

Federal Court



Cour fédérale

Date: 20220713

Docket: IMM-3336-21

Citation: 2022 FC 1028

Ottawa, Ontario, July 13, 2022

PRESENT: Mr. Justice McHaffie

BETWEEN:

**ROBIN NABEEL KHOKHAR
JESUSA KHOKHAR
JOHN EMANUEL KHOKHAR
JAYDEN LUIS KHOKHAR**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Robin Nabeel Khokhar seeks judicial review of the refusal of his refugee claim by the Refugee Appeal Division (RAD) of the Immigration and Refugee Board of Canada (IRB). The RAD found Mr. Khokhar had a viable internal flight alternative (IFA) within his native Pakistan

since he would not be subject to a serious possibility of persecution in Lahore, and it would be reasonable for him to relocate there in all of the circumstances. Mr. Khokhar challenges each of these findings on this application, arguing the RAD did not reasonably assess the evidence related to the persecution he would face in Lahore as a Christian.

[2] I conclude the RAD's decision was reasonable. Although the RAD appears to have misunderstood Mr. Khokhar's submissions regarding blasphemy accusations leveled against his father in 2015, this error did not undermine the overall reasonableness of the RAD's decision. The RAD reasonably addressed Mr. Khokhar's primary submissions with respect to the IFA and reached reasonable conclusions on the elements of the IFA test. This Court's role on judicial review is not to reassess the evidence before the RAD or interfere with its findings unless the RAD has failed to show the justification, transparency, and intelligibility required of a reasonable decision. I am not satisfied Mr. Khokhar has met his onus to show the RAD's decision was unreasonable.

[3] The application for judicial review will therefore be dismissed.

II. Issues and Standard of Review

[4] The parties agree that the RAD's determination that Mr. Khokhar has an IFA in Lahore is reviewable on the reasonableness standard: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25; *Idugboe v Canada (Citizenship and Immigration)*, 2020 FC 334 at para 58. The broad issue on this judicial review is therefore whether the RAD's decision was reasonable.

[5] Within this broad issue, Mr. Khokhar raises a number of challenges to the RAD's application of the established two-pronged test for an IFA: *Rasaratnam v Canada (Minster of Employment and Immigration)*, [1992] 1 FC 706 (CA) at pp 710–711; *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589 (CA) at pp 595–597. Under this test, a refugee claimant has an IFA only if both (1) the claimant would not face in the IFA a serious possibility of persecution or a likely risk described in section 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]; and (2) in all the circumstances it would not be unreasonable for the claimant to seek refuge in the IFA: *Rasaratnam* at p 711, *Thirunavukkarasu* at p 597; *Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at paras 8–9. If a claimant has an IFA in their country of origin, they are not a Convention refugee or a person in need of protection within the meaning of sections 96 and 97 of the *IRPA*: *Thirunavukkarasu* at pp 592–593; *Olusola* at para 7.

[6] At the hearing of this application, Mr. Khokhar focused his submissions on the first prong of the IFA test, but maintained his written submissions on the second prong.

[7] I will therefore address Mr. Khokhar's various arguments in the context of the following two primary questions:

- A. Was it unreasonable for the RAD to conclude Mr. Khokhar would not face a serious possibility of persecution in Lahore?
- B. Was it unreasonable for the RAD to conclude Mr. Khokhar could reasonably seek refuge in Lahore?

[8] In reviewing a decision on the reasonableness standard, the Court considers the decision as a whole and the reasons given for it to assess whether the decision is justified, intelligible, and transparent, and whether it is justified in relation to the relevant factual and legal constraints that bear on it: *Vavilov* at para 99. The Court does not seek to reach its own determination on the issues. Rather, it will only set aside the decision if the applicant meets their burden to show there are sufficiently serious shortcomings in the decision that it cannot be said to exhibit the requisite degree of justification, intelligibility, and transparency: *Vavilov* at para 100.

III. Analysis

A. *The RAD's conclusion that Mr. Khokhar would not face a serious possibility of persecution in Lahore was reasonable*

(1) Mr. Khokhar's refugee claim

[9] Mr. Khokhar is a citizen of Pakistan. His wife, Jesusa Khokhar, who he met while working in Dubai, is a citizen of the Philippines. Their twin children, born in Dubai, are citizens of Pakistan through their father and have a right to Philippine citizenship through their mother.

