Federal Court Cour fédérale

Date: 20250107

Docket: IMM-264-24

Citation: 2025 FC 42

Ottawa, Ontario, January 7, 2025

PRESENT: The Honourable Mr. Justice Roy

BETWEEN:

GURMEET SINGH SIDHU

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION CANADA

Respondent

JUDGMENT AND REASONS

[1] This is a judicial review application brought pursuant to ss. 72(1) of *Immigration and Refugee Protection Act*, SC 2001, c. 27 [IRPA]. The Applicant, Gurmeet Singh Sidhu, contests the decision of the Refugee Appeal Decision [RAD], which confirmed the decision of the Refugee Protection Division [RPD], finding the Applicant to be neither a Convention Refugee, nor a person in need of protection. The RAD rejected the Applicant's claim, finding that the Applicant has an internal flight alternative [IFA] in large metropolitan areas in India.

[2] The issue before this Court is the reasonableness of the impugned decision.

[3] For the reasons that follow, the application must be dismissed.

I. Facts

[4] Mr. Sidhu claims he faces threats from the family of a young woman with whom he was in a relationship.

[5] The Applicant was born on January 21, 1999. When the Applicant was 18 years old, he began a relationship with a young woman who was 17 years old. The Applicant is a member of the Jat caste, while the young woman is a member of the Adharmi/Dalit caste, which is considered lower than the Applicant's caste.

[6] In August 2017, the Applicant was told by the 17 year old young woman that she was pregnant. Shortly after, the young woman’s mother and the Adharmi townspeople uncovered the relationship. These individuals came to his family’s home wielding hockey sticks and threatening him. The Applicant contends that the young woman’s mother and the Adharmi community in his village intend to kill him in an honour killing because he impregnated her.

[7] In September 2017, the Applicant fled to his maternal uncle’s house because the Adharmi villagers were searching for him. The Applicant claims that the police in the village told his parents that they could not guarantee his safety.

[8] The Applicant then fled to Canada on a valid tourist visa. In September 2018, having overstayed his visitor visa, the Applicant moved to Montreal where he applied for refugee protection out of fear of returning to India. The Applicant contends that the Adharmi townspeople as well as the young woman's family remain motivated to harm him as they have continued to threaten him years after the incident.

[9] The claim was rejected by the RPD and the RAD. The only decision before the Court is that of the RAD, which concluded that the Applicant had IFAs in India's major cities. For the reasons that follow, the Court finds that there is no reason to intervene because the RAD's decision is reasonable.

II. Decision Subject to Judicial Review

[10] The RAD confirmed the conclusion of the RPD, finding that it was correct in determining that the Applicant had an IFA in two large Indian cities. The RAD dismissed the appeal.

[11] The Applicant did not submit new evidence on appeal. Therefore, no oral hearing was held. The only record is that which was before the RPD. On judicial review, the record cannot be supplemented.

[12] The RAD concluded that the RPD correctly articulated the analysis for finding that a claimant has a viable IFA. The RAD applied the analysis repeated in *Ranganathan v. Canada (Minister of Citizenship and Immigration) (C.A.)*, 2000 CanLII 16789 (FCA), [2001] 2 FC 164 [*Ranganathan*], for an IFA to be a viable alternative. In order to defeat the availability of IFAs, a

foreign national would have to show either that 1) the person does not face harm or a serious possibility of persecution in the proposed IFA, and 2) conditions in the IFA are such that it would be unreasonable for the appellant to seek refuge there.

[13] Under the first prong of the analysis, the RAD explains that the Applicant does not face section 97 harm or a reasonable chance of persecution in the IFAs. The police are not agents of harm in this case, and the Applicant could avail himself of the protection of the police in the IFAs if he is pursued there. The Applicant did not submit any evidence to the RPD that the police are agents of harm, nor does he present any direct evidence of police impropriety or collusion with the agents of harm in his case.

[14] The RAD goes on to note that the Applicant's act of having sexual relations with a minor is not considered a crime in Canada, because of their close ages, so he is not excluded from the Canadian refugee regime. However, the RAD stated that the fact that Indian police in his village have apparently taken interest in this case is not sufficient to establish that they are engaging in improper persecution, as opposed to a legitimate prosecution. In contrast with many other laws in India, the reports in the National Documentation Package indicated that the age of consent law is "enforced effectively" throughout India (National Documentation Package, India, 7 July 2023, tab 2.1: India. Country Reports on Human Rights Practices for 2022, United States Department of State, 20 March 2023, page 43). Given that there is an allegation of the commission of a crime, the RAD concluded that it is entirely appropriate that the police would conduct an investigation, and search for and seek to question the Applicant.

