Federal Court  Cour fédérale

Date: 20250106

Docket: IMM-9395-22

Citation: 2025 FC 28

[ENGLISH TRANSLATION]

Ottawa, Ontario, January 6, 2025

PRESENT: The Honourable Madam Justice Tsimberis

BETWEEN:

FARID ZIANE

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] Farid Ziane [applicant], a citizen of Algeria, seeks judicial review of a decision of the Refugee Appeal Division [RAD] dated September 12, 2022 [Decision], upholding the rejection of his refugee protection claim by the Refugee Protection Division [RPD]. The RAD concluded that the applicant was neither a Convention refugee nor a person in need of protection under sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA],

because the applicant had not established a serious possibility of persecution or demonstrated, on a balance of probabilities, the existence of a risk in Algiers and Oran, these locations having been proposed as internal flight alternatives [IFAs] for him within Algeria.

[2] For the reasons that follow, the application for judicial review is dismissed. The Decision is clear, justified and intelligible in relation to the evidence submitted (*Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 [*Mason*] at para 8; *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at para 99). The applicant has failed to discharge his burden of demonstrating that the Decision was unreasonable.

I. Factual background

[3] The applicant is a citizen of Algeria. He is part of a musical group and an association with the same name, *Adjiyal Aissaoua*. He and his musical group performed several shows in Algeria that were organized and financed by the former regime of President Bouteflika. During the 2019 election period, he gave a musical performance in support of Bouteflika. Following this performance, the applicant was threatened with death and assaulted by protesters. In April 2019, the applicant was beaten by protesters opposing Bouteflika's candidacy. In May 2019, the applicant was allegedly assaulted by a group of individuals opposing Bouteflika's candidacy. Following this event, the applicant took refuge with his family in Chlef before travelling to Canada on June 29, 2019. On July 7, 2019, the applicant signed a claim for refugee protection in Canada, alleging a fear of persecution by opponents of the former regime (the Hirak movement) and the sitting government, as a result of his political opinions and his support for former President Bouteflika.

[4] In its decision dated January 11, 2022, the RPD found that the applicant was neither a Convention refugee under section 96 of the IRPA nor a person in need of protection under subsection 97(1) of the IRPA. According to the RPD, the applicant had failed to establish the existence of a prospective risk. On September 12, 2022, the applicant appealed the RPD's decision, following which the RAD invited him to make submissions on a new issue, namely, the possibility of an IFA. In its Decision dated September 12, 2022, the RAD dismissed the appeal from the RPD's decision, having held that the determinative issues were the existence of a prospective risk at the hands of the Algerian authorities and the existence of an IFA.

II. Decision under judicial review

[5] The RAD conducted an independent assessment of the file, which included listening to the recording of the hearing. In conducting this analysis, the RAD concluded that the applicant had not demonstrated the existence of a prospective risk at the hands of the Algerian state and that he benefited from IFAs in Algiers and Oran.

[6] First, the RAD concluded that the applicant had failed to establish a serious possibility of persecution or that, on a balance of probabilities, there was a risk within the meaning of subsection 97(1) of the IRPA at the hands of the Algerian authorities if he were to return to Algeria. The RAD noted that, despite President Bouteflika's departure, the party in power in Algeria remains the same, namely, the National Liberation Front [FLN]. This was the party for which the applicant and the artistic association with which he was involved had worked in the past. The RAD then considered the applicant's profile and reached the following conclusions: the applicant was neither a minister nor a politician or a member of the business elite, that is,

individuals who, according to the documentary evidence, had been arrested and charged with corruption following the election of the new president; the applicant did not allege that he had been charged or threatened by the Algerian authorities since Bouteflika's departure in 2019; the applicant was able to leave Algeria without difficulty and in a regular manner, as an Algerian exit stamp appeared in his passport; according to the documentary evidence, Algerians who have left their country legally generally do not encounter problems upon their return to Algeria; nothing in the objective documentary evidence made it possible to conclude that individuals with a profile like that of the applicant, namely a profile of little political significance, who had demonstrated support for Bouteflika in the past, would be targeted in Algeria by the current regime; nothing in the documentary evidence supported the conclusion that former associates of Bouteflika and his supporters, such as the applicant, would now be charged with terrorism; the applicant did not allege that he was being sought by the Algerian authorities; and nothing supported the conclusion that the Algerian authorities were aware that he had claimed refugee protection in Canada. Although the applicant relied on a document published in 2014, the RAD specified that a report prepared by the "Belgian Office of the Commissioner General for Refugees and Stateless Persons" in 2020 revealed that Algerians who left Algeria legally did not normally have problems when they returned to the country, and that it was Hirak activists who tended to attract attention instead.

