

CANADA / JUDGMENT

Betru v. Canada (Citizenship and Immigration)

2026 FC 339

COURT

Federal Court

DECIDED

13 March 2026

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Betru v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-03-13 Neutral citation 2026 FC 339 File numbers IMM-2420-25 Decision Content Date: 20260313 Docket: IMM-2420-25 Citation: 2026 FC 339 Ottawa, Ontario, March 13, 2026 PRESENT: The Honourable Madam Justice Blackhawk BETWEEN: MESERET MULUGETA BETRU Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] This is an application for judicial review of a decision of the Refugee Appeal Division (“RAD”) dated January 25, 2025, that determined that the Applicant is neither a Convention refugee nor a person in need of protection. The determinative issue was the finding that the Applicant had adequate state protection in Italy (the “Decision”).

- [2] The Applicant argues that the Decision is unreasonable because the RAD failed to undertake a contextual and intersectional approach in their analysis of the availability of state protection, informed by her experience as a Black woman in Italy who experienced gender-based violence, and failed to consider the profile of her agent of persecution (“AOP”).
- [3] The Respondent argues that the Decision is reasonable and that, while there was an acknowledgement that state protection may not be perfect, the Applicant failed to adduce clear and convincing evidence to rebut the presumption of state protection.
- [4] For the reasons that follow, this application is dismissed. II. Background [5] The Applicant is a citizen of Ethiopia by birth. She entered Italy in 2017 and became an Italian citizen in 2020.
- [6] The Applicant lived in Teramo, Italy. In the summer of 2018, she met Casimiro (her AOP), and they began an intimate relationship. The Applicant alleges that beginning in 2019, Casimiro became increasingly abusive. He sexually assaulted her on multiple occasions, recorded the incidents, threatened her with a weapon, threatened to use the recordings against her, and threatened to have her deported to Ethiopia.

- [7] The Applicant testified that the AOP told her that he had powerful connections within the Italian government and connections to the Neapolitan Camorra, a mafia organization. The Applicant received photos of the AOP in a military uniform and reported that he was regularly armed with a weapon.
- [8] In 2021, the Applicant attempted to relocate to Pescara, a small town outside of Teramo, but the AOP found her within a few weeks and took her back to Teramo.
- [9] In or around early 2022, the Applicant went to stay with a relative in Rome. The Applicant claims that the AOP was reported to have been looking for her and she returned to Teramo 15 – 20 days later.
- [10] The Applicant entered Canada on April 28, 2023 on a visitor visa. Following her arrival, she made a refugee claim.
- [11] Since her arrival in Canada, the Applicant claims that the AOP has been looking for her. Her former roommate in Teramo claims that the AOP has been to their residence and assaulted her to find out the whereabouts of the Applicant. The Applicant's roommate claimed that she went to the police, who did not assist. The roommate indicates that she has since relocated.
- [12] In addition, an extended family member reported that the AOP has telephoned and came to her home with a gun looking for the Applicant. She alleges that she had to quit her employment and relocate to another part of Teramo to avoid the AOP.
- [13] Finally, the Applicant claims to have received threatening notes, left by the AOP at a friend's home in Teramo. In the notes, the AOP threatens the Applicant and indicates he will have her sent back to Ethiopia.
- [14] The Refugee Protection Division ("RPD") dismissed her claim on October 7, 2024; the determinative issue being the availability of state protection in Italy.
- [15] On October 12, 2024, the Applicant appealed to the RAD. On January 27, 2025, the RAD issued its Decision, confirming the findings of the RPD and the availability of state protection in Italy.
- [16] On January 31, 2025, the Applicant filed the application for leave and judicial review. III. Issues and Standard of Review [17] The parties submit, and I agree, that the standard of review applicable to the Decision in this case is reasonableness (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 [Vavilov] at paras 25, 86).
- [18] Reasonableness review is a deferential standard and requires an evaluation of the administrative decision to determine if the decision is transparent, intelligible, and justified (Vavilov at paras 12–15, 95). The starting point for a reasonableness review is the reasons for decision. Pursuant to the Vavilov framework, a reasonable decision is "one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (Vavilov at para 85).

