Federal Court  Cour fédérale

Date: 20250114

Docket: IMM-5197-23

Citation: 2025 FC 70

Ottawa, Ontario, January 14, 2025

PRESENT: The Honourable Madam Justice Tsimberis

BETWEEN:

KULWANT SINGH SANGHERA
HARJIT KAUR SANGHERA
JASKARANPREET SINGH SANGHERA

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Kulwant Singh Sanghera [Principal Applicant], his wife, Harjit Kaur Sanghera [Associate Applicant], and one of their sons, Jaskaranpreet Singh Sanghera [Second Associate Applicant], [collectively, Applicants] make this application for judicial review of the March 15, 2023 decision [Decision] by the Refugee Appeal Board [RAD]. The RAD confirmed the refusal of the

Applicants' refugee claim by the Refugee Protection Division [RPD] found that they have a viable Internal Flight Alternative [IFA] in India, and that they would not be either Convention refugees under section 96 of the *Immigration and Refugee Protection Act*, S.C. 2001, c 27 [IRPA], nor persons in need of protection under section 97 of the IRPA.

[2] For the reasons that follow, the application for judicial review is dismissed. The RAD reasonably assessed the Applicants' submissions and evidence against the accepted test for a viable IFA and reasonably found the Applicants had an IFA in Mumbai, Jaipur and Kolkata [IFA cities].

II. Background

[3] The Applicants are citizens of India who fear persecution from the Punjab police because of a suspicion that the Principal Applicant and the Second Associate Applicant have ties to militants. This claim is based on the grounds that the Principal Applicant and the Associate Applicant were targeted and persecuted by the Punjab police because the Associate Applicant's friend was suspected of Sikh militancy and ties to the Khalistan movement. On April 8, 2016, the Second Associate Applicant was detained and abused by the Punjab police because one of his friends was suspected of being a pro-Khalistan militant and the police believed the Associate Applicant knew where his friend was hiding. The Second Associate Applicant was fingerprinted, photographed, made to sign blank papers, and released after two days following the payment of a bribe and ordered to report back to the police every month. On August 1, 2016, the Second Associate Applicant was beaten by the Punjab police who gave him two weeks to produce his friend. The Second Associate Applicant moved to Delhi where he stayed with a family friend for

a few days, and he then hid with the help of an agent who arranged his departure from India in December 2016 to Canada on a student visa.

[4] In August 2016, when the Second Associate Applicant did not report to the police, the Applicants state that the Punjab police raided their family home. Their other son Harmandeep told the Punjab police where the Second Associate Applicant was hiding in Delhi. The police raided the home of the family friend in Delhi, but the Second Associate Applicant had already left. The police continued to visit the family home several times and the family friend's home in Delhi to search for him.

[5] In September 2017, the Applicants state the Second Associate Applicant's friend, and another Sikh youth came to the family home in bad shape, but the Applicants refused to let them enter. The police arrived at the same moment and the two Sikh youths escaped. This resulted in the police detaining, beating, and questioning the Principal Applicant and his other son Harmandeep about the location of the Sikh militants. The police took their fingerprints and photographs and made them sign blank papers. They were released after three days detainment following the payment of a bribe.

[6] The Principal Applicant and the Associate Applicant moved to Delhi where they remained until an agent was able to arrange their visitor visas to come to Canada. Their visas were issued in December 2017, and they left India in April 2018.

[7] In September 2018, the Applicants claimed refugee protection and state that the police continue to look for them since they came to Canada.

III. Decision Under Review

[8] The RAD held that the RPD did not commit any error in the way it approached the analysis of the Applicants' credibility, which was to assume that the facts alleged by the Applicants, and not the claimant's beliefs, were true. The RAD pointed out that the RPD did not find that there were no problems with the Applicants' credibility and found that the RPD correctly did not find that the Applicants' testimony about their active support for Khalistan to be credible.

[9] The RAD held that the RPD committed no errors on the first prong of the IFA test. The RAD found that the RPD was correct in concluding that the Applicants failed to establish that they would be subjected to either a serious possibility of persecution or a likelihood of serious harm if they returned to India and relocated to one of the IFA cities. First, the RAD held the RPD was correct to find that the Applicants failed to establish that the Punjab police would have the necessary *motivation to track them down* to persecute them if they relocated to one of the IFA cities. The RAD held that the RPD correctly found that the evidence as a whole did not establish that the police likely actually believed that the Applicants were involved in militancy or that they were associated with militants. The Applicants did not belong to any political parties, were not involved in any protests for Sikh rights, testified they were not aware of the issue of Khalistan when they lived in India and only became aware of the issue after they arrived in Canada and filed refugee claims. Given how seriously the police take actual suspected militancy in India, the RAD found the police would not likely have simply released the Applicants without taking measures such as filing a First Information Report [FIR] or confiscating their passports to ensure that they had access to them and to ensure that they would not flee the country. The RAD

reviewed the evidence filed by the Applicants and found the RPD was correct to find that the police's visiting the Principal Applicant's mother on a yearly basis to ask about the Applicants' whereabouts and visiting the friend with whom the Second Associate Applicant stayed in Delhi to ask about his whereabouts (individuals and places known to the police) are not sufficient to establish the motivation necessary to track and persecute the Applicants if they were to relocate to the IFA cities six and four years after their release. The RAD confirmed the RPD's note that there are little interstate police communications except for major crimes like smuggling, terrorism, and some high profile organized crime, which was not the profile of the Applicants.

