

Federal Court



Cour fédérale

**Date: 20161125**

**Docket: IMM-540-16**

**Citation: 2016 FC 1306**

**Ottawa, Ontario, November 25, 2016**

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

**BETWEEN:**

**MUHAMMAD ANJUM BOKHARI  
RUBAB FATIMA**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The applicants, Mr. Muhammad Anjum Bokhari and Ms. Rubab Fatima are brother and sister. They are citizens of Pakistan. They entered Canada from the United States in September 2015 and claimed refugee status.

[2] In Pakistan, the applicants were active members of the Imamia Student Organization [ISO], an organization committed to the development of young students in accordance with Shia teachings. Their father was a Head Constable in the Pakistan police force in Sialkot in the province of Punjab.

[3] In January 2015, their father arrested Mr. Arshad Muawia, a member of the Sipah-e-Sahaba [SSP], a militant Sunni Muslim group. The arrest resulted in threats being made against the father and his family. Mr. Bokhari was beaten and the family was threatened with death. Ms. Fatima was told to stop going to the ISO and she too was subsequently beaten.

[4] The Refugee Protection Division [RPD] of the Immigration and Refugee Board of Canada [IRB] dismissed their claim on the basis that a viable Internal Flight Alternative [IFA] existed for the applicants in Islamabad. They now seek judicial review of that decision on the basis that the RPD erred in finding no serious possibility that they would face persecution or that, on a balance of probabilities, they would be subjected to a risk to life, cruel and unusual treatment or punishment or to a danger of torture in the large urban city of Islamabad.

[5] The sole issue I need address in considering this application is whether it was reasonable for the RPD to find that the applicants had a viable IFA in Islamabad, Pakistan. Having reviewed the parties' written submissions and having considered their oral arguments, I am not persuaded that the Officer committed a reviewable error. The application is dismissed for the reasons that follow.

## II. Decision under Review

[6] The RPD began its analysis by setting out the two-prong IFA test articulated by the Federal Court of Appeal in *Thirunavukkarasu v Canada (Minister of Citizenship and Immigration)*, [1994] 1 FC 589 (CA).

### A. *First Prong of the IFA Test*

[7] In considering the first prong of the test, the RPD considered the documentary evidence on the situation in Pakistan, recognizing that attacks on the Shia community take place throughout the country. However, the RPD also noted that the documentary evidence related to the situation for Shias in Islamabad indicated few problems in that city. The RPD cited the United Kingdom's Country Information and Guidance Report on Internal Relocation for Pakistan which states that the current situation in Islamabad is relatively free from politically motivated, terrorist and sectarian violence.

[8] The RPD then considered the profile of those targeted in the Shia community, noting that "... Shi'a professionals and officials – doctors, lawyers, judges, teachers, journalists, bankers, clerics, company CEOs, police officers, politicians, prominent business people and local traders" are targeted.

[9] The RPD addressed the documentary evidence submitted by the applicants and, in particular, their submissions to the effect that there is a growing trend of sectarian violence against Shias in Islamabad. The RPD then concluded that the articles submitted in support of the

applicants' argument were ambiguous and failed to establish that attacks on members of the Shia community by Sunni militants in the capital region of Islamabad had become systemic and widespread.

[10] The RPD also considered the applicants' testimony during which they stated that the SSP would find them in Islamabad. It concluded, however, that they had failed to establish, on a balance of probabilities, that the SSP have access to an extensive and nation-wide terrorist network, which would enable Mr. Muawia or the SSP to easily track, follow and locate the applicants in Islamabad

[11] The RPD then considered the applicants' profile and concluded that the applicants did not fall into any of the categories of professional individuals being targeted. The RPD also addressed the applicants' activities with the ISO. The RPD acknowledged Mr. Bokhari's activities as an administrator, a manager and a volunteer accountant and teacher, as well as Ms. Fatima's activities teaching young students the fundamentals of the Shia religion. The RPD found there was no evidence that Mr. Bokhari or Ms. Fatima were influential members of the ISO in their local community or beyond.

[12] The RPD concluded that there was no serious possibility that the applicants would face religious or politically motivated persecution nor would they face, on a balance of probabilities, a risk to their lives at the hands of the SSP or any other anti-Shia extremist or terrorist groups in Islamabad.

