

Federal Court



Cour fédérale

Date: 20131107

Docket: IMM-9543-12

Citation: 2013 FC 1133

Toronto, Ontario, November 7, 2013

PRESENT: The Honourable Madam Justice Simpson

BETWEEN:

**ZDENA DUNKOVA,
KLARA DUNKOVA,
JAROSLAV DUNKA,
NATALIJA DUNKOVA,
DAVID DUNKA,
JAROSLAV DUNKA,
DOMINIK DUNKA**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

**REASONS FOR ORDER AND ORDER
(Delivered orally on November 6, 2013)**

[1] This application for judicial review concerns a Roma family from the Czech Republic (the Applicants) whose claims for refugee status and protection were denied by the Immigration and Refugee Board (the Board) in a decision dated August 20, 2012 (the Decision).

[2] The Board had credibility concerns and concluded that the Applicants had not experienced past persecution. However, the Board acknowledged that Roma individuals have been the victims of persecution and the Board therefore considered whether the Czech Republic offers adequate state protection to Roma people at the operational level. The Board denied the Applicants' claim because it found that such state protection is available.

[3] For the reasons to follow this application will be dismissed.

[4] The Applicants raises three issues. I will deal with them in turn.

Issue #1

[5] Is the Decision unreasonable because the Board failed to deal fairly with evidence it acknowledged was mixed?

[6] Counsel for the Applicants provided several illustrations to support this submission but, in my view, the Board's conclusions about the documentary evidence were within the range of permissible outcomes. Accordingly, I did not call on counsel for the Respondent to address this issue.

Issue #2

[7] Is the Decision internally inconsistent because it concludes that Roma people are currently being persecuted but also concludes that state protection is adequate?

[8] In my view, notwithstanding several poorly written passages, the Decision is reasonable when read as a whole, because it shows that the Board's view is that persecution is not a present concern and that state protection is adequate.

Issue #3

[9] Did the Board err in failing to consider a response to information request dated March 10, 2011 which was the most recent relevant document from the Board's own research and which described ongoing persecution of Roma people in the period 2009-2011?

[10] I have concluded that this issue is resolved by the presumption that the Board has considered all the evidence.

Certification

[11] There is no question for certification under section 79 of the *Immigration and Refugee Protection Act*, (S.C. 2001, c.27).

ORDER

THIS COURT ORDERS that for these reasons the application is hereby dismissed.

“Sandra J. Simpson”

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET: IMM-9543-12

STYLE OF CAUSE: ZDENA DUNKOVA, KLARA DUNKOVA, JAROSLAV DUNKA, NATALIJA DUNKOVA, DAVID DUNKA, JAROSLAV DUNKA, DOMINIK DUNKA V THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: NOVEMBER 6, 2013

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

DATED: NOVEMBER 7, 2013

APPEARANCES:

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