

**Date: 20081114**

**Docket: IMM-4563-07**

**Citation: 2008 FC 1276**

**Vancouver, British Columbia, November 14, 2008**

**PRESENT: THE CHIEF JUSTICE**

**BETWEEN:**

**ILMI BRAHAJ  
a.k.a. ELMI BRAHAJ**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] The applicant seeks Convention refugee status as the target of an Albanian family blood feud dating back to 1995. In my view, it was open to the Refugee Protection Division to determine that the applicant would not be subject to persecution or cruel and unusual treatment as a consequence of the family feud. On my review of the record, this negative determination cannot be characterized as an unreasonable outcome.

[2] The tribunal decision was based on two principal findings.

[3] First, the applicant's mother, father and brother, now 19, have continued to live in Tirana with no apparent threat to them as a result of the asserted blood feud. In the absence of any evidence of incidents related to the blood feud, the member did not accept that the applicant was at risk. Contrary to the applicant's submissions, the member's reasons disclose that this finding was made with an appreciation that blood feuds may be generational and can extend for decades.

[4] Second, the member concluded that the applicant, who moved to Greece in May 1996, did not fear returning to Albania for six months between October 1996 and May 1997, for two-month stays in each of 2000 and 2002 and, finally, in 2005 with his wife before he left for Canada to seek refuge. During that decade, the applicant chose not to claim refugee status in Greece or elsewhere.

[5] Concerning state protection, the member did not attach much weight to the statement made by the police to the applicant in approximately 1996 that no action would be taken until "he was dead". More significantly, the member noted that the applicant made no effort to speak to government authorities or organizations which support reconciliation among blood feuding families during his several return visits to Albania. She also understood the applicant's testimony that there had been efforts to mediate the feud. However, she concluded, properly in my view that few, if any, details were provided concerning any reconciliation process.

[6] There was country evidence documentation to support the member's conclusion that the situation in Albania concerning family blood feuds had improved, although remained far from perfect.

[7] In my view, the record discloses no reviewable error. Accordingly, this application for judicial review will be dismissed. The Court agrees with the parties that this proceeding raises no serious question for certification.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that** this application for judicial review is dismissed.

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"Allan Lutfy"  
Chief Justice

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

**DOCKET:** IMM-4563-07

**STYLE OF CAUSE:** ILMI BRAHAJ a.k.a. ELMI BRAHAJ v. MCI

**PLACE OF HEARING:** Vancouver, BC

**DATE OF HEARING:** November 12, 2008

**REASONS FOR JUDGMENT  
AND JUDGMENT:** LUTFY C.J.

**DATED:** November 14, 2008

**APPEARANCES:**

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