

BETWEEN:

IRATHINAM IRAMACHANTIRAN

GNANAMBIKAI IRAMACHANTIRAN

Applicants

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER

(Delivered from the Bench at Toronto, Ontario

on Tuesday, August 18, 1998)

STRAYER, J.:

[1] The applicant raises three grounds upon which the order of the Immigration and Refugee Board (Convention Refugee Determination Division) (hereafter "Board") of December 19, 1997 should be set aside.

[2] The most important issue is as to whether the Board, by failing even to mention the evidence of an expert who testified on behalf of the applicant, committed a reviewable error of fact or law by failing to take into account pertinent evidence.

[3] The generally accepted principle is that a Board need not recite every piece of evidence in stating the reasons for its conclusion. While there may be situations, where a particular piece of evidence is central to the case, that a failure to mention it may lead to the conclusion that it has been ignored, I am not satisfied that this is such a case. Having reviewed the evidence of the expert on the existence of an IFA for the applicants in Colombo or elsewhere in southern Sri Lanka, I have concluded that the Board was entitled to treat it as sufficiently vague and general so as not to require specific analysis. While no doubt it would have been preferable for the Board to mention it, I am unable to say that its failure to do so gives rise to reviewable error.

[4] With respect to the issue of whether the applicants would be able to receive a pension in Colombo with respect of their many years of teaching in Sri Lanka, they argue that the Board failed to address this evidence or to reject it on grounds of credibility if that was its view. I am not satisfied that the availability of a pension was a relevant issue in determining whether the IFA was reasonable: there was nothing to suggest that the applicants would be in any worse position in Colombo in this respect than if they lived anywhere else whether in northern Sri Lanka or in Canada.

[5] The applicants also complain that the Board did not make findings about alleged persecution suffered by the male applicant in Colombo in the past. It appears to me that in declining to enter further on that inquiry, the Board was following the mandate given to it when the matter was referred back to the Board in a decision of the Trial Division of April 24, 1996.

[6] The application for judicial review will therefore be dismissed.

"B.L. Strayer"

J.A.

Toronto, Ontario

August 18, 1998

FEDERAL COURT OF CANADA

Names of Counsel and Solicitors of Record

COURT NO: IMM-25-98

STYLE OF CAUSE: IRATHINAM IRAMACHANTIRAN and
GNANAMBIKAI IRAMACHANTIRAN

- and -

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

DATE OF HEARING: TUESDAY, AUGUST 18, 1998

PLACE OF HEARING: TORONTO, ONTARIO

REASONS FOR ORDER BY: STRAYER, J.

DATED: TUESDAY, AUGUST 18, 1998

APPEARANCES:

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For the Applicants

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For the Respondent

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FEDERAL COURT OF CANADA

Date: 19980818

Docket: IMM-25-98

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