[10] Mr. Khokhar seeks refugee protection based on his fear of persecution as a Christian in Pakistan. Although born in Libya, Mr. Khokhar spent much of his youth in Karachi, where he was bullied for being a Christian. His father was a pastor in the Christian community in Karachi. In the early 1990s, when Mr. Khokhar was in his teens, the family home was attacked by a mob. This prompted the family to move to Dubai. Mr. Khokhar spent roughly the next 25 years in Dubai, maintaining his status through renewable work permits.

[11] Mr. Khokhar's father also continued to live in Dubai, but traveled to Pakistan regularly. In 2015, during a trip to Pakistan, his father and grandmother were threatened and attacked after his father gave a bible to a girl who wanted to convert to Christianity. Mr. Khokhar's father and grandmother sought and obtained refugee status in Canada in 2016. Several of Mr. Khokhar's other family members are also in Canada. His mother, together with his sister and one of his brothers, made refugee claims in 2000 based on their Christian identity. These were refused, but the three subsequently obtained permanent residence on humanitarian and compassionate grounds. Another of Mr. Khokhar's brothers was granted refugee protection in 2012 after being attacked by Muslim extremists in Pakistan in 2010.

[12] Against this background, Mr. Khokhar's refugee claim referred to two specific incidents in Karachi in late 2018. Earlier that year, Ms. Khokhar lost her job in Dubai and Mr. Khokhar's job became precarious. Mr. Khokhar returned to Pakistan in November 2018 to prepare for a family move back to Karachi. While there, he was accosted near his aunt's house by two men who asked after his father. Then, in December, on another trip to Karachi, Mr. Khokhar was again accosted, threatened, and almost killed by men looking for his father, his life being saved by a jammed pistol. Mr. Khokhar believes the men involved were the same who had attacked his father in 2015. Complaints to police after each incident yielded no results. Mr. Khokhar returned to Dubai and the family then came to Canada and made refugee claims.

[13] The Refugee Protection Division (RPD) of the IRB rejected the family's refugee claims because it found the Philippines was a country of reference for the whole family: for Ms. Khokhar because of her citizenship; for the children because of their automatic right to

obtain citizenship; and for Mr. Khokhar because of his ability to acquire citizenship through spousal sponsorship. The RPD found the family did not face persecution or risk in the Philippines. Although the RPD had raised the issue of a potential IFA in Lahore or Islamabad at the hearing, it did not address that issue in its reasons given its findings regarding the Philippines.

(2) The RAD's decision on the first prong of the IFA test

[14] On appeal to the RAD, the Khokhars did not challenge the RPD's findings regarding Ms. Khokhar and the children. However, they appealed the RPD's conclusion that Mr. Khokhar was entitled to citizenship in the Philippines. The RAD accepted that the Philippines was not a country of reference for Mr. Khokhar. However, it invited Mr. Khokhar to make supplementary submissions on the availability of an IFA in Lahore or Islamabad.

[15] Mr. Khokhar accepted that invitation, submitting that neither part of the test for an IFA was met. With respect to the first prong, Mr. Khokhar referred to his evidence before the RPD and the attacks he had faced due to his connection with his father. He also referred to country condition evidence he filed regarding risks faced by Christians in Pakistan, and particularly in Lahore and Islamabad, including news items and reports concerning violence against Christians and the prevalence of allegations against Christians under Pakistan's blasphemy laws. Mr. Khokhar's submissions, and the RAD's decision, with respect to the second prong are discussed below.

[16] The RAD found Mr. Khokhar had an IFA in Lahore. With respect to the first prong of the test for an IFA, the risk of persecution, the RAD noted the two identified incidents in 2018 followed numerous uneventful visits to Karachi. It found there was not sufficient credible evidence that the perpetrators of the incidents were seeking Mr. Khokhar throughout Pakistan or had the interest or power to do so. It referred to the estimated three to six million Christians living in Pakistan, including around two million in and around Lahore. It reviewed various reports in the country condition evidence, including in respect of violent attacks and misuse of blasphemy laws. It noted that despite Mr. Khokhar's stated fear of false blasphemy charges, he had returned to Karachi on numerous occasions since the incident with his father in 2015, and took steps to settle there in 2018. The RAD found there was insufficient credible evidence that Mr. Khokhar objectively faced more than a mere possibility of a false blasphemy charge. The RAD recognized that the Christian community in Pakistan faced discrimination. However, based on its review of the evidence, including country condition evidence, the RAD found there was not a serious possibility of Mr. Khokhar facing persecution in Lahore, either due to his identification as a Christian or due to his family connections and the events of 2018.