[15] The Applicant submitted that the police could be bribed in order to commit misconduct; the RAD explains that the Applicant presented insufficient evidence pointing to any past bribery in this case over the last six years. The RAD went on to express that while corruption can be common in India, it is not established on a balance of probabilities that it is occurring in this case (National Documentation Package, India, 7 July 2023, tab 10.14: India's Police Forces Turning into Private Armies of Elected Rulers, Article 14, Vipul Mudgal, 22 April 2021, page 3).

[16] The RAD goes further to state that even if it is the case that the police in the Applicant's town are not providing effective protection to the Applicant, which is not established, there is insufficient evidence that this holds true for the police in the major urban centres that have been identified as IFAs in this case.

[17] The RAD looked at the state protection in the IFA locations. The RAD examined the following factors when assessing the adequacy of the state protection: 1) measures taken by the state and the efficacy of those measures, 2) evidence of similarly situated individuals, considering the particular circumstances of the claimant and his profile, and 3) the efforts made by the claimant to obtain protection.

[18] Regarding the first factor, the RAD found that there are applicable laws in place to provide protection to the Applicant; the Indian Penal Code 503 criminalizes "criminal intimidation", which the RAD noted would appear to fit the Applicant's circumstances. The RAD acknowledges that enforcement efforts vary. Thus, that takes the RAD to the second factor.

[19] Regarding the second factor, the RAD considered the particular circumstances of the Applicant's profile. The RAD noted that the Applicant appears to be in an advantageous position because of his caste. The National Documentation Package indicated that "often police will stand by and do nothing" to stop violence against Dalits. However, it appears that the situation is comparatively better for those of a higher caste, like that of the Applicant, who is part of a dominant Jat caste (National Documentation Package, India, 7 July 2023, tab 12.5, pages 16-17; National Documentation Package, India, 7 July 2023, tab 5.4, page 11).

[20] As for the third factor, the RAD cites Justice Gleeson in *Camargo v. Canada (Citizenship and Immigration)*, 2015 FC 1044, where he explains that a claimant is required to approach their state for protection in situations in which protection might reasonably be forthcoming. According to the RAD, it does not appear that the Applicant tested the state protection on offer to him in India. In his Basis of Claim form, the Applicant indicated that he did ask the authorities in his country to protect or assist him (question 2(c)), but when asked to provide details (dates, places, names), he simply indicates "read my typed narrative" which did not appear to make mention of any such request for assistance. Instead, his narrative indicated that he left his country soon after his problem developed. The RAD notes that the Applicant did not even point to evidence that the Applicant tried to contact the police through even an email or phone call to request help.

[21] Overall, on the first prong of the IFA analysis, the RAD concluded that other decisions of the RAD have affirmed the presumption that state protection applies in India, and the Applicant did not provide in his case "clear and convincing evidence" to rebut the presumption that he can avail himself of the benefit of India's state protection in the IFA locations.

[22] For the second prong of the IFA analysis, jeopardy to life or safety in the IFA locations, the RAD states that in order for the IFA to be viable, it must not be unduly harsh to expect an Applicant to relocate to it. The Federal Court of Appeal case law situates the bar to be satisfied for an applicant to be successful on the second prong as being high. In *Ranganathan*, the Court quotes at length its prior decision in *Thirunavukkarasu v. Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589 [*Thirunavukkarasu*] at para 15 before stating:

> **15** We read the decision of Linden J.A. for this Court as setting up a very high threshold for the unreasonableness test. It 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. In addition, it requires actual and concrete evidence of such conditions. The absence of relatives in a safe place, whether taken alone or in conjunction with other factors, can only amount to such condition if it meets that threshold, that is to say if it establishes that, as a result, a claimant's life or safety would be jeopardized. This is in sharp contrast with undue hardship resulting from loss of employment, loss of status, reduction in quality of life, loss of aspirations, loss of beloved ones and frustration of one's wishes and expectations.

