

**Date: 20090526**

**Docket: IMM-4946-08**

**Citation: 2009 FC 540**

**Ottawa, Ontario, May 26, 2009**

**PRESENT: The Honourable Mr. Justice Shore**

**BETWEEN:**

**KARINE HAYRAPETYAN**

**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 dated October 6, 2008, by the Refugee Protection Division of the Immigration and Refugee Board (Board), that the applicant is not a Convention refugee or a person in need of protection under section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (IRPA).

[2] The applicant alleges a fear of persecution as the mother of a son who is a conscientious objector in Armenia. Her son arrived in Canada in 1999 and obtained refugee status, and then permanent resident status. The Board found that the applicant was not credible and that she did not risk being persecuted if she were to return to Armenia.

[3] Without having discussed the crux of the claim, the Board focused on detail rather than on the central events of the claim.

[4] This conclusion seems to us to be necessary because of the excessively laconic nature of the reasons. The Board found certain elements in the claimant's account of the events which prompted him to flee his country to seek refuge elsewhere to be hard to believe, and it is the role of the Board to make that judgment. However, the Board did not say whether its finding that the claimant was not credible led it to reject completely the claimant's assertions as to the genuineness of his fear, let alone, it would appear, how it led to this overall rejection of his testimony. In our view, this is where the inadequacy of the reasons becomes apparent and makes it inevitable that this Court must intervene.

*(Pour v. Canada (Minister of Employment and Immigration), [1991] F.C.J. No. 1282 (QL) (F.C.A.)).*

[5] Given the foregoing, the application for judicial review will therefore be allowed, the impugned decision set aside and the matter referred back to the Refugee Protection Division for reconsideration (*de novo*) by a differently constituted panel.

**JUDGMENT**

**THE COURT ORDERS** that the application for judicial review be allowed, that the impugned decision be set aside and that the matter be referred back to the Refugee Protection Division for reconsideration (*de novo*) by a differently constituted panel.

“Michel M.J. Shore”

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Judge

Certified true translation  
Janine Anderson, Translator

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

**DOCKET:** IMM-4946-08

**STYLE OF CAUSE:** KARINE HAYRAPETYAN  
v. THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** May 20, 2009

**REASONS FOR JUDGMENT  
AND JUDGMENT:** SHORE J.

**DATED:** May 26, 2009

**APPEARANCES:**

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