

Federal Court



Cour fédérale

Date: 20180925

Docket: IMM-124-18

Citation: 2018 FC 943

Ottawa, Ontario, September 25, 2018

PRESENT: The Honourable Mr. Justice Gascon

BETWEEN:

**ROLAND RUSZO, VOLOPICH KINGA,
ROLAND RUSZO, KINGA RUSZO,
KETRIN DIANA RUSZO, ZOLTAN RUSZO,
ZSOLT RUSZO, GYONGYI ILONA GIBOK,
AMANDA RUSZO, ZOLTAN RUSZO (JR)**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The applicants are an extended family unit of ten persons consisting of Mr. Roland Ruszo, Mr. Zoltan Ruszo and their respective wives and children [the Ruszos]. They are all

citizens of Hungary and members of the Roma ethnic group. When they arrived in Canada in 2012, the Ruzsos claimed refugee protection based on their fear of discrimination and violence in Hungary due to their Roma ethnicity. In December 2017, a panel of the Refugee Protection Division [RPD] of the Immigration and Refugee Board of Canada determined that the Ruzsos were neither Convention refugees nor persons in need of protection pursuant to sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001 c 27 [Decision]. The RPD dismissed their claim on two grounds: the lack of credibility of their claimed incidents of racial violence and their failure to provide sufficient proof that state protection was not available in Hungary.

[2] The Ruzsos now seek judicial review of the RPD Decision. They argue that the Decision is unreasonable because the RPD erred in finding that they were not credible and in conducting its state protection analysis. They ask this Court to quash the Decision and to send it back for redetermination by a differently constituted panel. The determinative issues before the RPD were credibility and the availability of state protection in Hungary and, in this application for judicial review, the Ruzsos focused their written and oral submissions on these two points.

[3] Having considered the evidence before the RPD and the applicable law, I can find no basis for overturning the Decision. The Decision was responsive to the evidence and the outcome is defensible based on the facts and the law. It falls within the range of possible, acceptable outcomes. There are no sufficient grounds to justify this Court's intervention, and I must therefore dismiss the application for judicial review.

II. Background

A. *The factual context*

[4] The ten applicants are Roland Ruszo [Roland], his wife Kinga Volopich, and their three children Roland Ruszo, Kinga Ruszo and Ketrin Diana Ruszo, as well as Roland's brother Zoltan Ruszo [Zoltan], his wife Gyongyi Ilona Gibok, and their three children Zsolt Ruszo, Amanda Ruszo and Zoltan Jr Ruszo.

[5] In his refugee application, Roland described three specific incidents suffered by him and his family, in addition to regular racist comments suffered by the Roma in Hungary. He first alleged that, in December 2011 and January 2012, while he was working and his family was at home, people threw things at his house and broke some windows. He also claimed that, in February 2012, three men followed him on his way to work and beat him. He went to the hospital and reported the incident to the police. However, according to Roland, the police officers did not believe him and accused him of not wanting to go to work after falling. Roland and his family fled to Canada in May 2012.

[6] On his part, Zoltan described three main incidents in his refugee application. He alleged that, in the summer of 2007, on his way home after work, four men attacked and insulted him. The police advised him that it was better not to make a report because his attackers were Guardists, an organized racist group in Hungary. Zoltan further claimed that, later in 2007, three men made racist comments and attacked his wife on her way to school with their oldest son. She went to the hospital to treat her injuries, and their son requires psychiatric treatments since then.

Zoltan said that they reported the incident to the police but nothing happened afterwards. Finally, Zoltan alleged that, in April 2011, while he was with his wife and their youngest son, they were attacked by many men who fled when the police arrived. A policeman called an ambulance to take them to the hospital. The doctor and the police made reports on the incident. Zoltan came to Canada in March 2012 and the rest of his family arrived shortly after in April.

[7] Roland and Zoltan's brother, Richard Ruszo [Richard], also claimed refugee protection in Canada for him and his family. The RPD accepted Richard's claims in August 2015.

B. *The RPD's Decision*

[8] In detailed reasons spanning over more than 80 paragraphs, the RPD rejected the Ruszos' refugee claims for lack of credibility and, alternatively, because of the availability of state protection.