[23] The RAD determined that the Applicant did not establish that he is at risk because of his Sikh identity. The RAD assessed many sources in the National Documentation Package and determined that both of the proposed IFA locations have sizeable Sikh populations. Moreover, in light of the evidence, the Applicant did not establish that he faces a reasonable chance of suffering discrimination that rises to the level of persecution upon return to India by reason of his religion, let alone s. 97 harm or country conditions which would render this IFA unduly harsh.

[24] Thus, the RAD confirmed the decision of the RPD that the Applicant is neither a Convention refugee nor a person in need of protection.

III. Arguments and Analysis

[25] The parties share the view that the standard of review is that of reasonableness. The case law is abundant to that effect. Paragraph 6 of *Ambroise v Canada (Citizenship and Immigration)*, 2021 FC 62, constitutes an adequate summary of the considerations in cases where an applicant challenges the reasonableness of a decision concerning an IFA:

> [6] The first issue relates to the merits of the RAD's determination regarding an IFA. The parties agree that this issue must be reviewed on a standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16, 23–25; *Tariq v Canada (Citizenship and Immigration)*, 2017 FC 1017 at para 14). A reasonable decision is one that is justified, transparent and intelligible from the perspective of the individuals to whom the decision applies, "based on an internally coherent and rational chain of analysis" read holistically and with sensitivity to the administrative setting, from the record before the decision maker and the submissions of the parties (*Vavilov* at paras 81, 85, 91, 94–96, 99, 127–128). The justification of the decision is in light of the evidence that was before the decision maker (*Vavilov* at paras 125–26). Administrative decision makers are not required to respond "to every argument or line of possible analysis" raised by the parties, but the reasonableness of a decision may be compromised if the decision maker fails to consider relevant evidence (*Vavilov* at paras 125–28).

The reviewing Court does not decide on the merits of the decision but rather on its reasonableness (asserted once again by the Federal Court of Appeal in *Canada (Public Safety and Emergency Preparedness) v Bafakih*, 2022 FCA 18 at para 52).

[26] The Applicant was required to show, by virtue of the burden of proof resting on him (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], at paragraph 100), that the decision rendered was unreasonable. To make this determination, consideration is given to whether the decision bears the hallmarks of reasonableness—

justification, transparency and intelligibility—and whether it is justified in relation to the relevant factual and legal constraints. In this case, the internal flight alternative issue is considered in two stages.

[27] The first stage consists in determining that the applicant does not face a serious possibility of persecution in the proposed IFA. Oftentimes, applicants will seek to demonstrate that agents of persecution have the means and motivation to locate the applicant to inflict harm. Not benefiting from state protection would of course contribute to the serious possibility of persecution. An applicant would therefore defeat the availability of an IFA by showing, on a balance of probabilities, that there exists a serious possibility of persecution because they may be found and agents of persecution are motivated to cause harm while the state protection is inadequate. The second stage is the determination that it would not be unreasonable to seek refuge in that part of the country. Again, if the alternative location in the country of citizenship is unreasonable, there is no IFA. As indicated earlier, the Federal Court of Appeal set the threshold very high with respect to the second prong. The Court of Appeal in *Thirunavukkarasu* described the types of circumstances that may be so unreasonable that the IFA would no longer be appropriate:

> **12** … Thus, IFA must be sought, if it is not unreasonable to do so, in the circumstances of the individual claimant. This test is a flexible one, that takes into account the particular situation of the claimant and the particular country involved. This is an objective test and the onus of proof rests on the claimant on this issue, just as it does with all the other aspects of a refugee claim. Consequently, if there is a safe haven for claimants in their own country, where they would be free of persecution, they are expected to avail themselves of it unless they can show that it is objectively unreasonable for them to do so.
>
> **13** Let me elaborate. It is not a question of whether in normal times the refugee claimant would, on balance, choose to move to a