[7] Second, the applicant bore the burden of proving that he would face a serious risk of persecution in Algiers or Oran if he were to relocate to one of those cities. To that end, the RAD applied the two-pronged test: first, the applicant had to demonstrate a serious possibility of persecution or, on a balance of probabilities, a risk within the meaning of subsection 97(1) of the IRPA in the proposed IFAs, and second, he had to demonstrate that it would be objectively

unreasonable for him to seek refuge in the proposed IFAs. According to the RAD, the applicant did not discharge this burden.

[8] On the first prong, the RAD concluded that the applicant had not demonstrated that the protesters in Algeria who had attacked him were still looking for him and would have the motivation to locate him in Algiers or Oran. The RAD accepted that the applicant had been a member of a musical group that had participated in major national events; that in 2019 he had been threatened with death following a musical performance in support of former President Bouteflika; that he had been assaulted by a group of individuals in 2019; and that individuals from his neighbourhood of Oued Rhiou, Algeria, had questioned members of his family as to when he would be returning to the country.

[9] However, the RAD concluded that the applicant had not demonstrated that the political opponents from the region where he resided, namely the Oued Rhiou region, who had targeted him in the past, would have the interest and motivation to search for him in the proposed IFAs. The RAD considered the facts that the applicant had been outside Algeria for more than three years; that more than one year had elapsed since individuals had asked members of his family about him; that the applicant did not know the individuals who had assaulted him in 2019 and that these had been isolated incidents in a specific electoral context; and that Bouteflika was no longer in power and that elections had been held.

[10] The RAD concluded that the applicant had not demonstrated a risk at the hands of either political opponents or the government in the proposed IFAs. In considering the applicant's profile, the RAD found that he had a political profile of little significance, although he had

participated in events of a political nature and had demonstrated support for Bouteflika. He was not considered to be a politician or a public official. In analyzing the objective documentary evidence, the RAD had concluded that nothing in that evidence supported the conclusion that individuals with a political profile of little significance, or even those with a politically significant profile, who had demonstrated support for Bouteflika would be targeted by the Algerian population. The evidence also showed that demonstrations associated with the Hirak movement were largely peaceful, that violence had been avoided, and that there were no reported incidents in which supporters of Bouteflika had been assaulted.

[11] With respect to crime more generally, the RAD took into account the most recent documentary evidence, which revealed that the most frequent crimes were crimes of opportunity, such as theft, and that Algiers was a safer city than smaller cities due to a significant deployment of security forces. As for the possibility of working in Algiers or Oran, the applicant had not demonstrated that he would be unable to work as a musician. The RAD acknowledged that it was possible that the applicant would no longer obtain government contracts as a musician. However, the RAD reiterated that the incidents in 2019 had occurred in a specific electoral context and in a particular city, and that nothing in the documentary evidence supported the conclusion that individuals who had supported Bouteflika in the past would have difficulty finding work in Algeria.

[12] With respect to the second prong of the test, the RAD concluded that the applicant had failed to establish that it would be unreasonable for him to seek refuge in Algiers or Oran. The RAD took into account the applicant’s fear of being targeted by opponents of the regime, but noted that the applicant had not provided other reasons explaining why he would be unable to

establish himself in Algiers or Oran. Whether in the objective documentary evidence or the testimonial evidence, the applicant had not discharged his burden of demonstrating the existence of conditions in Algiers or Oran that would jeopardize his life and safety. Moreover, the RAD emphasized that the applicant had not demonstrated that he would be unable to work or secure housing in the proposed IFAs, that he was of the Muslim faith and that Islam was the state religion in Algeria, and that he spoke the languages commonly used in the country. Accordingly, the applicant had not demonstrated that he would be unable to meet his basic needs, secure housing or practise his religion in Algiers or Oran.

