

Federal Court



Cour fédérale

Date: 20150326

Docket: IMM-1300-14

Citation: 2015 FC 386

Toronto, Ontario, March 26, 2015

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Applicant

and

ZSOLTNE SZILAGYI

Respondent

JUDGMENT AND REASONS

[1] This is a judicial review of a decision of a Member of the Refugee Protection Division dated January 31, 2014, wherein it was determined that the Respondent's claim for refugee protection in Canada would be allowed.

[2] The Applicant is the Minister of Citizenship and Immigration which is unusual but not unheard. The Respondent is an adult female citizen of Hungary. She is a Roma. She is a middle

aged woman, her husband was found one morning in Hungary hanging from a tree. The police said that was probably a suicide. The Respondent knows it was not.

[3] The Respondent could not find a job in her home town in Hungary; she went to Budapest and got a job only to be fired when it became known that she was a Roma.

[4] The Respondent fled to Canada and claimed refugee protection. That claim was accepted. The Minister wants the decision, given orally, judicially reviewed largely on the basis of the analysis or lack thereof, of the issues of State Protection and Internal Flight Alternative (IFA) as well as so called lack of fulsome analysis of the Respondent's personal circumstances.

[5] I am aware of the recent decisions of several of my colleagues in circumstances not unlike the present, where the Minister has been able to set aside decisions for failure of a Member to give a proper analysis of matters such as state protection and IFA.

[6] In the present case, and I restrict my remarks to the present case so as not to create a precedent that may be improperly relied upon, I find that the analysis by the Member, while being far from perfect and perhaps not meeting the rigours of a third year law school administrative law course thesis, is adequate and the conclusions are reasonable.

[7] Therefore, I will dismiss the application. No party requested a certified question.

JUDGMENT

THIS COURT ORDERS AND ADJUDGES that:

1. The application is dismissed;
2. No question is certified;
3. No Order as to costs.

“Roger T. Hughes”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1300-14

STYLE OF CAUSE: THE MINISTER OF CITIZENSHIP AND
IMMIGRATION v ZSOLTNE SZILAGYI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 26, 2015

JUDGMENT AND REASONS: HUGHES J.

DATED: MARCH 26, 2015

APPEARANCES:

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