[9] Regarding credibility, the RPD raised several concerns with Roland's and Zoltan's respective stories. The RPD did not believe that Roland was attacked in February 2012 because of discrepancies in the places and dates of residence and work he provided at the Port of Entry [POE] and in his personal information form, compared to his oral testimony. The RPD also noted the lack of corroborating evidence, and discrepancies between his testimony and the doctor's report on the incident. With regards to the January 2012 vandalism incident, the RPD drew negative credibility inferences from inconsistencies in Roland's account of the incident, and Roland's tentative to embellish his claim by testifying that the police did not follow up on its

report of this incident. Moreover, the RPD found that Roland embellished his claim with non-credible allegations about his housing in Miskolc and his employment situation in Hungary.

[10] With respect to Zoltan, the RPD drew negative credibility inferences from the fact that his testimony lacked spontaneity and details, that he embellished his alleged loss of employment, that there was no evidence that the April 2011 incident was reported to the police, that letters from his sister were submitted only three days before the RPD hearing, and that no police or medical report supported his account of the 2007 incident involving his wife and son. The RPD however observed that, for both incidents, police officers had attended.

[11] The RPD acknowledged that none of the credibility concerns raised about Roland's and Zoltan's respective stories were sufficient on their own to negate their claims. However, the cumulative effect of these credibility concerns led the RPD to conclude that it did not have sufficient and trustworthy evidence to accept the Ruzsos' refugee claims.

[12] Moreover, the RPD further found that Roland and Zoltan did not suffer discrimination in Hungary in terms of access to education, medical care, employment and housing, and were therefore not persecuted in this regard.

[13] Concerning the fact that the refugee claim made by their brother Richard and his family was accepted, the RPD noted that it should not influence its decision on Roland's and Zoltan's claims. In the RPD's view, the three sets of claims were considerably different and, contrary to the case of Richard, the RPD had credibility concerns about Roland's and Zoltan's claims.

[14] Turning to state protection, the RPD concluded that Roland and Zoltan did not rebut the presumption that state protection is available in Hungary. The RPD acknowledged that the evidence regarding the situation for Roma citizens in Hungary is mixed and that they face problems, including discriminatory treatment by the police. However, the RPD noted the actions taken by the police and the government institutions to improve the quality of life of Roma citizens, and to protect them against extremist groups. The RPD further found that the Ruszos had not exhausted all state protection opportunities in Hungary. Although not perfect, said the RPD, state protection is available. The RPD quoted decisions of this Court stating that the presumption of state protection in democratic countries continues to apply when measures are taken to combat persecution. Further to its review of the evidence, the RPD found that the programs of the Hungarian government were producing positive results at the legislative and operational levels. In the end, after having analyzed the evidence on general conditions in Hungary and the state's ability to protect its citizens, the RPD concluded that the Ruszos had not provided clear and convincing evidence that, on a balance of probabilities, state protection would not be reasonably available to them if they returned to Hungary.

[15] Finally, having found that Roland and Zoltan should not be granted refugee protection, the RPD rejected the claims of their family members, since these were closely dependent upon the claims of Roland and Zoltan.

C. *The standard of review*

[16] The jurisprudence has already determined the applicable standard of review for both the credibility and the state protection issues raised in the present case. As a result, there is no need

to proceed to an analysis to identify the appropriate standard of review (*Dunsmuir v New Brunswick*, 2008 SCC 9 [*Dunsmuir*] at para 62). For the assessment of credibility by the RPD, the standard of reasonableness applies (*Aguebor v Canada (Minister of Employment and Immigration)* (1993), 160 NR 315 (FCA) at para 4; *Gomez Florez v Canada (Citizenship and Immigration)*, 2016 FC 659 [*Gomez Florez*] at para 20; *Soorasingam v Canada (Citizenship and Immigration)*, 2016 FC 691 at para 17). Similarly, the issue of the adequacy of state protection is also to be reviewed under the reasonableness standard (*The Minister of Citizenship and Immigration v Flores Carrillo*, 2008 FCA 94 [*Carrillo*] at para 36; *Hinzman v Canada (Citizenship and Immigration)*, 2007 FCA 171 [*Hinzman*] at para 38; *Koky v Canada (Citizenship and Immigration)*, 2017 FC 1035 at para 11).