[13] Ultimately, the RAD concluded that the applicant had failed to establish a serious possibility of persecution on one of the five Convention grounds or that, on a balance of probabilities, if he returned to Algeria, he would be personally subjected to a danger of torture, a risk to his life, or a risk of cruel and unusual treatment or punishment under subsection 97(1) of the IRPA.

III. Standard of review and issue

[14] The sole issue before this Court is whether the RAD's Decision to the effect that the applicant had failed to establish the existence of a prospective risk at the hands of the Algerian state and that he had IFAs in the cities of Algiers and Oran was reasonable.

[15] The reasonableness standard applies to the Decision under review and to the conclusions regarding the existence of a prospective risk at the hands of the Algerian authorities and the existence of a viable IFA (*Valencia v Canada (Citizenship and Immigration)*, 2022 FC 386 at para 19; *Adeleye v Canada (Citizenship and Immigration)*, 2022 FC 81 at para 14; *Ambroise v*

Canada (Citizenship and Immigration), 2021 FC 62 at para 6; *Singh v Canada (Citizenship and Immigration)*, 2020 FC 350 at para 17; *Kaisar v Canada (Citizenship and Immigration)*, 2017 FC 789 at para 11).

[16] The Supreme Court of Canada has established that when conducting a judicial review of the merits of an administrative decision, other than a review related to a breach of natural justice and/or the duty of procedural fairness, the presumptive standard of review is reasonableness (see *Vavilov* at para 23).

[17] The reasonableness standard "requires that a reviewing court defer" to a decision that is based on "an internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Vavilov* at paras 85 and 99). In assessing whether a decision is reasonable, the Court will examine the reasons given by the administrative decision maker and will assess whether the decision is appropriately justified, transparent and intelligible. Both the outcome of the decision and its reasoning process must be considered in assessing whether these hallmarks are met (*Vavilov* at paras 15, 95, 136).

[18] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a "reasons first" approach and begin its inquiry by examining the reasons provided with "respectful attention", seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (*Mason* at paras 58, 60; *Vavilov* at para 84). The decision maker may assess and evaluate the evidence before it and, absent exceptional circumstances, a reviewing court will not interfere with its factual findings. "The reviewing court must refrain

from reweighing and reassessing the evidence considered by the decision maker" (*Vavilov* at para 125).

[19] In that case, a Court applying the reasonableness standard does not ask what decision it would have made in place of the administrative decision maker. Reasonableness review is "an approach meant to ensure that courts intervene in administrative matters only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process" (*Vavilov* at para 13).

[20] The burden is on the party challenging the decision to show that it is unreasonable. The court must be satisfied that there are "sufficiently serious shortcomings" (*Vavilov* at para 100).

IV. Analysis

A. *Applicable law*

[21] A Convention refugee and a person in need of protection must be found to face the identified risk in every part of their country of origin. A viable IFA, if found to have met both prongs of the IFA test, will negate a claim for refugee protection under either section 96 or 97 of the IRPA, regardless of the merits of other aspects of the claim: (*Olusola v Canada (Minister of Citizenship and Immigration)*, 2020 FC 799 at para 7).

[22] The test for finding a viable IFA was set out by the Federal Court of Appeal in *Rasaratnam v Canada (Minister of Employment and Immigration* (CA), 1991 CanLII 13517 (FCA), [1992] 1 FC 706 [*Rasaratnam*], and *Thirunavukkarasu v Canada (Minister of*

Employment and Immigration) (CA), 1993 CanLII 3011 (FCA), [1994] 1 FC 589 [*Thirunavukkarasu*] at 597. This test requires a claimant to satisfy the Board of a well-founded fear of persecution in their part of the country, and, in finding the IFA, the Board must be satisfied, on a balance of probabilities, of two things:

> a. There is no serious possibility of the claimant being persecuted or subject to a section 97 danger or risk in the part of the country to which it finds an IFA exists;
>
> b. Conditions in that part of the country must be such that it would not be unreasonable, in all the circumstances, including circumstances particular to him, for the claimant to seek refuge there.
>
> (*Rasaratnam* at 709–711, *Thirunavukkarasu* at 592)

[23] When discussing an IFA, it is important to recall that the IFA concept is "inherent in the Convention refugee definition" (*Rasaratnam* at 710). This is because an IFA is not a legal defence or doctrine, it is merely a "short-hand way of describing a fact situation in which a person may be in danger of persecution in one part of a country but not in another" (*Thirunavukkarasu* at 592). An IFA can only exist if the claimants have established a serious possibility of persecution under a Convention ground (see IRPA, s 96) or if removal to their country exposes them to a risk of torture or another enumerated risk, and that such risk exists throughout the country (see IRPA, s 97(1)(b)(ii)). If no serious possibility of persecution or the aforementioned risk exists throughout the country, there is no reason to advance to an IFA analysis.