[10] Second, the RAD held the RPD was correct in finding that the Applicants had failed to establish that the police would have the *means/capacity to track* the Applicants to any of the IFA cities.

a. Alleged support for Khalistan: the RAD held that the RPD correctly found not credible the Applicants' allegations that they had become active Khalistan supporters in Canada (e.g., the Second Associate Applicant had testified that he tried to vote in the Khalistan referendum, but he could not do so because he was "too busy") and would continue to actively support the Khalistan movement upon return to India. The RAD agreed with the RPD that if the Applicants were genuinely interested in supporting Khalistan, they would have done so in Canada. As such, their allegation that they would actively support Khalistan upon return to India was likely made in an attempt to bolster their claims and is not credible. As a result, the RAD held that the Applicants would not face a serious possibility of persecution in the IFA cities due to any active support for the Khalistan movement.

b. Crime and Criminal Tracking Network and Systems [CCTNS]: the RAD held that even if police filled out a general diary entry, the issue is whether the Applicants' personal information is likely included in the CCTNS with the evidence in the National Documentation Package [NDP] indicating that the CCTNS contains information on registered cases only and that no official record is maintained of extrajudicial arrests. The RAD held that there is no evidence that any FIR or ensuing forms were completed in relation to the Applicants or that they are even applicable to the Applicants, which made it unlikely to be included in the CCTNS.

c. Tenant verification system: the RAD noted that counsel for the Applicants did not contest any of the RPD's reasons on the issue of tenant verification, confirmed that it independently reviewed all the evidence on this and agreed with the RPD's reasons provided and adopted them as their own. Given the Applicants' information is unlikely to be included in the CCTNS, the RAD held it makes little difference that the police would have access to that database if they conduct a tenant verification check of the Applicants in the IFA locations.

d. Identity cards: the RAD reviewed a research report from 2014 relating to the National Population Register's proposal that all citizens of India be issued identity cards with a microprocessor chip that the Applicants assert will make it easier for them to be tracked. Since the research report indicated the information could not be corroborated among the sources consulted, the RAD did not find that the evidence establishes a serious possibility that the Punjab police would be able to track the Applicants to the IFA cities using a potential future identity card potentially containing a microchip.

e. Surveillance cameras: the RAD agreed with the RPD that articles referencing surveillance cameras are aimed at demonstrating how they can lead to discrimination and bias in policing, are not directly relevant to the tracking of persons. The RAD found this evidence does not establish a serious possibility that the Punjab police would be able to use them to track the Applicants to the IFA cities.

f. Family members: the RAD did not accept the Applicants' reliance on the Federal Court case in *A.B. v Canada (Citizenship and Immigration)*, 2020 FC 915 finding no evidence that the Applicants' family would be at risk by continuing to provide the same information they have been providing to the Punjab police over the years. The RAD found that the evidence indicates the Punjab police visits the Principal Applicant's mother on a yearly basis to ask about his whereabouts and his return date. However, the RAD mentions that there was no indication that the police have threatened her in any way or have engaged in a persistent pattern of harassment to attempt to forcefully extract information from her, and no evidence of escalation in the seven years and four years since the Second Principal Applicant and Principal Applicant respectively left India.

[11] On the second prong of the test, the RAD reviewed the Applicants' submissions on employment, lack of connections, being Sikh, the rise in Hindu extremism, and the Khalistan movement. Overall, the RAD found that the evidence and the arguments presented by the Applicants did not demonstrate how the RPD erred in finding that the Applicants have a viable IFA in the IFA cities given their specific circumstances. The RAD noted the objective documentary evidence indicating that while Sikhs may face discriminatory treatment, they face a

low level of official and societal discrimination and violence, which the RAD found does not rise to the level of persecution.

IV. Issue

[12] The only point in issue as framed by the Applicants is whether the RAD erred in its finding of a viable IFA for the Applicants in the IFA cities.

V. Relevant Law

A. *Standard of Review*

[13] The Applicants made no submission addressing the standard of review. The Respondent submits that the presumptive standard is reasonableness, and nothing warrants a departure from this standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 10, 25). I agree that the standard of reasonableness applies to the Decision and to findings relating to 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 [*Singh 2020*] at para 17; *Kaisar v Canada (Citizenship and Immigration)*, 2017 FC 789 at para 11).