[17] The standard of reasonableness requires to show deference to the decision-maker as it is “grounded in the legislature’s choice to give a specialized tribunal responsibility for administering the statutory provisions, and the expertise of the tribunal in so doing” (*Edmonton (City) v Edmonton East (Capilano) Shopping Centres Ltd*, 2016 SCC 47 at para 33; *Dunsmuir* at paras 48-49). Under a reasonableness review, when a question of mixed fact and law falls squarely within the expertise of a decision-maker, “the reviewing court’s task is to supervise the tribunal’s approach in the context of the decision as a whole. Its role is not to impose an approach of its own choosing” (*Canada (Canadian Human Rights Commission) v Canada (Attorney General)*, 2018 SCC 31 at para 57). The Court must not intervene with the RPD’s Decision so long as the panel came to a conclusion that is transparent, justifiable, intelligible, and within the range of possible, acceptable outcomes that are defensible in respect of the facts and the law (*Dunsmuir* at para 47). It is sufficient “if the reasons allow the reviewing court to

understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range of acceptable outcomes” (*Newfoundland and Labrador Nurses’ Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 [*Newfoundland Nurses*] at para 16).

[18] This deferential approach is particularly required when, as in this case, the impugned findings relate to the credibility of a refugee claimant’s story. It is well established that RPD’s conclusions in that regard command a high degree of judicial deference upon judicial review, considering the role of trier of fact conferred to the administrative tribunal (*Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at paras 59, 89). Credibility findings go to the very core of the RPD’s expertise and have indeed been described as the “heartland” of the RPD’s jurisdiction (*Siad v Canada (Secretary of State)*, [1997] 1 FC 608 (FCA) at para 24; *Gomez Florez* at para 19; *Lubana v Canada (Minister of Citizenship and Immigration)*, 2003 FCT 116 at paras 7-8). The RPD is better placed to assess the credibility of a refugee claimant as the panel sees the witness at the hearing, observe the witness’ demeanour and hear his or her testimony.

III. Analysis

A. *The RPD’s negative credibility findings were reasonable*

[19] On the first issue of the credibility assessment, the Ruszos submit that the RPD erred because it engaged in a “microscopic” assessment of the evidence. They further point to mistakes made by the RPD in its assessment of their place of residence, of the discrimination Roland and Zoltan suffered in their employment, of their POE notes, of the lack of corroborating police and

medical reports, and of the facts surrounding their eviction from their home in Miskolc. The Ruzsos also argue that, contrary to the approach taken by the RPD in this case, evidence should not be rejected for small inconsistencies, that exaggeration is not fatal to a claim and that there is no general requirement for corroboration. They further contend that the RPD ignored country conditions documents and erroneously relied on a “boilerplate” analysis in its approach to the general situation in Hungary. In doing so, say the Ruzsos, the RPD failed to adequately assess the particular personal circumstances faced by Roland, Zoltan and their respective families, and ignored evidence which contradicted the RPD’s findings.

[20] I am not persuaded by the arguments put forward by the Ruzsos to challenge the RPD’s negative credibility findings. I instead agree with the Minister that the RPD made a meticulous and exhaustive assessment of the evidence presented. The RPD properly considered the evidence on the record and, in my view, this evidence reasonably supports its conclusions on the lack of credibility attributed to Roland’s and Zoltan’s stories. The RPD provided a forest of reasons detailing why the testimonies of Roland and Zoltan were not retained with respect to the various incidents they had singled out in their refugee claims. A judicial review is not an appeal, and it is not the Court’s role to reweigh the evidence when it is conducting a reasonableness review of factual findings. To the contrary, the RPD’s determinations regarding the credibility of the Ruzsos are entitled to significant deference, and it is not up to the Court to substitute its own interpretation.

[21] Despite the well-choreographed submissions put forward by counsel for the Ruzsos, I do not find that the RPD’s negative credibility findings were unreasonable. Indeed, the RPD pointed

to Roland's and Zoltan's numerous contradictions, discrepancies and embellishments of their respective stories, and the lack of documentary evidence supporting many aspects of their claims, such as the allegations regarding their employment history. A claimant's credibility can be negatively affected if the claimant fails to present reasonably expected documents or a reasonable explanation for their absence (*Ndjavera v Canada (Citizenship and Immigration)*, 2013 FC 452 at para 7; *Ismaili v Canada (Citizenship and Immigration)*, 2014 FC 84 at paras 33, 35).

