

Federal Court



Cour fédérale

Date: 20130221

Docket: IMM-1982-12

Citation: 2013 FC 181

Toronto, Ontario, February 21, 2013

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

JOAQUINA ELIZABETH CANO PONCE

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] I am not persuaded that it was unreasonable for the Board to find that the risk the applicant faces in El Salvador is a generalized rather than a personalized risk, which means that the applicant is not a person in need of protection pursuant to paragraph 97(1)(b)(ii) of the *Immigration and Refugee Protection Act*, SC 2001, c 27. For that reason I am dismissing this application.

[2] The starting point is for the Board to appropriately determine the nature of the risk faced by the claimant. Here the Board did so. It found that she was “a victim of crime” and that the threats and assault she experienced were “as a result of extortion demands.” In my view, that is a

reasonable assessment and description of the risk the applicant faced, based on the record before the Board.

[3] The next step in the analysis is to compare the risk faced by the claimant to that faced by a significant group in the country to determine whether the risks are of the same nature and degree. The Board here did so and found that “the risk faced by the claimant as a result of being the target of extortion, is faced generally by many people who are perceived to be wealthy, or own their own business in El Salvador.” That too is a reasonable assessment based on the record.

[4] Lastly, if the Board finds that the risk is a personalized one then it must examine the forward-looking nature of the risk. In this case, having reasonably found that the risk was a generalized one, no such forward-looking analysis was required.

[5] This application must be dismissed. No question was proposed for certification.

JUDGMENT

THIS COURT'S JUDGMENT is that this application is dismissed and no question is certified.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1982-12

STYLE OF CAUSE: JOAQUINA ELIZABETH CANO PONCE v
THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: Toronto, Ontario

DATE OF HEARING: February 20, 2013

**REASONS FOR JUDGMENT
AND JUDGMENT:** ZINN J.

DATED: February 21, 2013

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