> different, safer part of the country after balancing the pros and cons of such a move to see if it is reasonable. Nor is it a matter of whether the other, safer part of the country is more or less appealing to the claimant than a new country. Rather, the question is whether, given the persecution in the claimant's part of the country, it is objectively reasonable to expect him or her to seek safety in a different part of that country before seeking a haven in Canada or elsewhere. Stated another way for clarity, the question to be answered is, would it be unduly harsh to expect this person, who is being persecuted in one part of his country, to move to another less hostile part of the country before seeking refugee status abroad?
>
> **14** An IFA cannot be speculative or theoretical only; it must be a realistic, attainable option. Essentially, this means that the alternative place of safety must be realistically accessible to the claimant. Any barriers to getting there should be reasonably surmountable. The claimant cannot be required to encounter great physical danger or to undergo undue hardship in travelling there or in staying there. For example, claimants should not be required to cross battle lines where fighting is going on at great risk to their lives in order to reach a place of safety. Similarly, claimants should not be compelled to hide out in an isolated region of their country, like a cave in the mountains, or in a desert or a jungle, if those are the only areas of internal safety available. But neither is it 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.
>
> **15** In conclusion, it is not a matter of a claimant's convenience or the attractiveness of the IFA, but whether one should be expected to make do in that location, before travelling half-way around the world to seek a safe haven, in another country. Thus, the objective standard of reasonableness which I have suggested for an IFA is the one that best conforms to the definition of Convention refugee. That definition requires claimants to be unable or unwilling by reason of fear of persecution to claim the protection of their home country in any part of that country. The prerequisites of that definition can only be met if it is not reasonable for the claimant to seek and obtain safety from persecution elsewhere in the country.
>
> [Emphasis added.]

These are the passages quoted at length by a different Court of Appeal panel in *Ranganathan*.

[28] Once a decision maker has identified an IFA, the burden rests on the Applicant to show that it would be objectively unreasonable, in accordance with the second prong of the analysis, to seek refuge in the country of nationality. The burden rests on an applicant who seeks to argue that they face a serious possibility of persecution, which constitutes the other avenue to avoid that an IFA is available in any given case. It will suffice that a person establish one of the two prongs to avoid a finding of the existence of an appropriate IFA.

[29] It seems to me that it is often too easily forgotten what the rationale is for the IFA. In the foundational case of *Rasaratnam v Canada (Minister of Employment and Immigration)*, 1991 CanLII 13517 (FCA), [1992] 1 FC 706 [*Rasaratnam*], the Federal Court of Appeal reminded what the origin of the concept is:

> … since by definition a Convention refugee must be a refugee from a country, not from some subdivision or region of a country, a claimant cannot be a Convention refugee if there is an IFA. It follows that the determination of whether or not there is an IFA is integral to the determination whether or not a claimant is a Convention refugee. I see no justification for departing from the norms established by the legislation and jurisprudence and treating an IFA question as though it were a cessation of or exclusion from Convention refugee status […]
>
> (page 710)

Before seeking refuge abroad, one must seek an alternative in one's country of origin (*Thirunavukkarasu, supra*, p 599). On judicial review, an applicant must show on a balance of probabilities that the decision maker made an unreasonable decision on either one of the two prongs.

[30] The Applicant did not meet his burden on judicial review to satisfy the Court that the RAD decision was not reasonable. In my view, the decision that is the subject of the application for judicial review is sufficiently justified, intelligible and transparent. Here is why.

A. *First Prong*

[31] On the first prong of the analysis, a claimant bears the onus of demonstrating that the proposed IFA is unreasonable because they fear a serious possibility of persecution throughout their entire country, including of course in the proposed IFAs. In order to discharge their burden, the claimant must demonstrate that they will remain at risk in the proposed IFA from the same individual or agents of persecution that originally put them at risk. The risk assessment considers whether state protection will be forthcoming and the agents of persecution have both the "means" and "motivation" to cause harm to the claimant in the proposed IFA [see *Chatrath v Canada (Citizenship and Immigration)*, 2024 FC 958 at para 20 [*Chatrath*], citing *Singh v Canada (Citizenship and Immigration)*, 2023 FC 996 at para 8]. This assessment is a prospective analysis and is considered from the perspective of the agents of persecution, not from the perspective of the claimant (see *Vartia v Canada (Citizenship and Immigration)*, 2023 FC 1426 at para 29, citing *Adeleye v Canada (Citizenship and Immigration)*, 2022 FC 81 at para 21 and *Aragon Caicedo v Canada (Citizenship and Immigration)*, 2023 FC 485 at para 12). The onus is therefore on an applicant to adduce sufficient evidence or facts to discharge their burden of proof and demonstrate, on a balance of probabilities, that state protection will not be forthcoming as the agents of persecution have the means and motivation to locate them in the proposed IFA (see *Chatrath, supra* at para 20). If state protection is adequate at the operational level in the IFAs,

the fears may not be sufficient to support the contention that there continues to exist a serious possibility of persecution.

