

Federal Court



Cour fédérale

**Date: 20110902**

**Docket: IMM-5477-10**

**Citation: 2011 FC 1036**

**Ottawa, Ontario, September 2, 2011**

**PRESENT: The Honourable Mr. Justice O'Reilly**

**BETWEEN:**

**KNARIK GHAZARYAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Defendant**

**REASONS FOR JUDGMENT AND JUDGMENT**

I. Overview

[1] Ms. Knarik Ghazaryan left Armenia in 2008 with her daughter, Luiza. Luiza had been romantically involved with a military police officer named Karen Garutunyan. The couple separated in 2007 after Karen assaulted Luiza. Ms. Ghazaryan took her daughter to a friend's house to hide from Karen. Karen came looking for Luiza, but Ms. Ghazaryan and her husband refused to tell him

where she was. Karen slapped Ms. Ghazaryan's husband. Two similar incidents occurred later that year. In one of them, Karen slapped Ms. Ghazaryan. The police refused to respond because of Karen's position in the military police. The family moved to another village to hide, but learned that Karen continued to look for them. Ms. Ghazaryan and Luiza decided to leave for Canada. They both made claims for refugee protection.

[2] A panel of the Immigration and Refugee Board considered both claims. It found that Luiza was entitled to refugee protection. However, it also concluded that Ms. Ghazaryan was not entitled to refugee protection; nor was she at risk of cruel and unusual treatment or punishment. The Board found Ms. Ghazaryan had not been threatened with serious harm. Further, it concluded that if Karen had continued to pursue the family, he would have located Ms. Ghazaryan's husband by now. Ms. Ghazaryan disputes those findings and argues that the Board's decision was unreasonable. She asks me to quash the Board's decision and order a new hearing.

[3] I can find no grounds for overturning the Board's decision and must, therefore, dismiss this application for judicial review. The Board's decision was not unreasonable given the evidence before it.

## II. The Board's Decision

[4] The Board found that Ms. Ghazaryan had been slapped by Karen, but she had not been threatened with serious physical harm. Further, it had been more than three years since Ms.

Ghazaryan's husband had moved and there was no evidence that Karen had found him. Given Karen's position, he could likely have located him if he wanted to.

III. Was the Board's Decision Unreasonable?

[5] Ms. Ghazaryan argues that the Board failed to consider that Karen had threatened her, and merely speculated about Karen's ability to locate her husband. Further, the Board's reasons were superficial and inadequate.

[6] Ms. Ghazaryan testified that Karen had threatened to get revenge if she did not reveal Luiza's whereabouts. However, she did not mention any threat of actual serious physical harm. Therefore, I cannot conclude that the Board erred when it stated that Karen had not "threatened her or her husband with serious physical harm."

[7] Further, the Board was entitled to consider the likelihood that Karen was still interested in locating Ms. Ghazaryan and her husband. While there was evidence that Karen had hoped to locate Luiza through her parents, he had not found Ms. Ghazaryan's husband, despite his military connections.

[8] Ms. Ghazaryan also argues that the Board's reasons were inadequate; in particular, she submits that the Board failed to deal with the issues of credibility, state protection and internal flight alternative [IFA]. In fact, the Board did find Ms. Ghazaryan to be credible. But there was no need to deal with state protection or IFA in light of the finding that Ms. Ghazaryan was not at risk of cruel

and unusual treatment or punishment. On the whole, while brief, the Board's decision included an adequate account of the relevant facts and an explanation for its conclusion that Ms. Ghazaryan's claim should be dismissed.

[9] Therefore, I can find no basis for overturning the Board's decision.

#### IV. Conclusion and Disposition

[10] The Board's conclusion was reasonable based on the facts and the law before it, and it was adequately explained in its reasons. I must, therefore, dismiss this application for judicial review.

Neither party proposed a question of general importance for me to certify, and none is stated.

**JUDGMENT**

**THIS COURT'S JUDGMENT is that**

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

“James W. O’Reilly”

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Judge

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

**DOCKET:** IMM-5477-10

**STYLE OF CAUSE:** KNARIK GHAZARYAN  
v  
THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** April 21, 2011

**REASONS FOR JUDGMENT  
AND JUDGMENT:** O'REILLY J.

**DATED:** September 2, 2011

**APPEARANCES:**

David Yerzy FOR THE APPLICANT

Melissa Mathieu FOR THE RESPONDENT

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