[22] I am also not convinced that the RPD's analysis was "microscopic" or that it focused on small differences or inconsistencies. An analysis does not become microscopic because it is comprehensive. Furthermore, the decisions faulting decision-makers for making "microscopic" assessments relate to situations where issues irrelevant to the case or peripheral to the claim were examined (*Attakora v Canada (Minister of Employment and Immigration)* (1989), 99 NR 168 (FCA) at para 9; *Cooper v Canada (Citizenship and Immigration)*, 2012 FC 118 at para 4). In this case, the RPD's examination did not relate to irrelevant matters or to questions peripheral to the Ruszos' claims of persecution. To the contrary, the factors and elements looked at by the RPD were highly relevant and dealt with the specific incidents at the very essence of Roland's and Zoltan's claims.

[23] More specifically, with regards to Roland, I am not persuaded that it was irrational and arbitrary for the RPD to have concerns about his testimony on the alleged February 2012 incident and about his explanation for the discrepancies in his evidence. The RPD made these findings in light of the evidence coming from Roland's POE and personal information form

regarding his stays and work in Sajopetri, Miskolc and Budapest between 2008 and 2012. I acknowledge that the evidence could also have led to a different interpretation more favourable to Roland's account of the events; but I cannot find that the RPD's assessment was not a possible and reasonable one. The same observation goes for the RPD's assessment of the evidence regarding the eviction orders given to numerous Roma families in Miskolc. I find that it was open to the RPD to conclude that the evidence presented in this case did not allow to link the objective documentary evidence on this event to the specific housing situation experienced by the Ruzsos in Miskolc. Regarding the February 2012 incident, I agree with the Minister that it was reasonable for the RPD to doubt Roland's concerns about the police having influenced the content of the medical note. Concerning Zoltan, I do not find that it was unreasonable for the RPD to determine that missing medical information undermined Zoltan's credibility with respect to the 2007 events involving his wife and child. Moreover, the absence of police reports for this 2007 incident as well as for the 2011 incident, despite the fact that the police attended to both, could reasonably lead the RPD to question Zoltan's credibility.

[24] The Court's mission is not to reassess pieces of evidence in the record; rather, it must limit itself to finding whether a conclusion is irrational or arbitrary. Under a reasonableness standard, it is sufficient that the process and the outcome fit comfortably with the principles of justification, transparency and intelligibility, and the Court should not substitute its own opinion for that of the panel. The arguments put forward by the Ruzsos express their disagreement with the RPD's assessment of the evidence and in fact ask the Court to reweigh the evidence and to prefer their own assessment and reading to that of the RPD. However, this is not the Court's role in matters of judicial review. The reasons for the RPD's Decision on the Ruzsos' lack of

credibility have the qualities of justification, transparency and intelligibility, and allow me to determine that the RPD's negative credibility findings fall within the range of possible, acceptable outcomes. There is therefore no reason for the Court to intervene.

B. *The RPD's findings on state protection were reasonable*

[25] With regards to state protection, the Ruzsos argue that, whereas the correct test requires the RPD to focus on actual protection, it simply looked at the "efforts" made by Hungary to protect its Roma citizens. They further plead that the RPD's conclusions concerning the programs put in place in Hungary were made despite overwhelming evidence of the contrary. In their opinion, extensive evidence reflected the inability of the Hungarian government to provide state protection and the RPD unreasonably overlooked it. Relying on numerous decisions from this Court dealing with the Roma situation in Hungary, they contend that the RPD did not properly deal with the mixed country conditions evidence. Finally, the Ruzsos submit that there was no probative evidence of the police effectiveness in dealing with the widespread persecution of Roma citizens, and that it was therefore unreasonable to require that they exhaust all state protection opportunities in Hungary.

[26] I disagree with the submissions made by the Ruzsos as they do not reflect what the RPD has actually done in its Decision.

[27] I do not dispute that the appropriate test in a state protection analysis commands an assessment of the adequacy of that protection at the operational level, not the efforts or intentions of the state (*Vidak v Canada (Immigration, Refugees and Citizenship)*, 2017 FC 976 at para 8;

Mata v Canada (Immigration, Refugees and Citizenship), 2017 FC 1007 at paras 13-14). The state protection test must focus on actual results: “[i]t is what state protection is *actually provided* at the *present time* that is relevant” [emphasis in the original] (*Hercegi v Canada (Citizenship and Immigration)*, 2012 FC 250 at para 5). Efforts made by a government to achieve state protection may, of course, be relevant to determine if operational adequacy has been achieved. However, what counts are the actual results in terms of what is concretely accomplished by the state, and this is what needs to be measured (*Bakos v Canada (Citizenship and Immigration)*, 2016 FC 191 at para 29; *Kovacs v Canada (Citizenship and Immigration)*, 2015 FC 337 at paras 71-72; *Molnar v Canada (Citizenship and Immigration)*, 2015 FC 273 at para 46).

