

Federal Court



Cour fédérale

**Date: 20100222**

**Docket: IMM-4503-09**

**Citation: 2010 FC 191**

**Montréal, Quebec, February 22, 2010**

**PRESENT: The Honourable Mr. Justice Beaudry**

**BETWEEN:**

**PAVEL ANFALOV  
VALENTINA CHEPURKO**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This is an application for judicial review, under subsection 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the Act), of a decision of the Immigration and Refugee Board's Refugee Protection Division (the panel) dated August 5, 2009, determining that the respondents are not Convention refugees.

[2] The applicants are of Ukrainian origin and citizens of Israel. The male applicant is Jewish and the female applicant is Christian. In May 1997, they left Ukraine and immigrated to Israel with their family.

[3] They claimed refugee protection in Canada on April 24, 2009. They fear that if they are sent back, they will be persecuted and arrested because they may be considered accomplices of a Palestinian terrorist.

[4] Their claim for protection was rejected on the basis that they lacked credibility. Furthermore, the panel concluded that they had neglected to exhaust their courses of action in Israel before claiming refugee protection in Canada.

[5] The application for judicial review will be dismissed for the reasons that follow.

[6] Since *Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190; *Uppal v. Canada (Minister of Citizenship and Immigration)*, 2009 FC 445, [2009] F.C.J. No. 557 (QL), the standard of review for similar issues is reasonableness. Consequently, the Court will only intervene if the decision does not fall within “a range of possible, acceptable outcomes which are defensible in respect of the facts and law” (*Dunsmuir*, above, at paragraph 47).

[7] Although the panel did not note any inconsistencies between the personal information form and the testimonies given, the reasons clearly describe the implausibilities identified. The panel drew a negative inference from the fact that the male applicant was unable to answer

certain questions regarding threats from police to lay charges against him because he had allegedly refused to be an informer.

[8] The panel found that the male applicant was not credible on the matter of his relationship with a certain person named Hussein. The friendship with that person was central to the applicants' claim. That finding belongs to the jurisdiction of the panel, and the Court cannot intervene unless the finding is incomprehensible or unsupported by the evidence. That is not the case here.

[9] The panel is in the best position to assess the explanations provided with respect to the perceived implausibilities (*Gutierrez v. Canada (Minister of Citizenship and Immigration)*, 2009 FC 487, paragraph 14, [2009] F.C.J. No. 617 (QL)).

[10] In her application, the female applicant related three incidents: having been subjected to critical remarks for the cross she wore around her neck, having been forced to work Saturdays and having lost her job. Although those situations were unpleasant, it was reasonable for the panel to conclude that this evidence was insufficient to establish that those incidents amounted to persecution, even taking the series of them into account.

[11] The panel also noted that the applicants never approached the state of Israel for protection. That conclusion is supported by the evidence.

[12] Taking the circumstances into account, the Court considers that its intervention is not appropriate.

[13] No question was proposed for certification, and the record contains none.

**JUGEMENT**

**THE COURT ORDERS that** the application for judicial review be dismissed. No question is certified.

“Michel Beaudry”

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Judge

Certified true translation  
Sarah Burns

**SOLICITORS OF RECORD**

**DOCKET:** IMM-4503-09

**STYLE OF CAUSE:** PAVEL ANFALOV ET AL v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Montréal, Quebec

**DATE OF HEARING:** February 22, 2010

**REASONS FOR JUDGMENT  
AND JUDGMENT:** BEAUDRY J.

**DATED:** February 22, 2010

**APPEARANCES:**

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