



Nethercut & Co. Ltd.
Toronto, Ontario

FEDERAL COURT OF CANADA
(TRIAL DIVISION)

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BETWEEN:

IMM-1530-96

SAMUEL CANOKEMA,

Applicants

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION,

Respondent

Held before the Honourable Associate Chief Justice
Jerome in the Federal Court of Canada, Courtroom No. 7,
330 University Avenue, Toronto, Ontario, on Wednesday,
April 23, 1997.

REASONS FOR JUDGMENT

(Delivered orally from the Bench
at Toronto, Ontario on April 23, 1997)

APPEARANCES:

Nkunda Kabateraine for the Applicant

Godwin Friday for the Respondent

Deborah Mombourquette - Registrar

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Per: Sarah Nicholson, CVR.



1 HIS LORDSHIP: I'm sorry that I can't be
2 helpful to the claimant in this matter, Mr.
3 Kabateraine. Your application for a judicial review has
4 to be denied. Here, briefly, are my reasons which I
5 will put down in written form later.

6 Once the tribunal has found, as in this
7 case, quite properly, that there is evidence to support
8 the refugee claim, they must next turn their mind to
9 the issue of whether it is appropriate for the claimant
10 to avail himself of another location in the same
11 country.

12 There are several requirements of their
13 consideration of the internal flight alternative, and
14 in this case they began their consideration at the --
15 first off, they concluded their consideration on the
16 issue of convention status at the bottom of page 4.

17 Then they turned, at the top of page 5,
18 to look at the IFA and whether it is reasonable and,
19 from what I can see here, they are quite properly
20 guided by the *Rasaratnam* decision and they quote it
21 extensively; similarly, the *Thirunavukkarasu* in the
22 Federal Court of Appeal which discussed even more
23 comprehensively all the matters that the Board should
24 have in mind in looking at the internal flight
25 alternative.



1 It is not for me, of course, to say
2 whether I would have reached another conclusion but
3 only whether the Board did what is required of it and
4 considered proper considerations, proper evidence and
5 proper argument in reaching the conclusion that they
6 did, that this claimant should have availed himself of
7 a place in his own country that he had been to before.

8 Sometimes the Board fails by failing to
9 personalize the internal flight alternative with the
10 life background or the facts of the individual's
11 situation, such as this claimant. They didn't do that
12 here. They got into an extensive consideration of
13 where it was, the fact that he had been there.

14 Then they went on to talk about the
15 conditions in that part of the country. All through
16 page 7, they list a number of areas where the police
17 have been improved and where a lot of groups are
18 permitted to function, critics of the government,
19 including the UN Human Rights people, and they reached
20 a conclusion, which I think is entirely open to them,
21 that the internal flight alternative is one that should
22 have been considered here and that it certainly still
23 exists for this claimant. And that being so, they made
24 the right conclusion that the claimant should be denied
25 on that ground.



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I don't see any faults in law or fact and, therefore, the application for judicial review has to be denied.

Once I've read the transcript of my own reasons, I'll file them in accordance with the *Federal Court Act* so that they will form very brief written reasons; that probably will take a month or two.

Thank you.

CERTIFIED CORRECT:

Sarah Nicholson, CVR.
Reporter.