

Federal Court



Cour fédérale

**Date: 20120320**

**Docket: IMM-5691-11**

**Citation: 2012 FC 339**

**Toronto, Ontario, March 20, 2012**

**PRESENT: The Honourable Madam Justice Mactavish**

**BETWEEN:**

**MILEUS BESSARD**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] Mileus Bessard claims to fear persecution in Haiti. He says that he would be targeted by criminals who would perceive him as wealthy because he was returning to Haiti after living abroad for many years.

[2] Mr. Bessard's refugee claim was dismissed because those perceived to be wealthy are not members of a particular social group for the purposes of section 96 of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27. The Board also found that Mr. Bessard faced a

generalized risk of criminality in Haiti, and that he would not be personally subject to risk as contemplated by section 97 of the Act.

[3] In my view, that decision was reasonable.

[4] The reasons provided by the Board for dismissing Mr. Bessard's refugee claim were undeniably brief. However, the adequacy of reasons is not measured by the pound: *Vancouver International Airport Authority v. Public Service Alliance of Canada*, 2010 FCA 158, 9 Admin. L.R. (5th) 79 at para. 17. I am satisfied that the Board's reasons respond to the claim asserted by Mr. Bessard, and explain clearly why that claim was rejected. The reasons satisfy the requirements of justification, transparency and intelligibility required of a reasonable decision: *Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190 at para. 47.

[5] The reference to the wrong *Ward* decision in paragraph 11 of the reasons is unfortunate. However, it is clear from paragraphs 12 and 13 of the reasons that the Board properly understood the jurisprudence of this Court, and further understood that being perceived as wealthy in Haiti does not constitute membership in a particular social group: see *Cius v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 1, [2008] F.C.J. No. 9 (QL).

[6] As a result, the application for judicial review is dismissed. Neither party has suggested a question for certification, and none arises here.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that:**

1. This application for judicial review is dismissed; and
2. No serious question of general importance is certified.

“Anne Mactavish”

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Judge

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

**DOCKET:** IMM-5691-11

**STYLE OF CAUSE:** MILEUS BESSARD v. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** March 20, 2012

**REASONS FOR JUDGMENT  
AND JUDGMENT:** MACTAVISH J.

**DATED:** March 20, 2012

**APPEARANCES:**

Michael Crane FOR THE APPLICANT

Christopher Ezrin FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Barrister & Solicitor FOR THE APPLICANT  
Toronto, Ontario

Myles J. Kirvan FOR THE RESPONDENT  
Deputy Attorney General of Canada