



Immigration and
Refugee Board of Canada
Refugee Protection
Division

Commission de l'immigration
et du statut de réfugié du Canada
Section de la protection
des réfugiés

RPD File No.: TA5-11508

NOTICE OF DECISION
[Immigration and Refugee Protection Act, ss.107(1)]
[Refugee Protection Division Rules, Rule 61]

R. DAWSON
Presiding Member

In the claim for refugee protection of:

DOB:

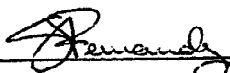
ID:

This claim was determined without a hearing on December 14, 2005.

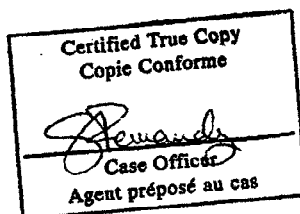
The Refugee Protection Division determines that the claimant

**IS A CONVENTION REFUGEE AND THEREFORE THE REFUGEE PROTECTION
DIVISION ACCEPTS THE CLAIM.**

December 20, 2005


Registrar

RPD.15 (April 2002)
Disponible en français



Canada



EXPEDITED REPORT

Claimant(s):	File Number(s): TA5-11508		
Counsel: ROBIN MORCH	Designated Representative:		
RPO: K. RINE	Member: R. DAWSONX		
Interpreter: MASLOV, IGOR	Language: RUSSIAN		
Country(ies): RUSSIA			
Time of Interview :	Scheduled: Wednesday, December 14, 2005 at 1:34 PM		Start: 1:50 End: 2:50
Recordings (e.g. cassette tapes):	DARS		
Confirmation that PIF properly completed and signed:	Yes	☒ X	
PIF amendments: Pages 3, 4, 6 (see PIF)			
List of documents produced (copies to be attached): Passport with CVV Birth Certificates of claimant and son Internal Passport Diploma Education Certificate Marriage Certificate Letter from claimant's wife Receipts from previous counsel Russian Gay and Lesbian Association materials			
Claimant consent required for same member at hearing?	Yes	☐	No ☐

PART A:

RPO OBSERVATIONS

1) BRIEF DESCRIPTION OF THE CLAIM:

The claimant is a 47 year old, married man, with one child. His spouse and son reside in Russia. His parents and one sibling reside in the Ukraine. While the claimant was born in the Ukraine, he did not return there after his military service (which ended in 1980), settling instead in Russia. The claimant alleges that he is bisexual. The claimant's father disowned him, when he learned that his son was homosexual. In 1982, the claimant began a relationship with the woman who is now his wife, resolving to be 'normal.' They married when she became pregnant in 1984. Before their marriage, the claimant told his wife-to-be about his sexual orientation. The claimant was able to conduct both his marriage and 'quiet' relationships with men until 2000. At this time, he became involved with a gay partner who insisted that the claimant leave his wife. The claimant and his partner had repeated, loud, sometimes public, arguments. As a result, he was accosted in 2002, by a group of men. He required medical treatment. The police were involved, but took no action. He was attacked in 2002, following another argument. He and his partner were beaten and required medical treatment. Again, the police were present, but took no action. After this, the claimant was harassed on an ongoing basis. The police did not respond to complaints. The claimant's permission to work in the market was revoked. The claimant and his gay partner ended their relationship, and the claimant was persuaded by his wife to flee to Canada, where the claimant has a sister. Three years after arriving in Canada, the claimant made a refugee claim.



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PART B: (Where applicable)

MEMBER'S DECISION AND SUPPORTING REASONS

SEE APPENDIX "A"



I DETERMINE THIS CLAIMANT TO BE A CONVENTION REFUGEE.



I REMIT THIS CLAIM FOR DETERMINATION AT A HEARING.

Member

R. D. Damer

Date

16/12/05

Canada

APPENDIX "A" TO EXPEDITED REPORT

Based on my review of the file, this report, and the RPO's recommendation, I am persuaded that the claimant faces a serious possibility of persecution in Russia by reason of his sexual orientation and therefore he faces persecution.

Based on the above I am satisfied with the claimant's identity.

Rick Dawson