

Date: 19990901

Docket: IMM-6298-98

BETWEEN:

CARMEN ADRIANA RUIZ ROJAS

Applicant

- and -

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

BLAIS J.

[1] This is an application for judicial review of a decision of the Convention Refugee Determination Division, dated October 13, 1998, which determined that the applicant is not a Convention refugee.

FACTS

[2] The applicant, a citizen of Peru, arrived in Canada and claimed refugee status on May 25, 1998. She has been a travel journalist since January 1997.

[3] Her mother, who was also a journalist writing on Peruvian political issues, left Peru on July 22, 1997, and has been determined to be a refugee. The offices of a magazine she produced were located in her residence. The applicant also lived there.

[4] Beginning in February 1992, the applicant's mother was the object of verbal and telephone threats, attacks and wiretaps. After her mother left the country in July 1997, the applicant lived at the same address and continued to work as a journalist without any difficulties. After publication of her mother's magazine ceased in December 1997, the telephone threats continued. The applicant continued to live in the same place and to work as a journalist.

[5] On May 14, 1998, the applicant expressed a personal opinion about government and police mistreatment of the media during a televised debate. She mentioned her mother's experience and the inability of the state to protect its citizens.

[6] The next day, two police officers beat the applicant at her home. After the police questioned her boss about her employment, the latter suggested that she leave the country.

[7] Fearing the authorities in her country, she left Peru. She had a passport in her possession since the month of March 1998 and obtained an American visa on May 17, 1998.

APPLICANT'S ARGUMENTS

[8] In particular, the applicant argued that the Refugee Division erred in its assessment of the facts filed in evidence. The applicant based her claim on the grounds of political opinion and membership in a particular social group, the family. As the applicant had expressed the same political opinions as her

mother, namely criticism of the Fujimori dictatorship and media censorship, she suffered persecution because of family ties with her mother.

[9] The applicant added that the day after her public statement that her mother had received no government support after she was threatened, the police attacked the applicant at her home. She then decided to quickly leave the country and claim refugee status.

RESPONDENT'S ARGUMENTS

[10] In particular, the respondent claimed that the applicant's behaviour in the ten months before she left Peru did not demonstrate a fear of persecution. Her work as a travel journalist was completely different from her mother's work in the political field, and the numerous telephone threats were related to the magazine her mother published until December 1997. After publication of the journal ceased, the telephone line was no longer used and the direct threats stopped.

[11] The applicant reported only one incident, namely the program broadcast on May 14, 1998, and the Refugee Division found that the allegations with respect to the events of that date were implausible.

[12] In short, the respondent submitted that the panel was not convinced of the subjective fear expressed by the applicant and that she even admitted during her examination that she was not in danger and was not afraid.

ANALYSIS

[13] It appears that the applicant did not directly suffer persecution from the time her mother left the country in 1997 to May 14, 1998, when the applicant participated in a broadcast in which she said she sharply criticized the government in power.

[14] The Board's findings cannot be said to be unreasonable because the evidence on the record does not indicate that the persecution of which the applicant complained is related to her family.

[15] It may seem peculiar that only the applicant's mother was determined to be a refugee when their claims were heard at the same time on common evidence and they both practised the same profession. However, the Board's inferences with respect to the applicant's behaviour are not unreasonable to the point of warranting the intervention of this Court.

[16] The Board's findings are supported by the following considerations: the applicant is a journalist in a different field and was not bothered in the past when her mother was a target of persecution because of her professional activity.

[17] The Refugee Division's findings with respect to the implausibility of the account of the incidents of May 14, 1998 are not unreasonable to the point of warranting the intervention of this Court.

[18] For all of these reasons, the application for judicial review must be dismissed.

[19] As neither counsel submitted any question, no question will be certified.

Judge

Pierre Blais

OTTAWA, ONTARIO
September 1, 1999

Certified true translation

M. Iveson

FEDERAL COURT OF CANADA
TRIAL DIVISION

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT NO.: IMM-6298-98

STYLE OF CAUSE: CARMEN ADRIANA RUIZ ROJAS
v.
MCI

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: AUGUST 11, 1999

REASONS FOR ORDER AND ORDER OF THE HONOURABLE MR. JUSTICE BLAIS

DATED SEPTEMBER 1, 1999

APPEARANCES:

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