

Federal Court



Cour fédérale

**Date: 20250911**

**Docket: IMM-19394-24**

**Citation: 2025 FC 1508**

**Ottawa, Ontario, September 11, 2025**

**PRESENT: The Honourable Mr. Justice Fothergill**

**BETWEEN:**

**SANDRA ANCHYKOVA**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] Sandra Anchykova is a citizen of Ukraine and Argentina. She seeks judicial review of a decision of the Refugee Appeal Division [RAD] of the Immigration and Refugee Board [IRB]. The RAD confirmed the determination of the Refugee Protection Division [RPD] of the IRB that Ms. Anchykova is neither a Convention refugee nor a person in need of protection pursuant to ss 96 and 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[2] Ms. Anchykova was born in Argentina to Ukrainian parents, and moved with her family to Ukraine when she was eight years old. She fled Ukraine for Poland on March 1, 2022, together with her former spouse, due to the war with Russia. The couple arrived in Canada in May 2022 on visitor's visas, and sought refugee protection in June 2023.

[3] On May 29, 2024, the RPD determined that neither Ms. Anchykova nor her former spouse were Convention refugees or persons in need of protection. They appealed the RPD's decision to the RAD.

[4] On September 16, 2024, the RAD allowed the appeal of Ms. Anchykova's former spouse, but dismissed her appeal.

[5] The RAD found Ms. Anchykova to be a credible witness. However, unlike her former spouse, Ms. Anchykova has Argentinian citizenship. The RAD accepted that Ms. Anchykova had legitimate subjective concerns about returning to Argentina, but held that these were not supported by objective evidence and did not rise to the level of persecution.

[6] The RAD found as follows (Decision and Reasons at paras 33, 38):

I find that the Appellant does not fit the criteria for being a marginalized woman in Argentina who faces a higher chance of risk. I have considered her allegations that she is not as fluent in Spanish any longer, has no family there, left the country long ago and has experienced hardships in her marriage. She is an Argentinian citizen by birth, with some university studies and work experience, and she speaks English, Ukrainian, Russian and still knows some Spanish.

[...]

I accept that the [Appellant] is genuinely concerned about returning to Argentina after many years outside the country, with little or no family or friends to support her, knowing that incidents of crime occur and because she is of Slavic origin. However, her subjective fears and beliefs are not sufficiently substantiated by the objective evidence, nor do they rise to the level of persecution.

[7] The sole issue raised by this application for judicial review is whether the RAD's decision was reasonable.

[8] The RAD's decision is subject to review by this Court against the standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 10). The Court will intervene only where "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov* at para 100).

[9] The criteria of "justification, intelligibility and transparency" are met if the reasons allow the Court to understand why the decision was made, and determine whether the decision falls within the range of acceptable outcomes defensible in respect of the facts and law (*Vavilov* at paras 85-86, citing *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47).

[10] Ms. Anchykova says the RAD unreasonably failed to recognize that she falls within the definition of "migrant women", as described in the National Documentation Package [NDP] for Argentina, and she therefore faces a higher risk of mistreatment. She also challenges the RAD's conclusion that Argentina's laws prohibiting discrimination and sexual harassment are "generally

enforced [...] effectively.” She argues that the RAD ignored contradictory evidence in the NDP, which states that “the government did not consistently enforce the law.”

[11] While it can be argued that Ms. Anchykova would effectively be returning to Argentina as a migrant, the section of the NDP that discusses the risks faced by “migrant women” is largely inapplicable to her circumstances. The document notes the challenges faced by migrant women in obtaining resident permits and asserting employment rights. As a citizen of Argentina, Ms. Anchykova would not have to contend with these issues.

[12] The NDP notes that restrictions on the participation of women in the workforce are common in arduous and hazardous occupations, but there was nothing to indicate that Ms. Anchykova aspired to work in these areas. The NDP commentary pertaining to the risk of isolation due to the lack of family ties could apply to Ms. Anchykova, but the RAD’s conclusion that any hardship she might face would not rise to the level of persecution was supported by the evidence.

[13] The RAD observed that Argentinian laws prohibit gender discrimination and sexual harassment of citizens, and are “generally enforced [...] effectively.” The statement in the NDP regarding the Argentinian government’s failure to enforce laws prohibiting discrimination was made in the context of race and ethnicity, rather than gender. According to the U.S. Department of State’s “2023 Country Report on Human Rights Practices: Argentina”:

**Other Forms of Gender-based Violence or Harassment:** The law prohibited sexual harassment in public spaces and imposed disciplinary or corrective measures. In addition, the law criminalized harassment, especially sexual harassment, in work

environments, both in the public and private sectors. The government generally enforced the law effectively. [...]

[14] While Ms. Anchykova claimed to fear discrimination due to her Slavic origin, the concerns expressed in the NDP regarding racial or ethnic discrimination were primarily in relation to people of African and Indigenous descent. The RAD reasonably concluded that there was insufficient objective evidence to establish a risk of persecution based on Ms. Anchykova's ethnicity.

[15] The application for judicial review is dismissed. Neither party proposed that a question be certified for appeal.

**JUDGMENT**

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

“Simon Fothergill”

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Judge

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

**DOCKET:** IMM-19394-24

**STYLE OF CAUSE:** SANDRA ANCHYKOVA v MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** BY VIDEOCONFERENCE

**DATE OF HEARING:** SEPTEMBER 3, 2025

**JUDGMENT AND REASONS:** FOTHERGILL J.

**DATED:** SEPTEMBER 11, 2025

**APPEARANCES:**

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Lucan Gregory	FOR THE RESPONDENT

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