

Federal Court



Cour fédérale

Date: 20100924

Docket: IMM-553-10

Citation: 2010 FC 962

Ottawa, Ontario, September 24, 2010

PRESENT: THE CHIEF JUSTICE

BETWEEN:

SE JEONG KIM

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS FOR ORDER AND ORDER

[1] The Refugee Protection Division member accepted that the applicant “suffered threats and physical harm” from her abusive partner in South Korea, her country of citizenship. This abuse occurred between 2003 and 2008 when the applicant resided at different times in Canada and South Korea.

[2] This application for judicial review turns on substantially one issue, the member’s analysis of state protection.

[3] The chronology of the applicant's attempts to seek state protection is not neatly set out in her testimony. However, the member appears to have understood the applicant when he summarized the five communications made to the police by her, two of which concerned specifically her boyfriend's abusive behaviour and three of which focussed on the charges he brought against her concerning some promissory notes:

The panel gave the claimant the opportunity to clarify her evidence in this regard. She stated that she only approached the police on two occasions about her boyfriend, and although she spoke to the police a further three times, this was at a time when she was also discussing the charges he brought against her in connection with the promissory notes.

[4] The applicant has not established any reviewable error in the member's assessment of her testimony in stating that it could have been coherent. The member also noted that the applicant never retained the services of a lawyer in South Korea, provided no documentary evidence to support her testimony that she sought help from the police and failed to seek the assistance of a woman's shelter. The member's negative inferences drawn from her evidence are not unreasonable.

[5] The member accepted that domestic violence is a serious problem in South Korea. It was open to her to prefer the country evidence made available in the national documentation package of the Immigration and Refugee Board over the information submitted by the applicant concerning individual cases at pages 206-7, 214-5, 218 and 221 of the tribunal record.

[6] Accordingly, this application for judicial review will be dismissed. Neither party suggested the certification of a serious question and the Court agrees that none need be certified.

ORDER

THIS COURT ORDERS that:

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

"Allan Lutfy"
Chief Justice

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-553-10

STYLE OF CAUSE: SE JEONG KIM v.
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: September 16, 2010

**REASONS FOR ORDER
AND ORDER:** LUTFY, C.J.

DATED: September 24, 2010

APPEARANCES:

Hart A. Kaminker FOR THE APPLICANT

Laoura Christodoulides FOR THE RESPONDENT

SOLICITORS OF RECORD:

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