[28] As noted by this Court, the situation in Hungary is difficult to gauge and the assessment of the adequacy of state protection will depend on the evidence in each specific case: sometimes state protection is adequate, sometimes it is not (*Olah v Canada (Citizenship and Immigration)*, 2016 FC 316 at para 35; *Molnar v Canada (Citizenship and Immigration)*, 2012 FC 530 at para 105). True, there are numerous precedents where this Court has granted applications for judicial review and quashed state protection determinations with regard to Roma citizens from Hungary and other countries. But, each matter must be considered and decided on its own facts and merits. As is the case on any aspect of a judicial review, the starting point is the decision itself and what the reasons actually say, with the recognition that the administrative decision-maker has the primary responsibility to make this type of factual findings.

[29] I am satisfied that, in this case, the RPD considered not only the efforts of Hungary to offer state protection to the Ruzsos, but also the concrete results of the measures undertaken in terms of investigations, prosecutions, police effectiveness and convictions. The RPD thoroughly reviewed the evidence on state protection over nearly 30 paragraphs, and references to the actual results of state protection in Hungary reverberate throughout the Decision. For example, in its reasons, the RPD determined that “ongoing programs of the Hungarian government, to resolve problems that Roma face, are producing positive results at both legislative and operational levels” [my emphasis]. The RPD also referred to [my emphasis]:

- evidence of the “actions” of the police and the government “with regards to improving the quality of life for Roma”;
- Hungarian authorities taking “action against extremist organizations”;
- “steps being taken to prosecute officials and individuals when such abuse occurs”;
- “national police intervention” and actual convictions of individuals found guilty of racial violence against Roma; and
- the government enacting legislation and putting in place tactical initiatives that “are producing results on the ground” and “are actually having an impact operationally on the ground”.

[30] In light of that evidence, the RPD ultimately found that Hungary “has enacted legislation, has infrastructure and a functioning police force in place, allocates funding, and operates programs on the ground”.

[31] In my opinion, the Decision reflects that the RPD considered the evidence on state protection objectively, both from the country's perspective and from the Ruzsos' specific encounters with the Hungarian State, before finding that, while imperfect, the state protection was adequate in Hungary. It is clear from the Decision that the RPD did not focus solely on efforts. Indeed, the Ruzsos and their counsel could not refer the Court to any passage from the Decision suggesting the presence of an analysis directed primarily at efforts. In the same vein, I do not read the Decision as offering a state protection analysis which was simply piggybacking on the adverse credibility findings made by the panel.

[32] Moreover, contrary to the submissions made by the Ruzsos, I am not persuaded that the RPD selectively reviewed the documentary evidence. It instead appears from the Decision that the RPD considered thoroughly Hungary's country documentation and the materials submitted by the Ruzsos. The RPD's reasons are detailed and contain several references to specific portions of the documentary evidence; in addition, the RPD acknowledged that the evidence relating to the adequacy of state protection in Hungary is mixed. The RPD was also not convinced by the concerns of the Ruzsos with the adequacy of state protection, as they had sought such protection themselves when in Hungary and had received police assistance. In the end, and on the basis of the evidence before it, the RPD gave more weight to the documentary evidence relating to the adequacy of state protection than to the concerns expressed by the Ruzsos or to other documentary evidence singled out by them. I might not have arrived at the same conclusion but, further to my review of the Decision and of the record before the RPD, I am not persuaded that the RPD's assessment was unreasonable. On the contrary, it was open to the RPD to conclude, as

it did, that the Ruzsos had not provided clear and convincing evidence that, on a balance of probabilities, state protection for them in Hungary was inadequate.

[33] In the case at bar, I find that the RPD engaged with the evidence, referred to several reports, was cognizant of the personal incidents involving the Ruzsos and was aware of the contradictions and deficiencies of state protection in Hungary. The decision-maker did not ignore or fail to consider the evidence but, after weighing all the evidence on the record, it came to the conclusion that state protection was adequate. Concrete examples of state protection being effective at an operational level were numerous, ranging from results in terms of education, employment, healthcare and housing, to government funds being used to improve living conditions for the Roma citizens, and to improvements in the police response. The RPD did not omit to incorporate contradictory evidence in its assessment; the RPD instead acknowledged the ongoing difficulties faced by the Roma community in Hungary, the mixed evidence and the persistent challenges that plague some of the policies and programs being implemented. The evidence mentioned was not cherry-picked in order to support a positive finding of state protection. Rather, it is apparent that the evidence was thoroughly considered by the RPD, but it was insufficient to rebut the presumption of state protection.

