

Montchak v. Canada (Minister of Citizenship and Immigration)

Between
Roman Montchak, applicant, and
The Minister of Citizenship and Immigration, respondent

[1999] F.C.J. No. 1111
Court File No. IMM-3068-98

Federal Court of Canada - Trial Division
Toronto, Ontario
Evans J.

Heard: July 6, 1999.
Judgment: July 7, 1999.
(3 pp.)

Counsel:

Robert Gertler, for the applicant.
Geraldine MacDonald, for the respondent.

1 **EVANS J.** (Reasons for Order):— Roman Montchak, a citizen of Ukraine, claimed refugee status in Canada in 1999. He stated that he was a successful businessman in Ukraine and for that reason organized criminals stole his property, extorted money from him and attempted to kill him. He further alleged that he received no adequate protection from the Ukrainian police.

2 In a decision rendered in December 1998 the Refugee Division dismissed his claim on the ground that the facts on which Mr. Montchak relied did not establish a causal nexus between the persecution that he feared and any of the grounds of persecution contained in the Convention definition of a refugee.

3 The Refugee Division held that Mr. Montchak had no well-founded fear of persecution by reason of his membership of a particular social group. Being a wealthy business person did not satisfy the criteria established in Canada (Attorney General) v. Ward, [1993] 2 S.C.R. 689 for determining membership of a particular social group within the meaning of the Convention.

4 In reaching this decision the Refugee Division is plainly correct. There is ample authority in this Court for the proposition that those who have made money in business do not comprise a particular social group, and therefore if they attract the attention of

criminals by virtue of their wealth they cannot be said to fear persecution on a Convention ground. See, for example, *Karpounin v. Canada* (Minister of Employment and Immigration) (1995), 92 F.T.R. 219 (F.C.T.D.); *Vetoshkin v. Canada* (Minister of Citizenship and Immigration) (F.C.T.D.; IMM-6902-94, June 9, 1995); *Valderrama v. Canada* (Minister of Citizenship and Immigration) (F.C.T.D.; IMM-444-98; August 5, 1998).

5 Counsel sought to distinguish these cases on the ground that Mr. Montchak was persecuted, not only because he was a successful businessman, but also because, having been abroad, he was thought to be in possession of United States dollars. However, counsel could not explain to my satisfaction why the currency that the applicant was believed to hold made him a member of a particular social group for the purpose of the definition of a refugee.

6 For these reasons the application for judicial review is dismissed.

EVANS J.