected Mr. Hove's claim because he did not have a public profile with the party and because his account of being arrested and tortured was not credible. Further, his suggestion that he would be targeted because of his family's profile in the MDC was rejected by the Board because his uncle, a prominent member of the party, and his cousins had already left Zimbabwe, as had his mother and sister. The Board concluded that Mr. Hove had failed to show that he would face a risk of persecution or other serious mistreatment if returned to Zimbabwe.

2. Mr Hove's Submissions

[4] Mr. Hove argues that his family's involvement in the MDC should have been enough to grant him refugee status in Canada. After all, the Board had found that his sister was entitled to

refugee protection. His uncle and cousins had been sought by authorities in Zimbabwe. His grandparents had been beaten even though they were not politically active. Accordingly, the Board should have considered Mr. Hove to be at risk simply by virtue of his relationship to other, more politically prominent, members of the family.

3. Discussion and Conclusion

[5] It is clear that the Board accepted Ms. Nyamupaguma's claim because she had a visible profile in the party and presented herself as a credible witness. In addition, she remained a member of the MDC in Canada and continued to support the party. None of these factors applied to Mr. Hove.

[6] In my view, in light of the evidence, it was not unreasonable for the Board to conclude that Mr. Hove's application should be dismissed even though Ms. Nyamupaguma's claim was accepted. There were separate grounds for the two applications. Mr. Hove's case rested solely on his relationship to family members who were more politically active or who were known to be associated with the MDC. The Board's conclusion that this was insufficient evidence to establish a claim for refugee protection was not unreasonable. Accordingly, I must dismiss this application for judicial review. Neither party proposed a question of general importance for me to certify, and none is stated.

JUDGMENT

THIS COURT’S JUDGMENT is that

1. The application for judicial review is dismissed;
2. No question of general importance is stated.

“James W. O’Reilly”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3093-07

STYLE OF CAUSE: HOVE v. M.C.I.

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: March 18, 2008

**REASONS FOR JUDGMENT
AND JUDGMENT:** O'REILLY J.

DATED: March 26, 2008

APPEARANCES:

Joel Etienne

FOR THE APPLICANT

Ada Mok

FOR THE RESPONDENT

SOLICITORS OF RECORD:

JOEL ETIENNE
Toronto, ON

FOR THE APPLICANT

JOHN H. SIMS, Q.C.
Deputy Attorney General of Canada
Toronto, ON

FOR THE RESPONDENT