

Federal Court



Cour fédérale

Date: 20210824

Docket: IMM-4601-20

Citation: 2021 FC 862

[ENGLISH TRANSLATION]

Ottawa, Ontario, August 24, 2021

PRESENT: The Honourable Mr. Justice Shore

BETWEEN:

KAMALJIT SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] This is an application for judicial review of a decision rendered on September 9, 2020, by the Refugee Appeal Division (RAD) in which the RAD confirmed the rejection of the applicant's claim for refugee protection on the grounds that an internal flight alternative (IFA) was available.

[2] The applicant is a citizen of India and is seeking refugee protection on the basis of fear and threats of honour killing by his girlfriend's father and cousin, with the complicity of Punjabi authorities. The applicant arrived in Canada in December 2016.

[3] The Refugee Protection Division rejected the claim for refugee protection on the grounds that the applicant could reasonably and safely relocate to Mumbai or New Delhi. The RAD confirmed that decision.

[4] IFA is the notion that a person can be a refugee in one part of a country and not in another. The onus of proof rests on the refugee protection claimant to establish, on a balance of probabilities, that there is a serious possibility of the claimant being persecuted in the area covered by the IFA or that, in the circumstances, it would be objectively unreasonable for the claimant to seek refuge there (*Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589 at 593, 597 (CA)). This second prong of the analysis requires “nothing less than the existence of conditions which would jeopardize the life and safety of a claimant” (*Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164 at para 15).

[5] This judicial review focuses on the reasonableness of the RAD's conclusions with respect to the first prong of the IFA analysis. A “reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker” (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85).

[6] The applicant submits that there is a possibility that he would be persecuted in the IFA given the interest of the alleged agents of persecution in finding him and their ability to do so when he relocates. In particular, the applicant alleges that the RAD unreasonably concluded that it was unlikely that these officers would be able to locate the applicant when the local police process his registration in the tenant verification system in New Delhi. The applicant also submits that the RAD erred in failing to analyze this possibility in Mumbai.

[7] In this case, the RAD concluded that the applicant had failed to establish the likelihood of being at risk in the IFA based on, among other things, the applicant's testimony that there had since been no recorded charges against him, that his girlfriend had told the police that their relationship was consensual, and that, on the basis of the documentary evidence on tenant screening, it was unlikely that the police in the IFA would conduct screening to that degree, or to any degree, on the applicant's information provided by a prospective landlord.

[8] The Court finds that the RAD reasonably probed the applicant's situation and that it was shown that an IFA would have been available to the applicant.

[9] The applicant does not dispute the RAD's analysis of his allegations, which concludes that he would not be at risk of becoming a victim of an honour crime committed by the alleged agents of persecution.

[10] In addition, it was open to the RAD to conclude, particularly given the absence of official charges, the statement that the relationship was consensual, and the objective evidence, that the

applicant would not be at risk of being located through the tenant screening system and thus face persecution in the IFA. (see *Singh v Canada (Citizenship and Immigration)*, 2020 FC 350 at para 34; *Singh Sidhu v Canada (Citizenship and Immigration)*, 2020 FC 191 at para 26; *Singh v Canada (Citizenship and Immigration)*, 2020 FC 510 at para 30). Moreover, it is apparent from the decision that this analysis referred to both IFAs.

[11] Lastly, the RAD is presumed to have reviewed the entire record (*Basanti v Canada (Citizenship and Immigration)*, 2019 FC 1068 at para 24).

[12] For these reasons, the Court dismisses the application for judicial review.

JUDGMENT in IMM-4601-20

THIS COURT'S JUDGMENT is that the application for judicial review be dismissed with no question of general importance to be certified.

“Michel M. J. Shore”

Judge

Certified true translation
Michael Palles, Reviser

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4601-20

STYLE OF CAUSE: KAMALJIT SINGH v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HEARD BY VIDEOCONFERENCE

DATE OF HEARING: AUGUST 23, 2021

JUDGMENT AND REASONS: SHORE J.

DATED: AUGUST 24, 2021

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