[32] There is no evidence to support the argument that the police in the Applicant's village constitute an agent of persecution. Other than submitting that an IFA did not eliminate all risk, which does not correspond to the analysis as stated, the Applicant did not establish on a balance of probabilities in what way the evidence on the record leads to the conclusion that the Applicant's problems go beyond his village. In other words, the evidence on the record fully supported the conclusions made by the RPD and, above all, the RAD, that state protection is available if agents of persecution were able to locate and have the motivation to seek to harm the Applicant in large metropolitan areas.

[33] The Applicant failed to demonstrate that state protection in the two large metropolitan areas in India was inadequate. The Applicant essentially states that he could not be expected to avail himself of state protection without being certain it would be sufficient. Certainty is not the standard. The onus is on the Applicant to demonstrate rather the inadequacy of state protection in the proposed IFAs. The Applicant's burden was not to try to satisfy this Court that it should have a different opinion from the RAD, but to show that the decision was unreasonable. The Applicant did not discharge this burden.

[34] Further, the Applicant submits in his memorandum, without any evidence, that he would not be able to rely on state protection in the proposed IFAs because he is Sikh and therefore belongs to a religious minority. In fact, the evidence relied on by the RAD is to the contrary

effect. The Sikh identity is not a source of serious possibility of persecution in large metropolitan areas. As we shall see, at the hearing of this application, it was argued that not only would he be part of a minority in large metropolitan areas but as a Sikh, he would be associated to the Khalistan movement for the independence of the Punjab. That too was not raised before the administrative decision maker.

B. *Second Prong*

[35] For the second prong of the analysis, regarding the reasonableness of the proposed IFA, the threshold is very high and an applicant must present actual and concrete evidence of the existence of conditions that would jeopardize their life or safety if they were to attempt to relocate to that part of the country (see *Ranganathan*, *Chatrath*, *supra* at para 21, and *Jean Baptiste v Canada (Citizenship and Immigration)*, 2019 FC 1106 at paras 20–21). The IFA is simply inherent to the definition of what constitutes a Convention refugee. If someone can seek refuge in their own country, they should do so (*Rasaratnam* at page 710) and it is a claimant's burden to satisfy the high threshold.

[36] The Respondent remarks that the Applicant did not present concrete evidence before the RPD that the conditions in the identified IFAs would jeopardize his life or safety. The Applicant simply submits that the IFAs were not viable locations for him to move to given his Sikh religion. The RAD rejected his argument, noting that the country evidence does not demonstrate that Sikh individuals are the subject of discrimination that amounts to persecution; indeed there are significant Sikh populations in both the proposed IFAs.

C. *A new issue*

[37] The Applicant made a bold proposition, that is that being a Sikh constitutes an impediment to an IFA in a metropolitan area. He states that being Sikh, he is automatically suspected as a supporter of Khalistan. Indeed counsel insisted on that point during the hearing of the application.

[38] As pointed out by the Respondent, this constitutes an issue which was not submitted to either the RPD or the RAD. In other words, the matter was never raised before the RPD or the RAD. It follows that the Applicant is essentially asking the Court to assess the situation in India to reach a conclusion that, as a Sikh, the Applicant "is automatically suspected as a supporter of Khalistan" and would therefore be in danger in India. A reviewing court is not a court of first view. Not only there is no evidence in support of such broad contention, but the fact that it was raised for the first time in judicial review makes the issue inappropriate to be dealt by a reviewing court (*Alberta (Information and Privacy Commissioner) v Alberta Teachers' Association*, 2011 SCC 61; [2011] 3 SCR 654, at para 22 et al [*Alberta Teachers' Association*]). As pointed out by the Supreme Court in that case, that stems from the fundamental concern "that the legislature has entrusted the determination of the issue to the administrative tribunal" (*Alberta Teachers' Association*, para 24). It does not help that the matter could have been raised before the tribunal (para 23).

