

Federal Court



Cour fédérale

Date: 20240621

Docket: IMM-2623-23

Citation: 2024 FC 971

Ottawa, Ontario, June 21, 2024

PRESENT: Madam Justice Sadrehashemi

BETWEEN:

HARDEEP SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Hardeep Singh, made a claim for refugee protection through a Pre-Removal Risk Assessment [PRRA] application. An officer at Immigration, Refugees and Citizenship Canada [IRCC] refused his application, finding that he could relocate safely to the Punjab region in India.

[2] Mr. Singh challenges the PRRA refusal on judicial review. He makes two arguments: 1) that the Officer unreasonably required him to show “personalized risk”, a requirement from section 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] even though he was making a claim under section 96 of IRPA alleging religious persecution; and 2) the Officer misconstrued the evidence in finding he could safely relocate to the Punjab region.

[3] The parties agree, as do I, that the issues raised by this judicial review relate to the merits of the decision and therefore I ought to review the decision on a reasonableness standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at para 16).

[4] I am dismissing the judicial review because I do not find that Mr. Singh has shown any sufficiently significant shortcoming with respect to the Officer’s finding that he could safely relocate to the Punjab region of India.

II. Background to the Application

[5] Mr. Singh came to Canada on a student visa in September 2019 and was later found inadmissible to Canada because of a misrepresentation on his application for a post-graduate work permit. He was notified of his eligibility to apply for a PRRA in March 2022. He filed his application the following month.

[6] Mr. Singh asked for Canada’s protection on the basis that he was at risk of persecution due to his identity “as a Sikh in a predominately Hindu state of Uttar Pradesh.” Mr. Singh

explained that his parents and grandparents experienced violence and discrimination during the 1984 Sikh massacre and that discrimination remains against Sikhs among India's majority Hindu population.

[7] The Officer found that Mr. Singh relied on generalized documents that were not personalized to his situation. They also found that while there was evidence of religion-based violence in India, the evidence put forward mainly related to Muslims in India. Further, the Officer found Mr. Singh had not explained why it would be unreasonable to live in Punjab, a majority Sikh state, if he feared discrimination in other parts of the country.

III. Analysis

[8] When I read the Officer's decision holistically, taking into account the submissions before them and in particular how the Applicant framed their risk, I cannot find a sufficiently central shortcoming in the Officer's reasoning and determination. In my view, the Officer's core finding is that there is "little evidence that the applicant would face discrimination in every part of the country" and in particular that there was no evidence as to "why it would be unreasonable for him to live in Punjab [a majority Sikh state] if he fears discrimination in other areas of the country." In his PRRA application, Mr. Singh framed his risk as being based on his identity as "a Sikh in a predominantly Hindu state of Uttar Pradesh." He also stated that he had not previously experienced discrimination or violence on account of his religion when he lived in India. He made no submissions about the risk or reasonableness of relocating to the Punjab region.

[9] On judicial review, Mr. Singh argues that the Officer fundamentally misapprehended the documentary evidence on discrimination against Sikhs in India. I do not agree. Mr. Singh asks the Court to draw inferences that are not readily made out by the evidence. For example, he argues that since Sikhs are less than two percent of India's total population and because the Punjab region is a majority Sikh state, then it stands to reason that the discrimination must happen there. This is not an inference that arises from the evidence or submissions that he put before the Officer, nor do his evidence and submissions address the extent or type of discrimination and whether it would amount to persecution. Mr. Singh also points to a political opinion piece where the author speculates that it is only a matter of time before the Hindu nationalist Bharatiya Janata Party [BJP] succeeds in overtaking and oppressing the outlying state of Punjab. As noted, this article is an opinion piece and further, it does not contemplate when this could happen. It does not provide evidence that this is the case currently or in the near future, which is what the Officer is assessing.

[10] I see no basis to intervene in the Officer's finding on the possibility of relocation to the Punjab region of India. I considered the documentary evidence and Mr. Singh's arguments as to how the Officer misconstrued and ignored the evidence, but do not agree that the Officer "fundamentally misapprehended or failed to account for the evidence before it" (*Vavilov* at para 126). In my view, the finding on relocation to Punjab is a determinative finding that would apply under either section 96 or section 97 of IRPA given the nature of the Officer's reasons about the evidence on this issue.

[11] Mr. Singh argues that regardless of this finding, the matter still requires redetermination because the Officer applied the wrong test, conflating the assessment required for a section 97 claim with that required of a section 96 claim. Mr. Singh argues that the Officer required “personalized” evidence which is only required when considering a claim under section 97. While it is true that the Officer used the word “personalized”, I cannot find that this is a sufficient basis to find that the Officer did not apply the appropriate test in this case (*Thornton v Canada (Citizenship and Immigration)*, 2019 FC 792 at para 17). The Officer clearly was aware they were assessing a claim based on religious persecution, and noted that they considered the claim under both section 96 and section 97, correctly setting out the appropriate standards for each. Further, as I have indicated above, even if the word personalized was an indication that the Officer used the wrong test, I cannot see how this could have affected the outcome given the Officer’s evaluation of the evidence and findings on discrimination against Sikhs.

IV. Disposition

[12] The application for judicial review is dismissed. Neither party raised a question for certification and I agree none arises.

JUDGMENT in IMM-2623-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and
2. No serious question of general importance is certified.

"Lobat Sadrehashemi"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2623-23

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

PLACE OF HEARING: OTTAWA, ONTARIO

DATE OF HEARING: MAY 28, 2024

JUDGMENT AND REASONS: SADREHASHEMI J.

DATED: JUNE 21, 2024

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