

Federal Court



Cour fédérale

**Date: 20131024**

**Docket: IMM-10535-12**

**Citation: 2013 FC 1079**

**Toronto, Ontario, October 24, 2013**

**PRESENT: The Honourable Madam Justice Simpson**

**BETWEEN:**

**GYORGY PODHRACZKY  
GYORGYNE PODHRACZKY  
LORA EVA PODHRACZKY (A MINOR)  
GYORGY ANDOR PODHRACZKY (A MINOR)  
SANDORNE PODHRACZKY**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS FOR ORDER AND ORDER  
(delivered orally on October 22, 2013)**

[1] This case concerns a claim for refugee status and protection which was denied by the Immigration and Refugee Board (the Board) in a decision dated September 19, 2012. For the following reasons the application for Judicial Review will be dismissed.

[2] There were two issues, credibility and state protection. I will deal with them in turn.

*Credibility*

[3] The Board concluded, reasonably in my view, that the Applicants' failure to ask for four police reports and one report from a private dentist to corroborate the occurrence of the four violent incidents they rely on as the fundamentals of their claim meant that the incidents did not occur.

[4] The Applicants are not excused from their obligation to ask for relevant police reports simply because:

- they do not observe the police taking notes when they are interviewed;
- they are told by police that nothing can be done;
- they are told by police that they are not believed.

*State Protection*

[5] Since the Applicants' claim was not credible there is no need to consider state protection. However, I should note, in *obiter dicta*, that I would conclude that a finding of state protection in Hungary was unreasonable if it relied on documents and institutions which have no bearing on whether racist violence against Roma might occur. Such documents and institutions include the National Defence Service, the Independent Police Complaints Board and the Ombudsman for Civil Rights.

*Certification*

[6] No question was posed for certification.

**ORDER**

**THIS COURT ORDERS that** for these reasons, the application for Judicial Review is dismissed.

“Sandra J. Simpson”

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-10535-12

**STYLE OF CAUSE:** GYORGY PODHRACZKY, GYORGYNE  
PODHRACZKY, LORA EVA PODHRACZKY (A  
MINOR) GYORGY ANDOR PODHRACZKY (A MINOR)  
SANDORNE PODHRACZKY v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** OCTOBER 22, 2013

**REASONS FOR ORDER AND  
ORDER:** SIMPSON J.

**DATED:** OCTOBER 24, 2013

**APPEARANCES:**

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