(3) The RAD's decision is reasonable

[17] Mr. Khokhar challenges four aspects of the RAD's analysis of the first prong of the IFA test. For the following reasons, I conclude that Mr. Khokhar's arguments do not show the RAD's decision to be unreasonable.

(a) *Reference to the father facing a blasphemy charge*

[18] In discussing Mr. Khokhar's fear of facing false blasphemy charges, the RAD made the following statements:

[Mr. Khokhar] indicates that his father faced a false blasphemy charge in 2015; however, there is no supporting evidence provided of this. Most of the blasphemy charges that have been brought in Pakistan have been brought by Muslims against Muslims.

[Emphasis added.]

[19] Mr. Khokhar argues that he did not allege that his father faced a formal blasphemy "charge" in 2015. Rather, his father was accused of blasphemy by extremists, who threatened him with potential charges. He says this is supported by the evidence, notably his own narrative and the RPD's decision on his father's successful refugee claim, which was before the RAD. In its decision on the father's claim, the RPD stated that after the father offered a bible to a girl seeking baptism, men "told him that they will charge him with blasphemy." Mr. Khokhar's narrative similarly stated that his father did not want to baptize the girl because it could lead to "accusations from extremists about blasphemy."

[20] Mr. Khokhar's supplementary submissions to the RAD on the question of the IFA indicated that his father "has been accused of blasphemy in the past." It may be that the RAD took this statement, together with Mr. Khokhar's testimony that there had been a "complaint" against his father, as referring to a formal charge of blasphemy. However, it does appear that the RAD misunderstood Mr. Khokhar's narrative and submissions to mean that his father had faced an actual charge of blasphemy, of which there was no evidence.

[21] Although it may have been an error to describe Mr. Khokhar's submission as being that his father faced a "false blasphemy charge," I do not believe this error fundamentally undermines the RAD's analysis. Not every error by an administrative tribunal will render its decision unreasonable: *Vavilov* at para 100. The RAD's primary assessment with respect to Mr. Khokhar's fear of false blasphemy charges was that he had voluntarily revealed himself of Karachi on numerous occasions, that blasphemy laws in Pakistan were primarily used as a weapon against Muslims and not Christians, and that there was insufficient credible evidence that he objectively faced more than a mere possibility of a false blasphemy charge. The RAD's review of the allegations pertaining to his father was not a material aspect of this analysis, and I cannot conclude that any error on this issue is "sufficiently central or significant to render the decision unreasonable": *Vavilov* at para 100.

[22] Mr. Khokhar also argues the RAD failed to consider and analyze the RPD's decisions with respect to his father and his brother in assessing whether he had shown a serious possibility of persecution. Mr. Khokhar recognizes the RAD was not bound by these prior decisions, but argues they should have considered the extent to which they corroborated his allegations of risk: *Guven v Canada (Citizenship and Immigration)*, 2018 FC 38 at para 55; *Uygur v Canada (Citizenship and Immigration)*, 2013 FC 752 at paras 28–29. I cannot accept this argument, for two reasons.

[23] First, the RAD did refer to the father's narrative filed in support of his refugee claim in its reasons, showing its awareness and consideration of that claim and the facts underlying it in its assessment. Second, Mr. Khokhar's argument must be viewed in light of the submissions he

made to the RAD: *Vavilov* at paras 127–128. In his submissions regarding the risk of persecution, Mr. Khokhar made only brief reference to the successful refugee claims of his father, grandmother, and brother. Mr. Khokhar did not put the decisions forward as particular corroboration of the objective reasonableness of his fear of blasphemy charges or other persecution in Lahore. He simply noted, after claiming he was attacked by the same individuals who attacked his father, that his father, grandmother, and brother had all been found to be Convention refugees in Canada.

