

Federal Court



Cour fédérale

Date: 20121212

Docket: IMM-3979-12

Citation: 2012 FC 1462

Ottawa, Ontario, December 12, 2012

PRESENT: The Honourable Mr. Justice Rennie

BETWEEN:

MARIA HEGEDUS and ADAM BALOGH

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] The applicants seek judicial review of a decision of the Refugee Protection Division of the Immigration and Refugee Board of Canada (the Board), dated April 3, 2012. The Board found that they were neither Convention refugees nor persons in need of protection pursuant to sections 96 and 97 of the *Immigration and Refugee Protection Act, SC 2001, c 27 (IRPA)*. For the reasons that follow the application is dismissed.

[2] Ms. Maria Hegedus (the applicant) and her adult son (Adam Balogh) are citizens of Hungary and of Roma ethnicity.

[3] Mr. Balogh was employed until a company Christmas party on December 24, 2010. After consuming alcohol, two of his co-workers kicked him and struck his head with a metal pole. He was hospitalized for two weeks following this attack.

[4] The applicant and her son went to the police at some point in January 2011 and gave a report with the assailants' names. The police said that they would investigate. The applicants do not know the outcome of the investigation because they left Hungary after reporting the crime. They do not know if the assailants were arrested. The Board decided that the determinative issue was state protection and concluded that the applicants had not rebutted the presumption of state protection. The applicants arrived in Canada on March 1, 2011 and claimed refugee protection soon after.

[5] The Board concluded that they left "too soon afterwards, and did not allow the police to complete their investigation". While a period of five weeks may seem long in the face of what appears to be a relatively straightforward criminal investigation, it cannot be said to be so outside the norm or range of time such that the Board's finding that they had departed prematurely was unreasonable. There was no evidence to suggest that the police were not carrying out their investigation appropriately.

JUDGMENT

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question for certification.

"Donald J. Rennie"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3979-12

STYLE OF CAUSE: **MARIA HEGEDUS and ADAM BALOGH v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION**

PLACE OF HEARING: Toronto, ON

DATE OF HEARING: November 22, 2012

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

DATED: December 12, 2012

APPEARANCES:

Mr. Phillip J. L. Trotter FOR THE APPLICANTS

Mr. Kevin Doyle FOR THE RESPONDENT

SOLICITORS OF RECORD:

Phillip J.L. Trotter, Lawyer FOR THE APPLICANTS
Toronto, Ontario

William F. Pentney, FOR THE RESPONDENT
Deputy Attorney General of Canada
Toronto, Ontario