B. *Second Prong of the IFA Test*

[13] The RPD considered the second prong of the IFA test and found it would not be difficult for the applicants to find work in Islamabad. The RPD concluded that it was reasonable to expect that the applicants would be able to reintegrate into the large Shia community in Islamabad, find gainful employment and establish a residence. In doing so, they would not encounter significant hardships or obstacles.

III. Standard of Review

[14] The parties submit, and I agree, that the reasonableness standard of review applies in respect of the issue raised in this judicial review application (*Gandarilla Martinez v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1464 at para 17 and *Lebedeva v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1165 at para 32).

IV. Analysis

A. *Was it reasonable for the RPD to find that the applicants had a viable IFA?*

[15] The applicants argue that it was unreasonable for the RPD to conclude there was a viable IFA in Islamabad. They argue that the RPD selectively relied on the documentary evidence and note that Islamabad is close to the city of Sialkot where the applicants had experienced violence and abuse. They argue that, in light of the geographic proximity, it would not be difficult for the SSP to find the applicants there. They also submit that Islamabad is located within Punjab, an area the RPD acknowledged as a hotbed of Sunni terrorism and anti-Shia militancy.

[16] The applicants further submit that the RPD's analysis was inconsistent. The RPD accepted that Ms. Fatima had worked with the ISO as a teacher for young girls and Mr. Bokhari had worked in the accounting field, but then concluded they did not meet the profile of targeted professionals, a profile that included teachers and bankers. The applicants argue that this undermines the justifiability and intelligibility of the decision. Finally, they argue it was unreasonable to expect the applicants to reside in a city where there are sectarian attacks against Shia Muslims even if there "... have been fewer attacks in Islamabad as compared to other cities in Pakistan ...".

[17] I am not persuaded by the applicants' arguments. While the applicants may disagree with the findings and conclusions reached, I am of the opinion that those findings were reasonably available to the RPD based on the evidence and the law. This Court will not intervene solely on the basis of disagreement.

[18] While geographic proximity between an IFA and an agent of persecution might well be a relevant consideration in some circumstances it is not, on its own, a basis to reject a potential IFA. In this case, the RPD concluded that the applicants had failed to demonstrate a serious possibility of persecution in Islamabad. In reaching this conclusion, the RPD canvassed the documentary evidence in detail and highlighted the risks faced by the Shia community in different regions of the country, including Islamabad. The RPD considered and weighed this mixed documentary evidence noting that both United Kingdom and Australian Government reports indicated that large urban centres, including Islamabad, were relatively safe for religious and ethnic minorities to relocate to. The RPD did not err by selectively relying on certain

evidence. Rather, it acknowledged the mixed evidence – including the evidence submitted by the applicants – and the difficult circumstances faced by religious minorities and ethnic groups in Pakistan. However, it concluded that the applicants could safely live in Islamabad. This conclusion was reasonably available to the RPD.

[19] The RPD also considered the evidence relating to the risk posed by the SSP or Mr. Muawia in Islamabad, specifically the risk of the applicants being tracked, followed or located by the SSP. The RPD concluded that the evidence simply did not demonstrate, on a balance of probabilities, that the SSP or Mr. Muawia had access to a network or any other capability that demonstrated an ability to track or find the applicants in Islamabad. Again, this is a conclusion that was reasonably open to the RPD to reach.

[20] With respect to the applicants' respective profiles, the RPD noted that bankers and teachers were subject to being targeted. However, the applicants were neither professional bankers nor teachers. Mr. Bokhari had worked as an accountant and taught within the ISO organization. Ms. Fatima had also taught within the ISO organization. The RPD found that neither of the applicants were high level or influential members of the organization or that they were well known by members of their community and beyond. On the basis of the evidence, it was reasonable for the RPD to conclude that their profiles did not establish that they were at risk of being targeted as professionals within the Shia community.

V. Conclusion

[21] The RPD reasonably considered the evidence. The decision is justified, transparent and intelligible (*Dunsmuir v. New Brunswick*, 2008 SCC 9 at para 47). The decision is reasonable and the applicants have not demonstrated that there is a basis for this Court to interfere.

[22] The parties have not proposed a question of general importance and none arises.



**JUDGMENT**

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

No question is certified.

"Patrick Gleeson"

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Judge

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

**DOCKET:** IMM-540-16

**STYLE OF CAUSE:** MUHAMMAD ANJUM BOKHARI, RUBAB FATIMA v  
THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JULY 6, 2016

**JUDGMENT AND REASONS:** GLEESON J.

**DATED:** NOVEMBER 25, 2016

**APPEARANCES:**

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