[24] The RAD concluded there was no credible evidence that the individuals involved in the attacks against Mr. Khokhar would pursue him to Lahore, a finding that did not conflict with any of the RPD's findings in the other claims. Those other refugee claims were based in large part on specific and different incidents experienced by his family members. In particular, his father's claim was based on a fear of the Muslim family of the girl who sought to convert to Christianity. The RPD found the father had no IFA in Pakistan not because the Muslim family would follow him outside Karachi, but because he was "a known person who was performing religious speeches at his Pakistani church." The brother's refugee claim, which was based on his experiences and attacks in Pakistan in 2010 while Mr. Khokhar was in Dubai, appears to have been decided without a hearing and without reasons, further reducing its importance in the assessment of Mr. Khokhar's claim.

[25] In the circumstances, and in particular the nature of the other claims, the nature of Mr. Khokhar's claim, and the limited reliance placed on the other decisions, it was not a material

error for the RAD not to directly address the other successful refugee claims in assessing whether he faced a serious possibility of persecution.

[26] As an additional argument under this heading, Mr. Khokhar alleges it was unreasonable for the RAD to describe his supplementary evidence about blasphemy accusations faced by his cousin in Lahore as an “attempt to bolster the record,” given the credible evidence of blasphemy allegations against his father and brother. However, the RAD made this statement in the context of its decision that the evidence about the cousin was not new and therefore not admissible pursuant to subsection 110(4) of the *IRPA*. Mr. Khokhar does not challenge this inadmissibility determination on this application.

(b) *Unique Christian profile*

[27] Having reviewed the objective evidence regarding discrimination against Christians and the use of false blasphemy charges, the RAD held that Mr. Khokhar had “not established a unique Christian profile, nor has he established that he is evangelical and must proselytize as part of his religious practice.” The RAD addressed these issues since the objective evidence indicated that evangelical practice may lead to a greater risk of being subjected to blasphemy laws. The RAD found that while Mr. Khokhar was involved in teaching, mentoring, and pastoral assistance in the Christian church, the record did not show that evangelical practice or proselytizing was central to his church’s practice.

[28] Mr. Khokhar contends that the RAD misunderstood the terms “evangelical,” “Protestant,” and “born again Christian.” Mr. Khokhar used the latter two to describe himself in

his claim, and he argues the RAD considered them to be inconsistent with the notion of “evangelical.” I disagree. I see no indication that the RAD considered evangelism to be inconsistent with Protestantism or born again Christianity. Rather the RAD considered on the evidence whether Mr. Khokhar’s faith, as he practiced it, fell within the nature of Christian practices that the evidence indicated would increase the risk of blasphemy charges. While Mr. Khokhar asks the Court to draw different conclusions from the evidence, this is not the Court’s role: *Vavilov* at paras 125–126. Recognizing the Court’s limited role in reviewing the factual findings and inferences of the RAD, I cannot find its conclusion was unreasonable.

[29] Nor, again, was it unreasonable for the RAD not to have referred to his family’s successful refugee claims before concluding Mr. Khokhar had “not established a unique Christian profile” that would put him at greater risk in Lahore. The RAD directly addressed Mr. Khokhar’s allegation that he would be at increased risk given his family’s prominence and his father’s role as a pastor and leader in the community. The RAD was not satisfied there was evidence that either the nature of Mr. Khokhar’s religious practices or his familial ties would subject him to a serious possibility of persecution in Lahore. While it may have been preferable for the RAD to address the earlier refugee claims, I am not satisfied in the circumstances that it was unreasonable not to do so.

(c) *Motivation of the agents of persecution*

[30] Mr. Khokhar argues the RAD gave insufficient weight to the two 2018 incidents in concluding that the agents of persecution were not motivated to pursue him to Lahore. In its reasons, the RAD noted that there was “little examination of these events on the record,” and that

“[n]o questions were posed around” the police report after the second event. Mr. Khokhar argues that if the RAD had concerns about the deficiency of the record, it ought to have returned the matter to the RPD for a new hearing rather than failing to address the allegations. He cites this Court’s decisions in *Gomes*, *Sarker*, and *Veres* for the principle that the preliminary questioning by the RPD creates an increased burden on the RPD to ensure that determinative issues are raised: *Gomes v Canada (Minister of Citizenship and Immigration)*, 2006 FC 419 at para 15; *Sarker v Canada (Citizenship and Immigration)*, 2014 FC 1168 at para 19; *Veres v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 124 (TD) at paras 28–34.

