



IMMIGRATION AND REFUGEE BOARD  
(REFUGEE PROTECTION DIVISION)

LA COMMISSION DE L'IMMIGRATION  
ET DU STATUT DE RÉFUGIÉ  
(SECTION DE LA PROTECTION DES RÉFUGIÉS)

IN PRIVATE  
HUIS CLOS

**TA5-14810 TA5-14811 TA5-14812**  
**TA5-14813 TA5-14814**

2006 CanLII 80251 (CA IRB)

CLAIMANT(S)

DEMANDEUR(S)

**XXXX XXXX XXXXXX**  
**XXXX XXXX XXXXX**  
**(a.k.a. XXXX XXXX XXXXX XXXX)**  
**XXXX XXXX XX XXXXXX XXXXXX**  
**(a.k.a. XXXX XX XXXXXX)**  
**XXXXXX XXXX XXXX XXXX XX XXXXX XXXXX**  
**(a.k.a. XXXX XXXX XX XXXXX)**  
**XXXXXX XXXX XX XXXXXX XXXXXX**  
**(a.k.a. XXXX XXXX XX XXXXX)**

DATE(S) OF HEARING

**October 17, 2006**

DATE(S) DE L'AUDIENCE

DATE OF DECISION

**October 31, 2006**

DATE DE LA DÉCISION

CORAM

**M<sup>e</sup> Guy Lebel**

CORAM

FOR THE CLAIMANT(S)

**Anthony Kako**  
**Legal Counsel**

POUR LE(S) DEMANDEUR(S)

REFUGEE PROTECTION OFFICER

AGENT DE PROTECTION DES RÉFUGIÉS

DESIGNATED REPRESENTATIVE

**XXXX XXXX XXXXX**

REPRÉSENTANT DÉSIGNÉ

MINISTER'S COUNSEL

CONSEIL DU MINISTRE

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TA5-14814

XXX XXX XXX (the principal claimant), XXX XXX XXX, XXX XXX XXX XXX, Haitian citizens, and XXX XXX XXX XXX XXXX XXX and XXX XXX XXX XXX, American citizens, are claiming refugee protection in Canada under sections 96 and 97 of the *Immigration and Refugee Protection Act*.

The claimants alleged the following facts.

The problems of the claimant, XXXX XXXX XXXX, began on XXXX, 1997, while he was at a meeting at the Église Chrétienne des Rachetés [Christian church of the redeemed] with friends. Men came into the church and killed two of the claimant's colleagues because they were accusing them of making remarks against the Lavallas government. The claimant managed to flee, but did not file a complaint with the police because he was afraid.

On Saturday, XXXX, 1998, the claimant came home from work to find that his spouse had been attacked and raped by the people searching for him. He complained to the police, who did not want to come to his house.

His spouse went to a medical centre to receive medical attention and, the next day, left for XXXX XXXX. She stayed there for three months and then went to the United States, where she sought asylum. However, her claim was rejected.

The claimant stayed in Haiti, but moved to a different city. On XXXX, 2002, he was attacked by the two men who had killed his colleagues and raped his spouse.

Following that attack, he was hospitalized for two weeks. Then, on XXXX, 2002, he left for the United States, where he sought asylum in XXXX 2003. A friend advised him to invent a politically based story, but his claim was still rejected in XXXX 2005.

## **ANALYSIS**

Having analyzed all of the oral and documentary evidence, the panel cannot allow the principal claimant's refugee protection claim because he is not credible. His story was invented simply for the purposes of his claim. The panel made this determination for the following reasons.

The principal claimant is not credible because his testimony consists entirely of contradictions and implausibilities, which he failed to explain to the panel's satisfaction when he was given the chance. During the hearing, the panel noted the following.

The claimant alleged in his narrative that his problems in his country started when he witnessed the murder of two of his friends at a meeting at the Église Chrétienne des Rachetés.

However, when he sought asylum in the United States, he did not mention that his problems had started with the death of his two friends at the church.

The claimant also alleged in his narrative that his spouse was beaten and raped by his colleagues' murderers.

However, in the narrative found in his asylum claim in the United States, he did not mention that his spouse was raped by his colleagues' murderers.

The claimant also testified at the hearing that he had never been involved in politics or belonged to a political party.

However, in his asylum claim in the United States, he wrote that he had problems in his country because he was a member of the parti Convergence [convergence party], the members of which are persecuted by Lavallas, the party in power.

The claimant was confronted with these significant contradictions, which are in fact two completely different claims. He explained that his narrative in the United States was written by another person without his knowledge and that he realized that it was not the story that he had experienced or that he had told the person who made his claim only after he had received the decision at home.

The panel does not believe the claimant on this point because the panel then asked him which story he told in his testimony before the American court. He then adjusted his testimony, stating that he realized that his story was not the same at the hearing, but that he could not change the story then.

Based on all of that, the panel finds that there is a total lack of credibility on the part of the claimant, who has admitted that he lied before the United States Immigration

Court. That is why the panel is of the opinion that the claimant's story was reinvented for the purposes of his refugee protection claim.

The panel determines that the claimant has not satisfactorily discharged his burden of establishing a serious possibility of persecution on one of the Convention grounds. He has also failed to demonstrate that he is more likely than not to be subjected personally to a danger of torture, a risk to his life or to a risk of cruel and unusual treatment or punishment if he were to return to his country.

Since his children and spouse are basing their claim on that of the principal claimant, their claim is subject to the same determinations, especially since the children XXXX XXXX XXXX XXXX XX XXXXX XXXXX and XXXX XXXX XX XXXX XXXX have not presented any evidence against the United States of America, given that they are American citizens.

**CONCLUSION**

The panel determines that the claimants are not Convention refugees or persons in need of protection. Consequently, the panel rejects their refugee protection claim.

“Guy Lebel”

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M<sup>c</sup> Guy Lebel

DATED at Toronto this 31st day of October 2006.

REFUGEE PROTECTION DIVISION / POLITICAL OPPOSITION / RELIGIOUS  
CONFLICT / SAFE THIRD COUNTRY / CLAIM / DISMISSED / FALSE  
STATEMENTS / CONTRADICTIONS / MALE / SPOUSE / CHILDREN /  
NEGATIVE / HAITI