



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
TA5-16184
TA6-09975

s.19(1)

CLAIMANT(S)

DEMANDEUR(S)

----- (a.k.a.)

DATE(S) OF HEARING

October 5, 2006

DATE(S) DE L'AUDIENCE

DATE OF DECISION

December 21, 2006

DATE DE LA DÉCISION

CORAM

A.C. Knevel

CORAM

FOR THE CLAIMANT(S)

**Leigh Salsberg
Barrister and Solicitor**

POUR LE(S) DEMANDEUR(S)

REFUGEE PROTECTION OFFICER

N/A

AGENT DE PROTECTION DES RÉFUGIÉS

DESIGNATED REPRESENTATIVE

REPRÉSENTANT DÉSIGNÉ

MINISTER'S COUNSEL

CONSEIL DE LA MINISTRE

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, a 24-year-old female, principal claimant (claimant) and designated representative for her son, 1 (a.k.a. 1) s.19(1) are citizens of St. Vincent, claiming refugee protection to section 96 and 97(1) of the *Immigration and Refugee Protection Act* (the IRPA).¹

ALLEGATIONS

The claimant's allegations of persecution and her elaboration of events, going to the basis of her fear, are contained in the narrative portion of her Personal Information Form (PIF)² and her oral testimony. The panel carefully considered all the evidence presented, including the PIF, the oral testimony, the documentary evidence and the representations of her counsel. The panel does not intend to reiterate same for the purposes of this decision.

ANALYSIS

The panel accepts the claimant's identity on the basis of the passports which were submitted by Canada Border Services Agency. Also on the file are certified true copies of these passports.³

¹ Immigration and Refugee Protection Act, S.C. 2001, c. 27.

² Exhibit C-1.

³ Exhibit R-2.

The issues in these claims are credibility, state protection and sexual orientation.

The claimant, who considers herself to be a lesbian, could not be herself in St. Vincent because of her sexual orientation. For almost three years, she was harassed, insulted and threatened before she came to Canada, which begs the question why it took her so long to leave St. Vincent. In her PIF narrative, she mentions that she had no money to do certain things, but she had a job since she was 17 and her birth mother's friend, would send her money now and then. If her situation was so bad in St. Vincent, why did she not save to get out earlier instead of relying on someone else to get her ticket. She somehow managed to pay a consultant \$1400 soon after she arrived here.

She says she had a lesbian relationship with but she nevertheless cheated on s.19(1) her and slept with an old male friend who was always after her. She was drunk, according to her testimony, and out of this alleged one night stand she became pregnant. Instead of having an abortion, she went through with it and she wanted to just move on. When a friend did not want her to stay any longer, she went to live with the old male friend's family no less.

In early 2003, the claimant and got involved and she says talk started. She s.19(1) was called a lesbian and insulted and she lost friends. They were caught in a storeroom by one of the chefs and the talking and the harassing got much worse. Again, her male friend walked in on them when she was staying with his family. Apparently he and his family told everyone that the claimant was a lesbian and she was shouted at and mocked

because "St. Vincent is such a small place", but if it is such a small place and everyone knows everyone's business, why did [redacted] or his family not hear about it before.

The claimant has many problems. She was harassed in St. Vincent because she was a lesbian. She lost her job because she is a lesbian. She ran into trouble with [redacted] and his family and with the woman who brought her up because she is a lesbian. At no time was she physically harmed, except for once when [redacted] almost hit her with an object he threw at her in anger.

She has nothing to corroborate her story, either from St. Vincent or Canada – no photo of [redacted] or the letters she allegedly received from her which she said she left in St. Vincent, no copy of the complaint she to the police in St. Vincent. The report by a social worker in Toronto⁴ is based on what the claimant told her. The panel finds that the claimant, on a balance of probabilities, is not a lesbian but uses this to bolster her claim for refugee status.

She said at the beginning of her oral testimony that there are many lesbians and gay men in St. Vincent but that they were all in the closet. She said that she had casual sex with women other than [redacted]

She could not identify anyone specific she fears in St. Vincent other than there would be name-calling. She would not be able to have friends or relationships and she worried how her son would be treated.

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The panel finds that the claimant's story is not credible or trustworthy, that she has no well-founded fear of persecution and that her claim has no nexus to any of the Convention grounds.

Therefore, the panel determines that the claimant, after considering section 96 and 97(1) of the IRPA, that there is no more than a mere possibility that the claimant will be seriously harmed in St. Vincent.

Since of the claim of the claimant's son is based on hers, it too must fail.

For these reasons, the claims are rejected.

"A.C. Knevel"
A.C. Knevel

DATED at Toronto this 21st day of December, 2006.