[31] I cannot agree. *Gomes*, *Sarker*, and *Veres* pertain to circumstances where the IRB decided a refugee claim on an issue that was never raised as a potential issue either at the outset of the hearing or in questioning: *Gomes* at paras 3–4; *Sarker* at paras 14–15; *Veres* at paras 26–28. Indeed, in *Gomes*, Justice Barnes identified the issue as being whether the IRB had breached the duty of fairness “by failing to identify state protection as a live and potentially determinative issue and by then deciding against the Applicants on that issue”: *Gomes* at para 5. In the present case, the RPD identified the IFA as an issue at the outset of the hearing, and specifically identified Islamabad and Lahore as options before asking questions on the issue. Indeed, counsel clarified after the potential IFA cities were identified that the RPD would conduct its questioning and that she would then have the opportunity to ask questions.

[32] Even though the RPD undertook questioning first, the onus remained on Mr. Khokhar to establish that there was no IFA in Pakistan and to present the evidence that would demonstrate that: *Rasaratnam* at pp 709–710; *Thirunavukkarasu* at p 594. If the RAD concludes that, having

been given proper notice, the claimant has not met their onus, they are not obliged to send the matter back to the RPD to give the claimant another opportunity to present evidence.

[33] Mr. Khokhar also argues that having accepted his evidence as credible, the RAD should have recognized that the attacks show an ongoing, persistent search, and that this motivation across time could lead to a motivation across distances as well: *AB v Canada (Citizenship and Immigration)*, 2020 FC 915 at para 23; *Balderramos v Canada (Citizenship and Immigration)*, 2019 FC 1391 at para 16.

[34] The primary difficulty with this submission is that it was not made to the RAD. Indeed, Mr. Khokhar's evidence to the RPD about why he could not move to Lahore did not relate to risks from the specific people who attacked him in Karachi, but the risks faced by the family as Christians in Lahore from the police and from "any member of the public." His submissions to the RAD highlighted his fear of the "surrounding community or the police." While he noted his belief that he was attacked by the same people who attacked his father, he did not submit this showed they would be motivated to pursue him as far as Lahore.

[35] In any event, the RAD did assess the evidence relating to the incidents and effectively found that they were not part of an ongoing, persistent search. The RAD noted the events in 2018 followed "numerous uneventful voluntary return visits to Karachi, over an extended period of time," before concluding there was insufficient evidence to establish that these "random individuals" are seeking Mr. Khokhar all over Pakistan, or that they had the interest or power to

do so. Mr. Khokhar has not satisfied me this was an unreasonable conclusion or that it misapprehended the evidence or failed to account for it: *Vavilov* at para 126.

(d) *Country condition evidence*

[36] Mr. Khokhar argues the RAD was unreasonably selective in its review of the country condition evidence, ignoring reports in the IRB's national documentation package that supported his allegations and mischaracterizing the evidence it did rely on. He argues the overlooked evidence was overwhelming, and that it was therefore unreasonable for the RAD not to refer to it: *Hernandez Montoya v Canada (Citizenship and Immigration)*, 2014 FC 808 at paras 33–36, citing *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at para 17. In particular, he argues that the evidence as a whole shows that the discrimination against Christians does rise to the level of persecution, and that the RAD's conclusion that most blasphemy charges were against Muslims ignores the relative population sizes and the fact that blasphemy laws disproportionately affect Christians.

[37] Mr. Khokhar raises a reasonable argument with respect to the disproportionate effect of blasphemy laws on Christians. However, I cannot conclude the RAD's discussion of this issue is unreasonable as an overall matter. The RAD's ultimate conclusion was that there was insufficient evidence that Mr. Khokhar objectively faced more than a mere possibility of a false blasphemy charge for practising his religion. This conclusion followed the RAD's reference to statistics cited by Mr. Khokhar that blasphemy laws had been used as a weapon against Christians 229 times between 1987 and 2018. The RAD concluded that given the millions of practicing Christians in Pakistan, Mr. Khokhar did not objectively face more than a mere

possibility of a false blasphemy charge. While these statistics may show that Christians are disproportionately targeted, I cannot conclude it was unreasonable for the RAD to determine that they did not show more than a mere possibility of such a charge.

