

Federal Court



Cour fédérale

Date: 20240923

Docket: IMM-10497-23

Citation: 2024 FC 1490

Montréal, Quebec, September 23, 2024

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

KULWINDER SINGH

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered from the Bench at Montréal, Quebec, on September 23, 2024)

[1] Mr. Singh is seeking judicial review of a decision of the Refugee Appeal Division [RAD] of the Immigration and Refugee Board dismissing his claim for asylum. The claim was based on death threats made by a former friend to whom he had leased agricultural land. He also alleged that he was arrested and beaten by corrupt local police officers who acted at the former friend's behest.

[2] The RAD found that the fact that Mr. Singh remained in his village for seven days after receiving the death threats affected his credibility. It also found that he brought insufficient evidence that he owned the land that is the subject of the dispute and leased it to his former friend. Therefore, there was insufficient evidence that he would face harm at the hands of either his former friend or the police. Moreover, the affidavits of his wife, the village *sarpanch* and a friend were lacking in detail, did not disclose the source of their knowledge and were therefore insufficient to establish that the police had any interest in him.

[3] On judicial review, Mr. Singh mainly challenges the RAD's first finding. He argues that the RAD unfairly discounted his explanation to the effect that when these events took place, his wife's uncle had just died and there is a cultural tradition in India that one should not harm someone who is grieving. Nevertheless, the RAD found it incoherent that Mr. Singh would be simultaneously protected by the cultural tradition, and threatened so that he would be driven to leave his village.

[4] Mr. Singh now argues that the RAD's analysis was microscopic and based on circular reasoning, but I am unable to agree. There is nothing circular in the RAD's reasons. There is no valid analogy to the situation in *Liu v Canada (Citizenship and Immigration)*, 2020 FC 576. Rather, the RAD found that Mr. Singh's assertions concerning the alleged cultural tradition, which explained his delay in leaving his village, were contradicted by his statements and behaviour. This is a purely factual issue, on which the RAD is entitled to a significant amount of deference. I fail to see anything unreasonable in the RAD's conclusions that Mr. Singh's

credibility is affected by the delay in leaving the village or that the fact that he eventually decided to leave is inconsistent with the allegations concerning the cultural tradition.

[5] Mr. Singh also challenges the RAD's treatment of the three supporting affidavits as being microscopic and discounting evidence for what it does not say. As I explained in *Azzam v Canada (Citizenship and Immigration)*, 2019 FC 549, evidence that lacks in detail may be found insufficient. Here, the affidavits contain bare statements that the police are harassing Mr. Singh's family and asking for his whereabouts. Given the lack of detail, it was reasonable for the RAD to assign little weight to these affidavits. At the hearing of this application, Mr. Singh also argued that these affidavits corroborated the fact that he owned land and leased it to his former friend. It is unclear whether this issue was raised before the RAD, but in any event, the affidavits would be sorely lacking in detail in this regard as well.

[6] For these reasons, Mr. Singh's application for judicial review will be dismissed.

JUDGMENT

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-10497-23

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

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: SEPTEMBER 23, 2024

JUDGMENT AND REASONS: GRAMMOND J.

DATED: SEPTEMBER 23, 2024

APPEARANCES:

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