[24] The key element of the first prong of the IFA test, a serious possibility of persecution or risk, can only be found if it is demonstrated that the agents of persecution have the probable means and motivation to search for a claimant in the suggested IFA (*Saliu v Canada (Citizenship*

and Immigration), 2021 FC 167 at para 46, citing *Feboke v Canada (Citizenship and Immigration)*, 2020 FC 155 at para 43).

[25] Second, the tribunal must also be satisfied that, in all the circumstances, including the claimant's particular circumstances, the conditions in the proposed IFA are such that it is not unreasonable for the applicant to seek refuge there: *Ranganathan v Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16789 (FCA), [2001] 2 FC 164 [*Ranganathan*] at para 15.

[26] The second prong of the IFA test requires claimants to demonstrate that it would be objectively unreasonable for them to be required to seek refuge in the IFA, having regard to all the circumstances, including the claimants' particular circumstances (*Thirunavukkarasu* at 597). In this regard, the threshold of objective unreasonableness is "very high" and "requires nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to" the area where a potential IFA has been identified (*Ranganathan* at para 15). Such conditions must be established based on actual and concrete evidence. Conversely, it is not enough "for refugee claimants to say that they do not like the weather in a safe area, or that they have no friends or relatives there, or that they may not be able to find suitable work there. If it is objectively reasonable in these latter cases to live in these places, without fear of persecution, then IFA exists and the claimant is not a refugee" (*Thirunavukkarasu* at 598).

[27] The claimant bears the onus of rebutting the reasonableness of the IFA, taking into account his personal circumstances and the country involved (*Thirunavukkarasu* at 597). In this case, the applicant did not meet this onus.

B. *The Decision regarding the existence of a prospective risk at the hands of the Algerian state was not unreasonable*

[28] According to the applicant, the RAD conducted a restrictive and limited analysis that led to unreasonable conclusions. Relying on paragraph 25 of the Decision, the applicant argued that the RAD had accepted the existence of a causal link between the assaults and the applicant's political profile, but had unreasonably concluded that there was no prospective risk:

> The RAD accepts that the [applicant] was a member of a well-known musical group in Algeria that participated in major national events, that in February 2019 his life was threatened following a musical performance in support of Bouteflika, and that he was assaulted by a group of people in May 2019. The RAD also accepts that people from his neighbourhood in Oued Rhiou, Algeria, questioned members of his family about when he would be returning to the country.
>
> (Decision at para 25)

[29] I disagree with the applicant, who relies on a paragraph of the RAD's Decision regarding the first prong of the test to determine whether an IFA exists but ignores other paragraphs of the RAD's Decision. The RAD based its Decision on the evidence in the record and stated the following at paragraphs 11 to 16:

> *The Refugee Protection Division did not err in concluding that the appellant did not establish the existence of a prospective risk from the Algerian state*
>
> . . .

> [11] It should be mentioned first of all that despite the departure of President Bouteflika, the ruling party in Algeria is still the FLN, which is the party for which the [applicant] and his artistic association worked in the past.
>
> [12] . . . The RAD is of the opinion that nothing in the objective documentary evidence supports the conclusion that individuals with the [applicant]'s profile, which is a political profile of little significance, and who demonstrated support for Bouteflika in the past, would be targeted in Algeria by the current regime.
>
> [13] . . . In this case, there is no evidence to suggest that the [applicant] left Algeria illegally. On the contrary, the RAD notes that there is an Algerian exit stamp in his passport.
>
> [14] The evidence also indicates that some returnees may attract the attention of the authorities because they are suspected of having links to terrorist groups. In this case, the [applicant] did not demonstrate, on a balance of probabilities, that the Algerian authorities would perceive him to have such a profile. . . .
>
> [15] . . . According to the recent documentary evidence, it is Hirak activists, that is, those who are opposed to the Algerian government, who tend to attract the attention of Algerian authorities when they return to the country. But this is not the [applicant]'s profile.
>
> [16] In this case, the [applicant] does not claim to be wanted by the Algerian authorities. Nothing in the evidence suggests that the Algerian authorities know that he is claiming refugee protection in Canada.
>
> (Decision at paras 12–16, notes omitted)

