

Federal Court



Cour fédérale

**Date: 20150416**

**Docket: IMM-2900-14**

**Citation: 2015 FC 482**

**Toronto, Ontario, April 16, 2015**

**PRESENT: The Honourable Mr. Justice Hughes**

**BETWEEN:**

**ENEA GOSTURANI**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] This is judicial review of a decision of a Member of the Refugee Protection Division dated April 1, 2014 wherein the Applicant's claim for refugee protection was rejected.

[2] The Applicant is an adult male citizen of Albania. He left Albania in November 2012. The basis of the claim was the Applicant's fear arising from a blood feud between his family and another family in Albania. The Applicant claims that the police were aware of their feud but did

nothing to protect the Applicant. The evidence is clear, however, that neither the Applicant personally nor his family or anyone acting on his behalf took any steps to seek police protection. The Applicant believes that such steps would have been futile particularly given what he believes to be political connections enjoyed by the other family.

[3] The only real issue in this case is that of the Applicant's failure to seek police protection.

[4] In the absence of a complete breakdown of a state, there is an onus on an Applicant to demonstrate that it would be futile to seek state protection. While Albania is not high on the list of democratic states, it is a struggling democracy and does have a police force. The Officer made an assessment based on the evidence of the adequacy of state protection and came to the determination that Albania is a functioning democracy; that it does offer some, not perfect, police protection, and therefore, the Applicant should have sought such protection before coming to Canada to make a refugee claim. Such a finding is to be judicially reviewed on the basis of reasonableness.

[5] Counsel for the Applicant referenced several portions of documents in the record which were not mentioned in the Member's reasons, and argued that the Member ignored these references in coming to the decision to deny the refugee claim. Counsel for the Respondent pointed to other parts of the evidence and to the Member's decision arguing that the Member gave adequate regard to what was on the record, and came to a decision that is within the acceptable bounds of reasonableness. I agree.

[6] I am satisfied that the Member had due regard to the record, and that the Applicant did not satisfy the burden upon him to demonstrate that recourse to the police would be futile.

[7] No party requested a question for certification.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that;**

1. The application is dismissed;
2. No question is certified;
3. No Order as to costs.

“Roger T. Hughes”

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Judge

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

**DOCKET:** IMM-2900-14

**STYLE OF CAUSE:** ENEA GOSTURANI v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** APRIL 16, 2015

**JUDGMENT AND REASONS:** HUGHES J.

**DATED:** APRIL 16, 2015

**APPEARANCES:**

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