

Date:

19971223 Docket:

Between

JASWINDER SINGH SEKHON

Applicant

-and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

REASONS FOR ORDER

PINARD. J.

[1] The applicant seeks judicial review of a decision of the Refugee Division of the Immigration and Refugee Board (the Board) dated February 17, 1997, in which the Board determined he was not a Convention refugee as defined in subsection 2(1) of the Immigration Act.

[2] The Board concluded that there was more than a mere possibility that the applicant's fear of persecution in Punjab was well-founded. In spite of that conclusion, however, the Board found that the claimant could safely relocate to another part of

India. The Board opined that the claimant had not achieved sufficient notoriety to interest Punjab police outside of Punjab, or any other state or national police. The passage of time and the crushing of the militant movement by the Punjab police served to strengthen that belief. The claimant was not "the type of individual for whom there is a reasonable chance that the Punjab police would seek him out in another state, even were his background to be checked in connection with the rental of accommodation or in applying for work". The Board concluded that there was no more than a mere possibility of persecution by the police were the claimant to relocate to an area removed from Punjab.

[3] **The Board added that there were no restrictions on movement within India, the claimant had acquired skills by working in construction and in a shoe factory in the UK, and there are no barriers to the claimant gaining employment beyond that of a farmer in rural Punjab.**

[4] **As noted by both the applicant and the respondent, the applicable test in considering the possibility of an Internal Flight Alternative (IFA) was defined in**

Thirunavukkarasu v. Canada (M.EL) (1993), 109 D.L.R. (4th) 682, at page 687:

Thus, IFA must be sought, if it is not unreasonable to do so, in the circumstances of the individual claimant. This test is a flexible one, that takes into account the particular situation of the claimant and the particular country involved. This is an objective test and the onus of proof rests on the claimant on this issue, just as it does **with all the other aspects** of a refugee claim. Consequently, if there is a safe haven for claimants in their own country, where they would be free of persecution, they are expected to

avail themselves of it unless they can show that it is objectively unreasonable for them to do so.

[5] In the case at bar, I am satisfied that the test defined in *Thirunavukkarasu, supra*, was well applied by the Board. It took into account both the particular situation of the applicant and the particular country involved.

[6] Simply because the Board found the applicant's testimony to be credible did not mean it was bound to accept the applicant's opinion that he would be pursued by the Punjab police outside of Punjab. The Board in fact noted that the applicant had never been arrested or detained, that a significant amount of time had passed, and that the militant movement had largely been crushed by 1993, rendering the applicant of less interest to the Punjab police.

[7] Furthermore, I have not been satisfied that the Board ignored evidence. The mere fact that the Reasons for its decision do not detail all of the evidence does not mean that it was not considered (see *Hassan v. Canada (M.EL)* (1992), 147 N.R. 317 (F.C.A.)). In my view, it was reasonably open to the Board to decide as it did, given the evidence which was before it, and therefore the intervention of this Court is not warranted.

[8] Consequently, the application for judicial review is dismissed.

YVON PINARD

JUDGE

OTTAWA, ONTARIO December 23, 1997

FEDERAL COURT OF CANADA TRIAL DIVISION

NAMES OF SOLICITORS AND SOLICITORS ON THE RECORD

COURT FILE NO.: IMM-941-97

STYLE OF CAUSE: JASWINDER SINGH SEKHON v.
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: VANCOUVER

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REASONS FOR ORDER OF THE HONOURABLE MR. JUSTICE PINARD DATED:

DECEMBER 23, 1997

APPEARANCES:

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