[30] In my view, the RAD reasonably concluded that the applicant had not established the existence of a *prospective* risk at the hands of the Algerian authorities or at the hands of opponents of the regime. As the concept of risk is prospective in nature, it must be assessed in the context of current or prospective risk (*Sanchez v Canada (Citizenship and Immigration)*, 2007 FCA 99 at para 15; *Dion John v Canada (Citizenship and Immigration*), 2010 FC 1283 at paras 35–36). Moreover, the fear must be assessed as of the date of the refugee hearing

(*Fernandopulle v Canada (Minister of Citizenship and Immigration)*, 2005 FCA 91 at para 25). As noted by the respondent, the applicant did not establish that his fear of returning to Algeria had an objective basis, as required by *Chan v Canada (Minister of Employment and Immigration)*, 1995 CanLII 71 (SCC), [1995] 3 SCR 593 at para 120, and *Perez v Canada (Citizenship and Immigration)*, 2010 FC 345 at para 33.

[31] The applicant's profile was thoroughly considered and carefully analyzed by the RAD. At paragraph 32 of the Respondent's Supplementary Memorandum, the respondent summarized the reasons on which the RAD relied in determining that the applicant had not demonstrated the existence of a *prospective* risk at the hands of the Algerian state:

> - despite President Bouteflika's departure, the party in power in Algeria remained the same, namely the FLN, which was the party for which the applicant and his artistic association had worked in the past;
>
> - the applicant was neither a minister nor a politician or a member of the business elite, that is, individuals who, according to the documentary evidence, had been arrested and charged with corruption following the election of the new president;
>
> - the applicant did not allege that he had been charged or threatened by the Algerian authorities since Bouteflika's departure;
>
> - the applicant did not allege that he was being sought by the Algerian authorities, and nothing supported the conclusion that the Algerian authorities were aware that he had claimed refugee protection in Canada;
>
> - the applicant was able to leave Algeria without difficulty and in a regular manner, as an Algerian exit stamp appeared in his passport;
>
> - according to the documentary evidence, Algerians who have left their country legally generally do not encounter problems upon their return to Algeria;
>
> - nothing in the documentary evidence supported the conclusion that individuals with a profile like that of the applicant, namely a political profile of little significance who had demonstrated support for Bouteflika in the past, would be targeted in Algeria by the current regime; and

> - nothing in the documentary evidence supported the conclusion that former associates of Bouteflika and his supporters, such as the applicant, would now be charged with terrorism.

[32] In the factual circumstances of this case, it was reasonable for the RAD to conclude that the applicant had not demonstrated a serious possibility of persecution at the hands of the Algerian authorities. The applicant did not have the profile of individuals who had been arrested and charged with corruption following the election of the new president. He had not been threatened by the Algerian authorities, and he had been able to leave Algeria in a regular manner. For these reasons, it was also reasonable for the RAD to conclude that he did not risk being targeted upon his return to Algeria, as he had not left the country unlawfully. The RAD relied on a report from 2020 (six years more recent than the document dated 2014 on which the applicant relied) to reach this conclusion. Moreover, the RAD's conclusion that the applicant would not be targeted by the government upon his return, because there was no evidence that the government was aware that he had claimed refugee protection, was reasonable.

[33] The applicant relied on Document 14.4 of the National Documentation Package and argued that the Algerian government falsely associates Algerian citizens with the Hirak movement, whether or not they have actual ties to that movement. Having reviewed the document in question, I agree with the respondent that the article refers to activist members of the diaspora. The applicant has not established that he is considered an activist or that he is suspected of having links with terrorist organizations, and the document is therefore not relevant to him.

