



IMM-1601-96

**BETWEEN:**

**VADIM ZEMS  
YAROSLAV ZEMS  
ELENA ZEMS,**

Applicants,

- and -

**MINISTER OF CITIZENSHIP AND IMMIGRATION,**

Respondent.

**REASONS FOR ORDER**

**PINARD J.:**

The application for judicial review concerns a decision rendered on April 23, 1996 by the Convention Refugee Determination Division, which found that the applicants are not Convention refugees as defined in subsection 2(1) of the *Immigration Act*.

The Refugee Division concluded that the claimants' testimony was credible and not exaggerated. However, the panel did not grant them refugee status, since it felt that they had been victims of discrimination rather than persecution and that, in any event, they could obtain protection from the state. The applicants' challenge relates essentially to the panel's assessment of the evidence concerning both their fear of persecution and state protection.

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Although a careful review of the evidence reveals that the decision *a quo* contains a few factual errors, those errors are not, in my opinion, sufficient to justify this Court's intervention. Generally, the evidence supports the inferences drawn by the Refugee Division, which is a specialized tribunal, and makes it possible to reasonably conclude that the applicants have no objective fear of persecution and that Kazakhstan is able to protect its citizens, including the applicants.<sup>1</sup>

Accordingly, the application for judicial review must be dismissed.

Like counsel for the parties, I do not think that there is any question that needs to be certified.

O T T A W A

March 27, 1997

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JUDGE

Certified true translation

*Andra Poirier*

A. Poirier

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<sup>1</sup> See *Aguebor v. Canada (M.E.I.)* (1993), 160 N.R. 315, at page 316 (F.C.A.); and *Ward v. Canada (Attorney General)*, [1993] 2 S.C.R. 689.

FEDERAL COURT OF CANADA  
TRIAL DIVISION

NAMES OF COUNSEL AND SOLICITORS OF RECORD

COURT NO.: IMM-1601-96

STYLE OF CAUSE: VADIM ZEMS *ET AL.* v. MCI

PLACE OF HEARING: Montréal, Quebec

DATE OF HEARING: March 20, 1997

REASONS FOR ORDER BY: PINARD J.

DATED: March 27, 1997

APPEARANCES:

Suzanne Mercure FOR THE APPLICANTS

Patricia Deslauriers FOR THE RESPONDENT

SOLICITORS OF RECORD:

Alaire, Legault, Beachemin,  
Paquin, Jobin and Brisson FOR THE APPLICANTS

George Thomson  
Deputy Attorney General of Canada FOR THE RESPONDENT

JUN 3 0 1997

THE FEDERAL COURT  
OF CANADA

LA COUR FÉDÉRALE  
DU CANADA

Court No.: IMM-1601-96

No. de la cause:

Let the attached certified translation of the following document in this cause be utilized to comply with Section 20 of the Official Languages Act.

Je requiers que la traduction ci-annexée du document suivant telle que certifiée par le traducteur soit utilisée pour satisfaire aux exigences de l'article 20 de la Loi sur les langues officielles.

Reasons for Order

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12/6/97

DATE

Form T-4F

Yvon Pinard

J.F.C.C.

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