[34] It is well accepted that a decision-maker is presumed to have weighed and considered all the evidence presented to it unless the contrary is shown (*Florea v Canada (Minister of Employment and Immigration)*, [1993] FCJ No 598 (FCA) (QL) at para 1). A failure to mention a particular piece of evidence does not mean that it was ignored (*Newfoundland Nurses* at para 16), and a decision-maker is not required to refer to each and every piece of evidence supporting

its conclusions. It is only when a tribunal is silent on evidence clearly pointing to an opposite conclusion that the Court may intervene and infer that the tribunal overlooked the contradictory evidence when making its finding of fact (*Ozdemir v Canada (Minister of Citizenship and Immigration)*, 2001 FCA 331 at paras 9-10; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, [1998] FCJ No 1425 (QL) [*Cepeda-Gutierrez*] at paras 16-17). However, *Cepeda-Gutierrez* does not stand for the proposition that the mere failure of a tribunal to refer to an important piece of evidence that runs contrary to the tribunal's conclusion necessarily renders a decision unreasonable and results in the decision being overturned. To the contrary, *Cepeda-Gutierrez* says that it is only where the non-mentioned evidence is critical and squarely contradicts the tribunal's conclusion that the reviewing court may decide that its omission means that the tribunal did not have regard to the material before it. This is not the case here, and the Ruzsos have not referred the Court to any such evidence.

[35] The Ruzsos had the legal burden of providing clear and convincing evidence that Hungary was unable to provide adequate state protection (*Carrillo* at paras 19, 30). It is settled law that Canadian courts must presume that state protection is available in the country of origin of the refugee claimant, particularly when the state is democratic, as is the case for Hungary. Clear and convincing evidence is needed to rebut this presumption of state protection (*Canada (Attorney General) v Ward*, [1993] 2 SCR 689 at paras 57, 59), and it requires more than showing that state protection is not perfect or not always effective (*Canada (Minister of Employment and Immigration) v Villafranca*, [1992] FCJ No 1189 (FCA) (QL) at para 7). As stated by the Federal Court of Appeal in *Hinzman*, "refugee protection is meant to be a form of surrogate protection to be invoked only in those situations where the refugee claimant has

unsuccessfully sought the protections of his home state” (*Hinzman* at para 41). As such, there is a “fundamental requirement in refugee law that claimants seek protection from their home state before going abroad to obtain protection through the refugee system” (*Hinzman* at para 62).

[36] In sum, I conclude that the RPD’s reasons in the current case set out an extensive analysis of the state protection documents. The analysis is not only comprehensive, it is comprehensible. The basis for the RPD’s conclusion is intelligible, given its review of the legal principles surrounding state protection, its acknowledgement of the widespread persecution of Romani people disclosed by the documentary evidence, as well as its assessment of the Ruzsos’ personal experiences and of the measures implemented by the Hungarian State. I find the analysis of state protection to be transparent and within the range of possible, acceptable outcomes by which the reasonableness standard is defined. Under a reasonableness standard, as long as the process and outcome fit comfortably with the principles of justification, transparency and intelligibility, and the decision is supported by acceptable evidence that can be justified in fact and in law, a reviewing court should refrain from substituting its own view of a preferable outcome (*Newfoundland Nurses* at para 17).

IV. Conclusion

[37] For the above reasons, the RPD’s Decision represents a reasonable outcome based on the law and the evidence before it. I detect nothing irrational or arbitrary in the RPD’s negative credibility findings with respect to Roland’s and Zoltan’s stories. Similarly, the RPD reasonably concluded that state protection is available to the Ruzsos in Hungary, and that they would not be

exposed to a serious risk of persecution if they returned to this country. Therefore, I cannot overturn the RPD's Decision and I must dismiss this application for judicial review.

[38] Neither party has proposed a question of general importance for me to certify. I agree there is none.

JUDGMENT in IMM-124-18

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed, without costs.
2. No serious question of general importance is certified.

"Denis Gascon"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-124-18

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