C. *The RAD's analysis concluding that the applicant had an IFA was not unreasonable*

[34] With respect to the first prong of the test, the applicant reiterates that his profile was incorrectly evaluated by the RAD, given that he is known for his involvement in the activities of the former regime and could therefore be recognized in Algiers or Oran. In addition, the applicant submits that the documentary evidence cited by the RAD supports the conclusion that protection should have been granted to him. Relying on *Sadiq v Canada (Citizenship and Immigration)*, 2021 FC 430 at para 43, the applicant argues that it suffices to establish, on a balance of probabilities, that he would face a serious possibility of persecution within the meaning of section 96 of the IRPA in the proposed IFAs.

[35] In my view, it was reasonable for the RAD to conclude under the first prong that the applicant had not demonstrated that political opponents from his neighbourhood of Oued Rhiou, who had targeted him in the past, would have the interest and motivation to search for him in the proposed IFAs. As summarized by the respondent at paragraph 39 of the Respondent's Supplementary Memorandum, the RAD relied on the following factors in reaching this conclusion:

- the applicant did not know the individuals who had assaulted him in his neighbourhood in 2019;
- the applicant was the victim of isolated incidents that took place in a specific electoral context;
- the applicant was not sought by anyone when he moved to his grandparents' home in Chlef before coming to Canada;
- more than a year had elapsed since people had asked his family members when he would be returning to the country;
- the applicant did not know whether the individuals who wanted to know when he would be returning to the country were those who had assaulted him in 2019;

- the applicant did not allege that anyone had threatened him or his family in Algeria;
- the applicant had left Algeria more than three years earlier, and the political situation had changed since his departure;
- the most recent documentary evidence concerning crime in Algeria revealed that the most common crimes were crimes of opportunity, such as theft, and that Algiers was safer than smaller cities due to a significant deployment of security forces; and
- although the applicant was known in Algeria as an artist and could have been recognized in the proposed IFAs, he was not a politician and had a political profile of little significance, and nothing in the documentary evidence supported a conclusion that he would be targeted by the Algerian population.

[36] With respect to the additional affidavit alleging that the applicant had recently been sought, the applicant acknowledged that the Court could not accept new evidence relating to facts that post-dated the RAD's Decision, as such evidence is inadmissible in the present case (*Ngankoy Isomi v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1394 (CanLII) at para 6). Indeed, on judicial review, the Court may consider only the evidence that was before the original decision maker.

[37] With respect to the second prong of the test, the applicant submits that the IFA must be "objectively reasonable" within the meaning of *Thirunavukkarasu*. In support of this argument, the applicant asserts that he would no longer be able to practise his profession in the manner he wished, because if he were to resume musical activities, he would expose himself to the general public and therefore to a risk to his life. Moreover, he maintains that he is a well-known person throughout Algeria and would therefore be more likely to be exposed to crime. In addition, the applicant emphasizes that he would not be safe in Algiers, which he describes as being the centre of the Hirak opposition movement.

[38] I disagree. As the respondent rightly points out, the RAD reasonably concluded that the applicant had not demonstrated that he would be unable to work or secure housing in the proposed IFAs and that, in fact, he was Muslim, that Islam was the state religion in Algeria, and that he spoke French and Arabic, the languages commonly used in the country. As previously noted, the documentary evidence reveals that the most frequent crimes in Algeria are crimes of opportunity, such as theft, and that Algiers is a safer city than smaller cities due to a significant deployment of security forces.

[39] To demonstrate that an IFA is unreasonable, the threshold is very high; conditions in the proposed IFAs must be such that the life and safety of a refugee claimant would be at risk (*Ranganathan* at para 15). The role of the Court on judicial review is not to reassess documentary evidence that has already been evaluated by the RAD (*Vavilov* at paras 124–125). The RAD reasonably determined that the applicant had failed to demonstrate a risk at the hands of either the state or opponents of the regime in the proposed IFAs.

V. Conclusion

[40] For the reasons above, the application for judicial review is dismissed. The RAD's Decision is justified in relation to the factual and legal constraints bearing on the case (*Mason* at para 8; *Vavilov* at para 99). I find that the RAD did not consider the evidence unreasonably and did not err in considering that the applicant had a viable IFA in Algeria.

[41] No question for certification was proposed by the parties, and this Court agrees that none arises.

JUDGMENT in IMM-9395-22

THIS COURT'S JUDGMENT is as follows:

1. The application for judicial review is dismissed.

2. No question of general importance is certified.

"Ekaterina Tsimberis"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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