

Federal Court



Cour fédérale

Date: 20190319

Docket: IMM-3755-18

Citation: 2019 FC 336

Montréal, Quebec, March 19, 2019

PRESENT: Mr. Justice Grammond

BETWEEN:

ABDUL KARIM

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Mr. Karim, a citizen of Bangladesh, seeks judicial review of the denial of his application for a pre-removal risk assessment [PRRA]. I am dismissing his application, as the decision of the PRRA officer was reasonable.

[2] In Bangladesh, Mr. Karim held a leadership role in a student league associated with the opposition Bangladesh National Party [BNP]. As a result of his involvement, he was attacked by

members of the ruling Awami League in 2012 and, in 2013, the security forces went to his home while he was not there, in an attempt to arrest him. To avoid further persecution, he went into hiding and eventually fled to Canada after obtaining a student visa.

[3] Given his membership in the BNP, Mr. Karim was the subject of admissibility proceedings. The Immigration Division of the Immigration and Refugee Board found that the BNP was a terrorist organization and that Mr. Karim was inadmissible to Canada as a result of section 34 of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[4] Mr. Karim then applied for a PRRA. On May 30, 2018, that application was denied. The PRRA officer reviewed the evidence and concluded that while Mr. Karim “may have had problems in Bangladesh”, there was “insufficient evidence [...] that anyone is interested in harming [Mr. Karim] today”. The main ground for the PRRA officer’s finding was the lapse of time since Mr. Karim was active in student politics in Bangladesh and was persecuted by persons associated with the ruling party. The PRRA officer also indicated that he had reviewed documentation regarding the conditions in Bangladesh.

[5] Mr. Karim now seeks judicial review of that decision.

[6] On judicial review, the issue is not what decision I would have made. The issue is whether the PRRA officer’s decision was based on the relevant legal principles and a defensible analysis of the evidence in light of those legal principles.

[7] Mr. Karim argues that the PRRA officer focused on past incidents of persecution but failed to assess his forward-looking risk if returned to Bangladesh. I disagree. While the reasons are brief, the PRRA officer was aware of the risks facing persons associated with opposition parties in Bangladesh, but came to the conclusion that Mr. Karim would not be exposed to those risks given the lapse of time. One may disagree with this assessment. This, however, is precisely the kind of decision that Parliament has entrusted to PRRA officers. I can only intervene if I find the decision to be unreasonable or, in other words, if the decision does not fall “within a range of possible, acceptable outcomes” (*Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47, [2008] 1 SCR 190). I am unable to do so in this case.

[8] As a result, Mr. Karim’s application for judicial review will be dismissed.

JUDGMENT in IMM-3755-18

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed;
2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3755-18

STYLE OF CAUSE: ABDUL KARIM AND THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: MARCH 18, 2019

JUDGMENT AND REASONS: GRAMMOND J.

DATED: MARCH 19, 2019

APPEARANCES:

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