[39] In *Vavilov*, the Supreme Court of Canada clearly outlined that a reviewing court must refrain from "reweighing and reassessing the evidence considered by the decision maker"

(*Vavilov* at para 125). Not only should a reviewing court not re-assess or reweigh that which the decision maker has already weighed and assessed, but it should evidently not consider the evidence for the first time. This is fundamentally what the Applicant seeks on judicial review. Interference in the factual findings of an administrative tribunal is only justified in cases where the decision-maker "has fundamentally misapprehended or failed to account for the evidence before it" (*Vavilov* at para 126). If the issue is not raised before the decision maker, it can hardly be submitted that the decision maker failed to account for the evidence or misapprehended it. There has not been on this record any such demonstration.

[40] That matter was not raised by the Applicant before the administrative decision makers and the Respondent was right to raise the issue at the hearing of the case: the argument is not validly before the Court. I would add nevertheless that the fresh evidence introduced in the Applicant's factum did not even establish the basic contention made that a Sikh is automatically suspected of being a supporter of Khalistan.

D. *Assessment*

[41] The RAD, having acknowledged the obvious, that is that an applicant communicates with their family once relocated in an IFA, the Applicant contends that agents of harm would have the means to find him in an IFA. Would they have the motivation? That is less than clear. Be that as it may, the RAD finds that the Applicant would benefit from state protection. For the Applicant, this is not reasonable because he could not take the risk that the protection would not be forthcoming. There is no attempt at explaining how certainty has become the required standard and, more importantly, why the same adequate protection would not be given in the metropolitan

areas as for other Indian citizens. In other words, we are left with speculations, not evidence that can meet the requirement that the decision under review is unreasonable. Indeed the RAD finds that the police forces in the IFAs must provide adequate protection. Moreover, assuming that protection was not afforded at the local level, which may justify seeking to leave the home village, that does not "constitute 'clear and convincing evidence' of the unavailability of state protection without more" (RAD decision, para 29, citing *Ruszo v Canada (Citizenship and Immigration)*, 2013 FC 1004, at para 49). The Court agrees. That is as high as the Applicant's case goes, and that is not high enough to show that the decision under review lacks reasonableness. He who challenges the adequacy at the operational level of state protection must adduce clear and convincing evidence of the failure to protect. There was no such failure shown on this record, only speculation without an evidential basis.

[42] More generally, the Applicant only relies on broad statements such as, "Although [the Applicant] is part of a dominant Jat caste, it must be noted that he still belongs to the minority, being a Sikh, a determinative factor that should have been considered in his claim" (Memorandum of Fact and Law of the Applicant, Applicant's Record, page 28). Such generalities unfortunately for the Applicant do not prove anything. The same applies to statements to the effect that local police in the Applicant's home area were aware of some of the threats that he had received and failed to afford the Applicant security of his person. As noted by the RAD, there is not even evidence "that the appellant and his family ever registered a complaint regarding these threats that would produce documentation about the police response (or lack thereof)" (RAD decision, para 16). In effect, the RAD finds that there is a lack of evidence. There was no cogent argument supported by evidence. The Applicant does not explain

how this satisfies the analysis set out by the Federal Court of Appeal concerning the second prong of the analysis for the IFAs, nor does the Applicant point to a serious possibility of harm in the IFAs. He is simply talking about the police force in his town and not in the proposed IFAs. With the main argument being that state protection is deficient, it falls short of the mark because this does not rise above mere speculation concerning the areas where possible IFAs have been identified.

[43] In this case, the evidence was substantially insufficient to substantiate that either one of the prongs afforded an avenue to avoid the finding of the existence of IFAs. The Applicant had to demonstrate that the RAD's decision was unreasonable due to serious shortcomings (*Vavilov*, para 100), or that there is a "failure of rationality internal to the reasoning process" (*Vavilov*, para 101). Is the decision untenable in view of the factual and legal constraints that apply to this case? That demonstration must be made by an applicant who bears the burden to establish that the decision is unreasonable. The failure to meet the burden can only result in the judicial review application being dismissed.

IV. Conclusion

[44] For the reasons outlined above, the application for judicial review must be dismissed. The Applicant has failed to demonstrate that the RAD made a reviewable error in its decision. The RAD's decision, namely its assessment of the IFAs for the Applicant, bears all of the hallmarks of a reasonable decision: it is transparent, intelligible and justified in light of the legal and factual constraints present in the case.

[45] There is no question for certification.

JUDGMENT in IMM-264-24

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.

2. There is no question for certification.

"Yvan Roy"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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