

Federal Court



Cour fédérale

Date: 20101122

Docket: IMM-19-10

Citation: 2010 FC 1170

Ottawa, Ontario, November 22, 2010

PRESENT: The Honourable Mr. Justice O'Reilly

BETWEEN:

IFTIKHAR AHMAD BUTT

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

I. Overview

[1] Mr. Iftikhar Ahmad Butt arrived in Canada from Pakistan in 2008 and sought refugee protection on the basis that he and his family had been attacked by political opponents there. A panel of the Immigration and Refugee Board dismissed Mr. Butt's application because it disbelieved his account of events and felt Pakistan was, in any event, able to protect him.

[2] Mr. Butt argues that the Board erred by failing to explain adequately why it dismissed his claim. In my view, looking at its reasons as a whole, the Board's reasons were sufficient in the circumstances and I must, therefore, dismiss this application for judicial review.

[3] The sole issue is whether the Board gave an adequate explanation for concluding that Mr. Butt's account of events should not be believed.

II. The Board's Decision

[4] The Board found that Mr. Butt had proved that he was an active member of a political party called the Pakistan Muslim League – Quaid-e-Amam Group (PML-Q). His main adversaries were members of a rival party, the Pakistan Muslim League – Nawaz (PML-N).

[5] The Board went on to note that a claimant's testimony is presumed to be true. However, where his or her testimony is devoid of credibility, the Board may find there is simply no reliable evidence supporting the claim (citing *Maldonado v Canada (Minister of Citizenship and Immigration)*, [1980] 2 FC 302 (CA), and *Sheikh v Canada (Minister of Citizenship and Immigration)*, [1990] 3 FC 238 (CA)).

[6] The Board then referred to a letter Mr. Butt had supplied from a PML-Q candidate, named Mr. Khawaja Hassan. The letter made no mention of the PML-N. Instead, it attributed Mr. Butt's departure to a group called the Pakistan Peoples Party (PPP). Further, the letter did not mention the assaults Mr. Butt had claimed to have endured. The Board also noted that Mr. Butt had claimed to

have contributed significantly to Mr. Hassan's campaign. Yet, the letter referred to Mr. Butt merely as a donor and supporter. The Board determined that the letter deserved no weight.

[7] The Board also considered documentary evidence about the relationship between political parties in Pakistan. It cited isolated reports of PML-Q officials and supporters being harassed and arrested. However, police responded appropriately and those who were arrested were afforded due process. There was no documentary evidence supporting Mr. Butt's claim of being attacked by PML-N members.

[8] Finally, the Board considered whether state protection was available in Pakistan. Here, the Board acknowledged that Mr. Butt had provided documentary proof, in the form of police reports, corroborating his allegation of being attacked. However, the evidence did not identify the assailants as members of the PML-N. In addition, the documents described the police response to the attacks, indicating that state protection was available.

[9] The Board concluded that Mr. Butt's claim was not supported by credible or trustworthy evidence. Further, Mr. Butt had not shown that state protection was unavailable to him in Pakistan. On those grounds, it dismissed his application.

III. Was the Board's Conclusion Adequately Explained?

[10] Mr. Butt argues that the Board's conclusion that his claim was unsupported by reliable evidence was unreasonable. In particular, he claims that the Board appeared to dismiss his claim

almost entirely on the basis that the letter from Mr. Hassan did not support it. In his view, the Board failed to go on to consider whether the remainder of his evidence proved that his fear of persecution was well-founded.

[11] In my view, if one reads it as a whole, the Board's decision was supported by adequate reasons. Mr. Butt's claim of persecution was contradicted in three separate ways. First, in what should have been a valuable piece of corroborating evidence, Mr. Hassan's letter, Mr. Butt's account of events was unsupported. Second, the documentary evidence did not correspond with Mr. Butt's allegation that PML-N supporters attacked PML-Q followers. Third, the documentary evidence before the Board showed that state authorities had intervened to protect PML-Q supporters when necessary. Overall, the evidence did not show that there was a reasonable chance that Mr. Butt would be persecuted on political grounds if he returned to Pakistan. The Board addressed each of these areas and provided reasons for finding Mr. Butt's claim to be unsupported by the evidence. Accordingly, I cannot conclude that its reasons were inadequate.

IV. Conclusion and Disposition

[12] I find that the Board's conclusion that Mr. Butt's claim of political persecution was unsupported by trustworthy evidence was adequately explained. 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-19-10

STYLE OF CAUSE: IFTIKHAR AHMAD BUTT v MCI

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: November 1, 2010

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

DATED: November 22, 2010

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