

Federal Court



Cour fédérale

Date: 20240123

Docket: IMM-11969-22

Citation: 2024 FC 109

Ottawa, Ontario, January 23, 2024

PRESENT: Mr. Justice Norris

BETWEEN:

**KARNAIL SINGH, GAGANJEET SINGH
AND NIRMAL KOUR**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The applicants are citizens of India. Karnail Singh and Nirmal Kour are the parents of Gaganjeet Singh. They sought refugee protection in Canada on the basis of their fear of persecution and other harms at the hands of a neighbour in their hometown, a police officer.

[2] Gaganjeet Singh first entered Canada in November 2017 on a study permit. In February 2019, he returned to India to visit his family. According to the applicants, while he was

staying at his parents' home, Gaganjeet became involved romantically with the daughter of a neighbouring family. When the young woman's parents discovered this in late March 2019, her father and his police colleagues threatened the applicants with harm. Gaganjeet returned to Canada in April 2019. His parents joined him in Canada in June 2019 on visitor visas. All three submitted claims for refugee protection in January 2020.

[3] The Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB) rejected their claims on credibility grounds. The Refugee Appeal Division (RAD) of the IRB dismissed the applicants' appeals in a decision dated November 21, 2022. The applicants now apply for judicial review of the RAD's decision under subsection 72(1) of the *Immigration and Refugee Protection Act, SC 2001, c 27 (IRPA)*.

[4] For the reasons that follow, this application will be dismissed.

[5] The parties agree, as do I, that the RAD's decision is to be reviewed on a reasonableness standard. 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 (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85). A decision that displays these qualities is entitled to deference from a reviewing court (*ibid.*). The onus is on the applicants to demonstrate that the RAD's decision is unreasonable. To set aside a decision on this basis, the reviewing court must be satisfied that "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov*, at para 100).

[6] The grounds for review the applicants advance are without merit.

[7] The applicants submit that the RAD erred in rejecting affidavits filed as new evidence on appeal because of the quality of the affidavits but this is not why the RAD rejected them. Rather, the RAD found that the information in the affidavits did not meet the basic requirements of subsection 110(4) of the *IRPA*. In the same vein, the RAD also reasonably determined that other new evidence tendered by the applicants was inadmissible because the applicants had not provided any explanation for why that evidence was not put before the RPD.

[8] The applicants also submit that the RAD erred in submitting their narrative to a “microscopic” examination and in failing to consider that they were not native English speakers. However, the particular item of evidence to which these submissions relate is not the applicants’ first hand testimony but, rather, a newspaper article they filed (which, in any event, was not written in English). Both the RPD and the RAD found this article (like much else the applicants relied on) to be fraudulent. While the applicants criticize this finding as “harsh”, they have not shown that it is unreasonable.

[9] Finally, the applicants submit that the RAD’s overall assessment of the evidence is imbalanced because the RAD emphasized evidence weighing against their claim and minimized evidence that supported it. I do not agree. The RAD agreed with the RPD that none of the affidavit evidence relied on by the applicants before the RPD was sufficient to overcome the serious credibility issues arising from their testimony. This was an altogether reasonable determination. While the RAD’s discussion of this issue is brief, the RPD’s conclusion in this

respect was not challenged in the appeal to the RAD. There was no need for the RAD to say more.

[10] In sum, the RAD provided transparent and intelligible reasons explaining why it dismissed the applicants' appeals and confirmed the RPD's determination that the applicants are neither Convention refugees nor persons in need of protection. There is no basis to interfere with the RAD's decision.

[11] The parties did not suggest any serious questions of general importance for certification under paragraph 74(d) of the *IRPA*. I agree that no question arises.

JUDGMENT IN IMM-11969-22

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question of general importance is stated.

“John Norris”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-11969-22

STYLE OF CAUSE: KARNAIL SINGH ET AL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 23, 2024

JUDGMENT AND REASONS: NORRIS J.

DATED: JANUARY 23, 2024

APPEARANCES:

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