- [19] To intervene on an application for judicial review, the Court must find an error in the decision that is central or significant to render the decision unreasonable (Vavilov at para 100).
- [20] The sole issue in this application is was the Officer's decision reasonable? IV. Analysis A. Adequacy of State Protection [21] The Applicant argued that the RAD did not adequately engage with the evidence and provide a meaningful contextual and intersectional assessment of her claim. The crux of the Applicant's argument is that the RAD did not properly consider the evidence of the AOP's wealth, criminal and professional connections against evidence of her race, trauma, lack of sophistication and the objective evidence submitted that illustrated a lack of trust with police among persons of African descent in Italy.
- [22] The Respondent argued that the RAD reasonably determined that state protection was available to persons in the Applicant's circumstances. The Respondent argued that the Decision illustrates that the RAD considered the Gender Guidelines and conducted a contextual and intersectional analysis that considered the Applicant's gender and race.
- [23] A review of the Decision illustrates that the RAD cited the jurisprudence from this Court, which found that, "there is a strong presumption in favour of state protection in a country like Italy"; *Singh v Canada (Minister of Citizenship and Immigration)*, 2022 FC 925 at para 13.
- [24] The RAD goes on to note that, "The issue of state protection goes to the objective portion of the test of fear of persecution, and it is not enough to simply assert a subjective belief that protection is not available." The RAD notes that the Applicant's evidence, a single attempt by a former roommate to engage the authorities, was insufficient to rebut the presumption of state protection.
- [25] I appreciate that the Applicant is arguing that, as an African woman, attempts to access state protection would be futile. However, as this Court has noted, "a subjective perception that one would simply be wasting one's time by seeking police protection or by addressing local police failures by pursuing the matter with other sources of police protection, would not constitute compelling or persuasive evidence"; *Ruszo v Canada (Citizenship and Immigration)*; 2013 FC 1004 at para 51.
- [26] The Applicant also argues that the RAD did not properly consider the profile of her AOP. Specifically, his alleged connections with the mafia and the Italian government.
- [27] The Respondent argued that the Decision illustrates that the RAD properly considered the circumstances of the Applicant's claim, including the profile of her AOP.

- [28] The RAD found that the Applicant had failed to establish with clear evidence that the AOP's profile, "would prevent her from accessing state protection from the police or the Courts." The RAD noted that apart from the claims, there was no evidence that the AOP had connections that would be, "sufficient to influence the Italian authorities such that state protection would not be forthcoming."
- [29] Finally, the Applicant argued that the RAD erred by ignoring country condition evidence that contradicted its findings concerning the adequacy of state protection.
- [30] A review of the Decision illustrates that the RAD noted the RPD considered all evidence, including the country condition evidence, and noted that the state protection in Italy is "not perfect". However, the RPD went on to note the steps taken by state authorities to address domestic violence issues and measures put into place to operationalize those steps. The RAD notes that, "the RPD took account of the positive developments in the law and policy in Italy as well as areas of concerns with respect to gender-based violence, racial discrimination and anti-discrimination in Italy identified in the documentary evidence." Ultimately, the RAD noted that the "RPD considered more than just state efforts in assessing adequacy of state protection." Finally, the RAD noted that the Gender Guidelines were considered; however, a subjective reluctance to engage state authorities does not rebut the presumption of state protection.
- [31] I am persuaded by the Respondent that the Decision is transparent, justified and intelligible and the Applicant did not discharge her burden to rebut the presumption of state protection.
- B. Subjective Fear Does Not Amount to Persecution [32] The Applicant also argued that the RAD erred in its conclusion that notwithstanding the finding that the Applicant had established a subjective fear, that this was not sufficient to establish persecution. The Applicant appears to suggest that this is a credibility finding or is otherwise unintelligible.
- [33] The Respondent argued that this argument is meritless. The Respondent argued that subjective fears of harm are insufficient to establish persecution under section 96 of the Immigration and Refugee Protection Act, SC 2001, c 27) [IRPA]. Second, the RAD clearly explains that there was insufficient objective evidence to rebut the presumption of state protection.
- [34] I agree. The jurisprudence from this Court confirms that the test is both objective and subjective, and it is not enough to simply assert a subjective belief that protection is not available or adequate; *Kambiri v Canada (Citizenship and Immigration)*, 2013 FC 930 at para 28; *Camacho v Canada (Citizenship and Immigration)*, 2007 FC 830 at para 11.
- [35] With respect, the Applicant appears to be requesting that, on this application, the Court re-assess this evidence and reach a different conclusion. This is not the proper role for a reviewing court. The Applicant has not established that the RAD made a reviewable error in respect of its conclusion that there was adequate state protection, and the Applicant has failed to present sufficient evidence to rebut that presumption.
- V. Conclusion [36] The Decision is reasonable and is supported by the applicable legal framework and facts

advanced in support of the application. The Applicant had the burden to support her claim with clear, reliable evidence sufficient to rebut the presumption of state protection in Italy. The Applicant failed to discharge this burden. The Applicant has not pointed to a reviewable error that would warrant this Court's intervention.

[37] The parties did not pose questions for certification and I agree that there are none.

JUDGMENT in IMM-2420-25 THIS COURT'S JUDGMENT is that: The application for judicial review is dismissed. No question is certified. "Julie Blackhawk" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-2420-25 STYLE OF CAUSE: MESERET MULUGETA BETRU v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: March 4, 2026 JUDGMENT AND REASONS: BLACKHAWK J. DATED: March 13, 2026 APPEARANCES: Liyusew Kidane For The Applicant Kevin Spykerman For The Respondent SOLICITORS OF RECORD: Kidane Law Barrister and Solicitor Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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