[38] As for Mr. Khokhar's other arguments regarding the country condition evidence, I cannot agree that the RAD unreasonably assessed Mr. Khokhar's arguments and the evidence he cited, or that it was obliged to refer in its analysis to a broader cross-section of the country condition evidence or to the specific evidence of particular incidents of violence or blasphemy charges cited by Mr. Khokhar: *Kakurova v Canada (Citizenship and Immigration)*, 2013 FC 929 at para 18; *Vavilov* at paras 125–128.

[39] I therefore conclude that Mr. Khokhar has not met his burden to demonstrate that the RAD's decision with respect to the first prong of the IFA test was unreasonable.

B. *The RAD's conclusion that it was reasonable to seek refuge in Lahore in all the circumstances was reasonable*

(1) The RAD's decision on the second prong of the IFA test

[40] Mr. Khokhar's submissions to the RAD regarding the second prong of the IFA test referred to his potential separation from his family since Ms. Khokhar does not have Pakistani citizenship, the risks she would face as a Christian woman in Pakistan, and the discrimination, employment barriers, and educational barriers the family would face as Christians.

[41] The RAD found there was no need for the family to be separated as Ms. Khokhar could live in Pakistan and could obtain citizenship under Pakistan's citizenship laws. It also found the general evidence regarding discrimination in employment was inapplicable to Mr. Khokhar, who had planned to establish his own business tied to his experience in Dubai. It rejected Mr. Khokhar's contention that he would have to hide his Christian identity in Lahore, citing the large and active Christian community in the city. The RAD therefore found Mr. Khokhar had not met the "very high threshold" for unreasonableness established by the Federal Court of Appeal: *Thirunavukkarasu* at pp 596–599; *Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164 (CA) at paras 14–17.

(2) The RAD's decision is reasonable

[42] As noted, Mr. Khokhar did not focus on the second prong of the IFA analysis in oral submissions at the hearing of this application. However, he relied on his written arguments that the RAD's analysis of the hardship he would face in Lahore was unreasonable. For the following reasons, I cannot accept these arguments.

[43] The RAD's decision must be assessed in the context of the "very high threshold" for establishing unreasonableness: *Ranganathan* at para 15. As the Federal Court of Appeal held, this standard "requires nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area": *Ranganathan* at para 15. This is in "sharp contrast" from the hardship arising from loss of employment, status, quality of life, or aspirations: *Ranganathan* at para 15.

[44] Mr. Khokhar primarily criticizes two aspects of the RAD's analysis with respect to the reasonableness of seeking refuge in Lahore. First, he points to country condition evidence stating that only "a small number of Christians are relatively prosperous," and argues it was unreasonable for the RAD to speculate that he would fall into this small number. However, this was not the RAD's finding. The RAD responded to Mr. Khokhar's citation of general evidence of discrimination in relation to employment and the relegation of Christians to menial labour by noting Mr. Khokhar's intention to establish his own business based on his work experience in Dubai. The RAD neither speculated about the success of that business nor made any findings about Mr. Khokhar's prosperity. The RAD's finding on this issue was not unreasonable.

[45] Second, Mr. Khokhar challenges the RAD's treatment of the discrimination in education that the children would face as Christians. In three brief paragraphs in his submissions to the RAD, Mr. Khokhar had cited evidence regarding the existence of discrimination in education, referred to a "hate" curriculum against Christians being taught in schools, and argued that his children did not speak Urdu. Given the limited nature of these submissions, in the context of the high standard for unreasonableness, it may not have been unreasonable for the RAD not to have addressed the question at all: *Vavilov* at para 128. However, the RAD did respond, noting that the children's basis of claim forms stated that they did both speak Urdu and, in its discussion of the first prong, that the children's religious education was protected by Pakistani law. While the RAD's discussion of this element was brief, as were Mr. Khokhar's submissions, I conclude they sufficiently and adequately considered the reasonableness of Lahore as an IFA to demonstrate the justification, transparency, and intelligibility required of a reasonable decision.

[46] I therefore conclude the RAD's analysis with respect to the second prong of the IFA test was also reasonable.

IV. Conclusion

[47] As I conclude that the RAD's reasons with respect to both prongs of the IFA test were reasonable, the application for judicial review will be dismissed.

[48] Neither party proposed a question for certification and I agree that none arises in the matter.

JUDGMENT IN IMM-3336-21

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

“Nicholas McHaffie”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-3336-21

STYLE OF CAUSE: ROBIN NABEEL KHOKHAR ET AL v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

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