

Federal Court



Cour fédérale

Date: 20140306

Docket: IMM-11-13

Citation: 2014 FC 221

Toronto, Ontario, March 6, 2014

PRESENT: The Honourable Madam Justice Simpson

BETWEEN:

OLGA ROMANUSHKO

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] Olga Romanushko (the Applicant) seeks judicial review pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 of a decision of the Refugee Protection Division of the Immigration and Refugee Board (the Board) dated November 9, 2012, refusing the Applicant's claim for refugee protection on the basis that she is a victim of extortion and is neither a Convention refugee nor a person in need of protection (the Decision).

Background

[2] The Applicant is a 47 year-old citizen of the Ukraine. The Applicant's husband operated a business that transported cars from the port to car dealerships. The Applicant was not involved in his business and was unaware of the problems her husband had with police.

[3] In April 2010, while the Applicant's husband was in Belarus, two policemen came to the Applicant's home and asked for her husband. She told them he was away. The officers entered and searched the house. They said that her husband owed them money. They asked how much money she had on hand. She told them she had \$500 and they took it.

[4] After the police left, the Applicant called her husband. He said they were corrupt police and that they had been forcing him to pay bribes for years. He said they recently increased the amounts and he did not want to pay.

[5] On April 26, 2010, the Applicant was visited by the same police officers. They pushed and slapped her and asked when her husband was coming home. They accused her of hiding information from them and they threatened her and ransacked her apartment.

[6] The corrupt police officers visited the Applicant's home three more times in late April, in June and in July 2010. They assaulted her and threatened her. On two occasions the police refused to help when she complained.

[7] The Applicant fled to Canada on August 14, 2010 and claimed refugee protection in June of 2011.

[8] The Board accepted that the Applicant's evidence was credible and that she had been threatened and "...targeted as a result of the heightening of her husband's problem of being extorted..." by the police. They also accepted her fear of future persecution by the police on her return to the Ukraine.

[9] The Board asked the Applicant whether extortion was a common problem among business people and she replied that it was very common. As well, the Board cited the National Documentation Package on the Ukraine that mentioned there was a high level of police criminality in the country.

The Decision

[10] The negative decision was based on the following two findings: first, the Applicant's claim was based on criminality and there was no nexus to a convention ground and second, the risk she faced was generalized.

The Issues

[11] The first issue is the reasonableness of the Board's decision that there was no nexus to a Convention ground. The Applicant submitted that she was a member of a social group (a family comprised of her husband and herself) and that she was targeted due to her membership in that

group. While this allegation is true, it does not in my view create a nexus because the underlying targeting was for extortion and not for a convention reason.

[12] The second issue is the reasonableness of the Board's decision that the Applicant faced a generalized risk. As noted above, the Applicant testified that extortion of business owners by police is "very common". It is my view that the Applicant failed to show that the threats and violence she faced on her return to the Ukraine were not generally faced by business people and their families. This is a subgroup that is sufficiently large that the risk can be said to be generalized.

[13] Part of the *modus operandi* of extortionists is the threatening and abusing of victims and those dear to them. This activity is undertaken to compel the victims to pay and to deter victims who might otherwise be uncooperative. In other words, the targeting of the Applicant in this case, before she left the Ukraine and on her return is part of the generalized risk faced by victims of extortion.

[14] The third issue concerns defects in the Decision. The Applicant criticized the Board for not conducting an analysis of the social group. However in my view no such analysis was required, it being obvious that only the Applicant and her husband were involved. The Applicant also takes issue with the Board's failure to describe the risks she alleged she faced on her return to the Ukraine. However because her evidence was accepted it is obvious that the Board analyzed her situation based on her fear of ongoing threats and violence from the corrupt police officers.

[15] No question was posed for certification.

ORDER

THIS COURT ORDERS that the application is dismissed.

“Sandra J. Simpson”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-11-13

STYLE OF CAUSE: OLGA ROMANUSHKO V THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MARCH 5, 2014

**REASONS FOR ORDER AND
ORDER:** SIMPSON J.

DATED: MARCH 6, 2014

APPEARANCES:

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