



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  
TA4-16542

CLAIMANT(S)		DEMANDEUR(S)
DATE(S) OF HEARING	<b>June 7, 2005</b>	DATE(S) DE L'AUDIENCE
DATE OF DECISION	<b>June 7, 2005</b>	DATE DE LA DÉCISION
CORAM	<b>Suparna Ghosh</b>	CORAM
FOR THE CLAIMANT(S)		POUR LE(S) DEMANDEUR(S)
REFUGEE PROTECTION OFFICER	<b>N/A</b>	AGENT DE PROTECTION DES RÉFUGIÉS
DESIGNATED REPRESENTATIVE	<b>N/A</b>	REPRÉSENTANT DÉSIGNÉ
MINISTER'S COUNSEL	<b>N/A</b>	CONSEIL DE LA MINISTRE

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s.19(1)

The claimant, [REDACTED] is a 27 year-old male from Dominica, who claims to be a Convention refugee because of his membership in a particular social group, namely, bisexuals. In addition, he claims to be a person in need of protection from a danger of torture, or risk to life, or cruel and unusual treatment or punishment.

#### ***DETERMINATION***

The Refugee Protection Division (RPD) has determined that the claimant is not a Convention refugee or a person in need of protection. For reasons which follow, the panel finds that the claimant is not credible.

#### ***ANALYSIS***

##### **Background**

According to the claimant, his female spouse discovered that he was involved with a married man, [REDACTED] which attracted the attention of his neighbours; he was beaten and stabbed, precipitating his escape from Dominica on [REDACTED] 2004.

##### **Alleged incidents**

The claimant was vague and uncertain through the course of the hearing, and several questions had to be repeated due to his wavering responses.

**Written and oral evidence** – In his testimony, the claimant provided crucial details which are either not contained in his Personal Information Form (**PIF**) narrative, or, are significantly incompatible with the information in his PIF.

- The claimant stated that he started dating [REDACTED] in [REDACTED] 2004; he corrected himself and said it was in [REDACTED] 2003; and the same month, he was beaten and stabbed.

- In later testimony, he again said that he and [redacted] started hanging out together in [redacted] 2004; he confirmed that the date was not [redacted] 2003, and that he and [redacted] got caught the same month.
- When it was pointed out to him that according to his PIF narrative, he began dating in [redacted] 2003, and was caught by his wife in [redacted] 2004, he agreed and added that he left his country the same month in [redacted] 2004. s.19(1)
- To explain his discrepant testimony that the physical attack on him occurred in [redacted] 2004, the very month he began dating [redacted], he recanted his earlier testimony and said: he was not attacked that month; actually, people saw them together late at night, started saying “bad stuff” about him, and called him names. He did not include this information in his PIF narrative, because it was not serious.

The claimant revealed there were verbal attacks regarding his alleged relationship with [redacted] as soon as they began dating, only when he was asked to explain the wide s.19(1) inconsistency between his written and oral evidence with respect to when the alleged event, which led to his escape, occurred. The panel finds the omission about this central information from his PIF narrative negates the veracity of his account.

The claimant apparently fled from his country after just one event; and describing even this single incident caused great difficulty and numerous inconsistencies. The panel finds his faltering, often inaudible and vacillating answers and explanations about just the one incident, which purportedly triggered his escape from his country, erode the credibility of his account based on his alleged bisexuality.

**Return to Dominica** - The claimant testified that he is not wanted by the police; his written evidence, however, states that the police are looking for him to “prosecute” him, and he will be killed if he returns. When asked to explain the varying evidence, he said that only “some” of the police are looking for him, and that he did not understand the question. The

claimant continued to provide discrepant evidence, indicating to the panel that, on a balance of probabilities, his account has been conjured up to create a claim.

Under the circumstances, the panel finds there is insufficient credible or trustworthy evidence that the claimant has a well-founded fear of persecution by reason of any of the enumerated Convention grounds. The panel also finds the claimant is not a person in need of protection pursuant to sections 97(1)(a) or 97(1)(b) of the *Immigration and Refugee Protection Act*.

**CONCLUSION**

Therefore, the Refugee Protection Division has determined that the claimant is not a Convention refugee or a person in need of protection.

\_\_\_\_\_  
"Suparna Ghosh"  
Suparna Ghosh

DATED at Toronto this 7<sup>th</sup> day of June, 2005.