

Federal Court



Cour fédérale

**Date: 20111212**

**Docket: IMM-3797-11**

**Citation: 2011 FC 1463**

**Toronto, Ontario, December 12, 2011**

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

**BETWEEN:**

**MARCUS ARKIE ZOEFLY**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] The Applicant Marcus Arkie Zoefley is an adult male citizen of Liberia. He alleges that he is the adopted son of Moses Craig, the Director of Staff of the National Defence of Liberia during the Samuel Doe regime in that country.

[2] Liberia was engaged in civil war in the 1980's and early 1990's. The Applicant alleges that in the early 1990's, forces opposed to the Doe regime for a time captured him and tortured him. He alleges that he went into hiding in Liberia for sixteen years. Nonetheless it appears that during that

time, he worked as an agriculturalist for World Vision and the European Union where he came into contact with local farmers. Also he became a pastor. Occasionally, he preached to congregations in Liberia's capital city, Monrovia.

[3] In January 2007, the Applicant travelled to the United States to attend a religious conference. At that time, he found his adoptive mother. She attempted to sponsor him to reside in the United States. That was unsuccessful.

[4] The Applicant entered Canada in March 2009 and claimed refugee protection. In a written decision dated May 16, 2011, the Immigration and Refugee Board of Canada, Refugee Protection Division, determined that the Applicant was not a Convention refugee. That decision is the subject of this judicial review.

[5] Both parties agree that the decision is to be reviewed on a standard of reasonableness. The sole issue is whether the decision was reasonable within the parameters established by the Supreme Court in *Dunsmuir v New Brunswick*, [2008] 1 SCR 190.

[6] The decision under review is fact based. The Board accepted parts of the Applicant's evidence, such as that in 1990 he was detained and tortured by rebel forces. It rejected other parts of his evidence, such as correspondence from his wife and from a medical centre. The Board's decision essentially turned on the fact that the Applicant lived and worked in Liberia for sixteen years after being released by the rebels. During that time he was reasonably exposed to the public, including public appearances in Monrovia as a pastor. Thus, if harm were to come to the Applicant

there were many opportunities for that to happen, but it did not. Applicant's Counsel argues that much of the sixteen years was spent moving from place to place and that the Board should have been more aggressive in putting direct questions to the Applicant as to matters of credibility. However, I find that the Applicant was given a fair hearing and that the Board's decision was reasonable. There is no basis for setting that decision aside.

[7] Accordingly, the application is dismissed. There is no basis for a certified question. There is no special reason to order costs.

**JUDGMENT**

**FOR THE REASONS PROVIDED:**

**THIS COURT'S JUDGMENT is that:**

1. The application is dismissed;
2. No question is certified; and
3. No Order as to costs.

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"Roger T. Hughes"  
Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-3797-11

**STYLE OF CAUSE:** MARCUS ARKIE ZOEFLEY v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** December 12, 2011

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

**DATED:** December 12, 2011

**APPEARANCES:**

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Amy King FOR THE RESPONDENT

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