

CANADA / JUDGMENT

MB9-22373

COURT

Refugee Appeal Division

DECIDED

31 July 2020

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RAD File No. / N° de dossier de la SAR : MB9-22373 MB9-22374 Private Proceeding / Huis clos
Reasons and Decision - Motifs et décision Persons who are the subject of the appeal XXXX XXXX
XXXX XXXXXXXXXX XXXX XXXX XXXX Personnes en cause Appeal considered at Ottawa, Ontario
Appel instruit à Date of decision July 31, 2020 Date de la décision Panel Me Philippe Rabot
Tribunal Counsel for the persons who are the subject of the appeal Me Brigitte Objois Conseil des
personnes en cause Designated representative XXXX XXXX XXXX Représentante désignée
Counsel for the Minister N/A Conseil du ministre REASONS FOR DECISION OVERVIEW

- [1] The principal appellant, XXXX XXXX XXXX, and the associate appellant, her minor son, XXXX XXXX XXXX XXXX, are citizens of the Democratic Republic of the Congo (DRC). The principal appellant argues that she was persecuted by the DRC's intelligence services, which considered her a political opponent to the government led by Joseph Kabila until January 2019. The Refugee Protection Division (RPD) did not believe her, having assessed her testimony at the hearing as demonstrating little knowledge of the political situation in the DRC at the time when she allegedly had problems with the authorities. The appellants consider this assessment too severe.
- [2] I agree with the RPD that the evidence does not establish that the principal appellant has the profile of a political opponent to the Kabila regime, and thus it is unlikely that the authorities would be interested in her or are still interested in her, now that Kabila has left office. Her testimony reveals a number of gaps in terms of her comprehension of the political issues in the DRC. Moreover, she embellished her testimony by including an allegation that is not described in her refugee protection claim, which undermines her credibility. Consequently, the appeals are dismissed.

BACKGROUND

- [3] In her refugee protection claim,¹ the principal appellant states that she participated in youth outreach activities and attended demonstrations against President Kabila. In XXXX2018, she was summoned to a meeting at the national intelligence agency. In her testimony before the RPD, she added that she went straight to that meeting. She was questioned about her activities and warned not to attend a demonstration that was scheduled for the end of the month. XXXX months later, in XXXX 2018, she was arrested and

detained. The same thing happened again in late XXXX.

- [4] It was at that time that she decided to leave the DRC. She immediately filed a visa application for the United States and went to live at the home of a friend so that she would not be found. The appellants left the DRC by airplane on XXXX XXXX, 2018. They came to Canada four days after arriving in the United States.
- [5] The RPD states in its decision² that it does not believe that the appellant would have been summoned by the national intelligence agency in XXXX XXXX⁰¹⁸ or arrested in XXXX XXXX XXXX 2018. The main reason cited by the RPD to support this conclusion is the principal appellant's seeming lack of knowledge of the political events that occurred in the DRC between 2016 and 2018. As a result, it is unlikely that she had a political profile.
- [6] At the hearing, the RPD questioned the principal appellant for quite some time regarding her youth outreach activities and the facts surrounding the demonstrations in which she claims to have participated. What stood out to the RPD is that the principal appellant seemed to have a superficial understanding of the primary political issues in the DRC at that time. For example, she was unable to state specifically what she discussed with the youth. She was unaware of a major anti-government demonstration that was held on January 21, 2018. She was unable to state the name and the role of an army commander whom she identified as [translation] "the Tango Four general." She seemed confused regarding the exact dates the government cut Internet service to prevent political opponents from communicating with one another.
- [7] The RPD also criticized the principal appellant for embellishing her testimony by adding as new evidence that she not only received a notice to appear from the national intelligence agency, but also, she followed up on it.
- [8] According to the appeal memorandum,³ the RPD had unreasonable expectations in terms of the level of knowledge that the principal appellant should demonstrate. Furthermore, with regard to her summons from the national intelligence agency, she did not contradict herself in her evidence in this regard.

ANALYSIS

- [9] I share the RPD's impression that it is unlikely that the principal appellant had a political profile in the DRC, which would lead to a serious possibility that she would be persecuted by the authorities if she had to return there now, three years after leaving that country. While some of the RPD's examples explaining this conclusion might seem trivial, the appellant's seeming difficulty in specifically explaining at the RPD hearing her youth outreach activities is perplexing. It is difficult to imagine what the principal appellant could have done that would have resulted in such relentlessness from the authorities in terms of wanting to silence her. She was not a member of any political party and had only a minor role in the protest.

[10] I also consider relevant the RPD's submissions in paragraphs 34 to 36 of its decision regarding the fact that, in her refugee protection claim, the principal appellant indicates only that she received a notice to appear from the national intelligence agency on XXXX XXXX, 2018, and not that she then went to the offices of the national intelligence agency, where she was questioned over a number of hours, as she testified. I agree with the RPD that it is a major omission that undermines the principal appellant's credibility in relation to this aspect of the evidence. The principal appellant also had a lot more to say in her testimony regarding her arrests in XXXX XXXX XXXX 2018 than what she states in her refugee protection claim, which seems surprising. I agree with the RPD that the appellant sought to embellish her testimony and I do not believe that she was interrogated by the national intelligence agency or arrested in XXXX XXXX XXXX 2018.

CONCLUSION

[11] The appellant failed to establish, on a balance of probabilities, that she has a political profile in the DRC. As a result, it is not credible that she was the subject of persecution by reason of her political opinion. For these reasons, the appeals are dismissed. (signed) Philippe Rabot
Philippe Rabot July 31, 2020 Date 1 Refugee Protection Division record, pages 20 to 29. 2
Ibid., pages 5 to 18. 3 Appeal Book, pages 18 to 24.

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Commission de l'immigration et du statut de réfugié du Canada Section d'appel des réfugiés
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