

**Date: 20111108**

**Docket: IMM-1760-11**

**Citation: 2011 FC 1280**

**Toronto, Ontario, November 8, 2011**

**PRESENT: The Honourable Madam Justice Mactavish**

**BETWEEN:**

**MARIA EVTUSHENKO**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP  
AND IMMIGRATION and MINISTER OF  
PUBLIC SAFETY AND EMERGENCY  
PREPAREDNESS**

**Respondents**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] Maria Evtushenko seeks judicial review of a negative decision in relation to her application for a Pre-removal Risk Assessment. At the conclusion of her hearing I advised counsel that I was dismissing the application. These are my reasons for so doing.

[2] Ms. Evtushenko initially sought refugee protection in Canada based upon her claim that she was a victim of domestic violence in Russia. The Refugee Protection Division of the Immigration

and Refugee Board rejected her claim on credibility grounds, finding her story to be “replete with inconsistencies, misstatements and circumlocutions”. Ms. Evtushenko did not seek judicial review of the RPD’s decision, which is now final.

[3] Ms. Evtushenko’s PRRA application was based upon the same allegations of risk that were before the RPD. Her brief PRRA submissions focussed to a large extent on matters unrelated to risk, such as her family circumstances in Canada, her relationship with her son in Russia and her health. She did put two documents before the PRRA officer addressing the issue of risk – a police document and a letter from a friend attesting to the abuse that Ms. Evtushenko allegedly suffered at the hands of her husband.

[4] The PRRA officer determined that these documents were not “new evidence” of risk as no explanation had been provided as to why the documents could not have been provided to the RPD. The officer further determined that the documentary evidence that Ms. Evtushenko submitted did not overcome the RPD’s negative credibility findings.

[5] The PRRA officer decided, in the alternative, that the police document and the country condition information showed that adequate state protection would be available to Ms. Evtushenko in Russia. The officer also found that she did not have to return to the village where her estranged husband continued to live.

[6] Ms. Evtushenko focused her submissions in this Court on the officer’s analysis of the country condition information and the availability of state protection for victims of domestic

violence. She did not challenge the PRRA officer's determination that her documentary evidence did not constitute new evidence, nor did she challenge the officer's finding that this evidence did not overcome the RPD's negative credibility findings. This is fatal to her application for judicial review.

[7] Country condition information is relevant to the question of whether a person at risk of domestic violence can expect to receive adequate protection from his or her state. However, before examining the issue of state protection, a decision-maker must first be satisfied that the applicant is in fact a victim of domestic violence. If this is not established, then the availability and adequacy of state protection is not an issue.

[8] The purpose of a PRRA is to assess risk. Ms. Evtushenko did not satisfy the PRRA officer that she was a victim of domestic violence. Thus she did not show that she would be at risk in Russia. As a consequence, any error in the PRRA officer's treatment of the issue of state protection is immaterial.

[9] I agree with the parties that this case does not raise a question of general importance.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that:**

1. This application for judicial review is dismissed; and
2. No serious question of general importance is certified.

“Anne Mactavish”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-1760-11

**STYLE OF CAUSE:** MARIA EVTUSHENKO v. MINISTER OF  
CITIZENSHIP AND IMMIGRATION and MINISTER  
OF PUBLIC SAFETY AND EMERGENCY  
PREPAREDNESS

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** NOVEMBER 8, 2011

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

**DATED:** NOVEMBER 8, 2011

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