

Federal Court



Cour fédérale

Date: 20190829

Docket: IMM-715-19

Citation: 2019 FC 1112

Ottawa, Ontario, August 29, 2019

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

FAZAL KARAM

Applicant

and

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of a decision of the Refugee Appeal Division [RAD] dated January 9, 2019, in which it was concluded that the Applicant is not a Convention Refugee, confirming a previous decision of the Refugee Protection Division [RPD], due to lack of credibility.

[2] The RAD rejected the Applicant's appeal as the Applicant's conduct was inconsistent with that of a genuine refugee who would have reason to fear persecution in Pakistan.

[3] The RAD dismissed the Applicant's appeal in its confirmation of the Applicant's lack of credibility, not due to exclusion from refugee protection as per Section 1E of the Refugee Convention, but in respect of both his behaviour and narrative.

[4] The behaviour of the Applicant was not credible when analyzed on the basis of his narrative.

[5] Subsequent to the failure of the Applicant's business in the United Arab Emirates [UAE], the RAD found the Applicant's return to the UAE as implausible under the circumstances and in the context described by the Applicant.

[6] The Applicant's obtention of a visitor's visa to visit his brother in Canada and his travel activity subsequent to the failure of his business in the UAE, did not appear to have any plausible basis under the circumstances of the Applicant's narrative.

[7] Key documents submitted to bolster the Applicant's claim lacked authenticity, and one important document was considered on its face as fraudulent in respect of background to his narrative.

[8] No reasonable basis for apprehension of persecution exists in the narrative of the Applicant's claim due to it lacking substance (*Canada (Citizenship and Immigration) v Davoodabadi*, 2019 FC 350; *Darabos v Canada (Citizenship and Immigration)*, 2008 FC 484 at para 20).

[9] The Applicant did not discharge the burden of establishing that the conclusions based on the evidence, as effectively analyzed by the RAD, were unreasonable. The decision of the RAD, confirming the RPD decision, is reasonable (*Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 43; *Akhtar v Canada (Minister of Citizenship and Immigration)*, 2003 CFPI 541 at para 12; *Kirac v Canada (Minister of Citizenship and Immigration)*, 2002 CFPI 362 at paras 26 and 27).

[10] Therefore, the application for judicial review is dismissed.

JUDGMENT in IMM-715-19

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

There is no serious question of general importance to be certified.

"Michel M.J. Shore"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-715-19

STYLE OF CAUSE: FAZAL KARAM v MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: AUGUST 22, 2019

JUDGMENT AND REASONS: SHORE J.

DATED: AUGUST 29, 2019

APPEARANCES:

Mark J. Gruszczynski

FOR THE APPLICANT

Suzanne Trudel

FOR THE RESPONDENT

SOLICITORS OF RECORD:

Canada Immigration Team
Westmount, Quebec

FOR THE APPLICANT

Attorney General of Canada
Montréal, Quebec

FOR THE RESPONDENT