[14] To avoid intervention on judicial review, the decision must bear the hallmarks of reasonableness – justification, transparency, and intelligibility (*Vavilov* at para 99). A reasonable decision will always depend on the constraints imposed by the legal and factual context of the particular decision under review (*Vavilov* at para 90). A decision may be unreasonable if the

decision-maker misapprehended the evidence before it (*Vavilov* at paras 125-126). Whether a decision is reasonable depends on the relevant administrative setting, the record before the decision-maker, and the impact of the decision on those affected by its consequences (*Vavilov* at paras 88-90, 94, 133-135).

[15] A reviewing court must refrain from reweighing evidence before the decision-maker, and it should not interfere with factual findings absent exceptional circumstances (*Vavilov* at para 125). Flaws or shortcomings must be "more than merely superficial or peripheral to the merits of the decision." or a "minor misstep" (*Vavilov* at para 100; *Canada (Citizenship and Immigration) v Mason*, 2021 FCA 156 at para 36).

[16] The party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100).

B. *Viable Internal Flight Alternative*

[17] 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, regardless of the merits of other aspects of the claim (*Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at para 7).

[18] 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)*, 1991 CanLII 13517 (FCA), [1992] 1 FC 706 (CA) [*Rasaratnam*], and *Thirunavukkarasu v Canada (Minister of Employment*

and Immigration), 1993 CanLII 3011 (FCA), [1994] 1 FC 589 at 597 (CA) [*Thirunavukkarasu*]. 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; and

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 711*; Thirunavukkarasu* at 592.

[19] When discussing an IFA, it is important to consider that an IFA is "inherent in the definition of a Convention refugee" (*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 section 96) or if removal to their country exposes an applicant to a risk of torture or other enumerated risk, and that such risk exists throughout the country (see IRPA section 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.

[20] 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 an applicant 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).

[21] In addition, the tribunal must also be satisfied that, in all the circumstances, including the Applicants' particular circumstances, the conditions in the proposed IFA are such that it is not unreasonable for the Applicants to seek refuge there (see *Ranganathan v Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16789 (FCA), [2001] 2 FC 164 (FCA) [*Ranganathan*] at para 15). The threshold to establish unreasonableness is very high, requiring "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" (*Ranganathan* at para 15).

VI. Analysis

A. *Alleged Errors related to Police's Motivation to Track the Applicants in the IFA cities*

[22] First, the Applicants claim that the RAD focused on the measures not taken by the authorities (e.g., the lack of any FIR), instead of analysing the measures that were taken (fingerprints, photographs, signatures on blank papers) in order to assess the motivation of the agents of persecution. The Applicants submit that "the expanded scope of the CCTNS database prior to the applicants' arrests and detentions, which includes the integration of data from police stations as well as fingerprints, confirms that their personal data would be included in said database" [emphasis added]. I agree with the Respondent that this is speculative on the part of

the Applicants as they did not offer any evidence to the RAD to show that their fingerprints, photographs, and signatures had been entered in any police database or were included in any FIR or police form likely to be entered into a CCTNS or similar criminal database. It was reasonably open to the RAD to conclude that even if police filled out a general diary entry, the issue is whether the Applicants' personal information is likely included in the CCTNS, which had not been proven by the Applicants. This is the case given the evidence in the NDP indicating that the CCTNS contains information on registered cases only and that no official record is maintained of extrajudicial arrests. This is consistent with other cases that have recognized that, in order to establish a likelihood that the Applicants would be entered in the CCTNS or similar criminal database, the NDP is clear that the Applicants must have been charged with or accused of a major crime, or have a warrant or FIR issued against them related to a major crime (see for example *Kumar v Canada (Citizenship and Immigration)*, 2024 FC 288 at para 37; *Singh v Canada (Citizenship and Immigration)*, 2023 FC 1758 [*Singh 1758*] at para 30; *Sandhu v Canada (Citizenship and Immigration)*, 2024 FC 262 [*Sandhu]* at para 21) The RAD reasonably assessed the evidence and found that the RPD did not err in concluding that the police were acting outside the realm of their lawful jurisdiction in detaining the Applicants and that there is no evidence that any FIR or ensuing forms were completed in relation to the Applicants or that they are even applicable to the Applicants.

[23] Second, the Applicants argue the RAD erred in not taking into consideration the explicit statement found in the affidavit from the Principal Applicant's friend in Delhi "that Punjab Police along with Delhi police came to [his] house and questioned [him] about [the Second Associate Applicant] with the allegation that he is linked with the militants and gangsters and scold [him] for giving shelter to militant." The Applicants argue this is evidence that there is

interstate communication between Punjab and Delhi since 2016 to track the Applicants, regardless of the general country information. I disagree with the Applicants' arguments, as they are not corroborated by the RAD's Decision or the facts in evidence. The RAD reviewed the affidavit evidence and held that "the RPD found that the police's approaching of individuals and places known to them to ask about the [Applicants'] whereabouts does not establish that they would be motivated to search across India for them and specifically in the IFA cities. While Counsel does not agree with this finding, she has failed to provide any specific argument as to why it is incorrect." [emphasis added] The Court's review of the affidavit of the Principal Applicant's mother indicates at para 4 that "in the last week of 2016, Police raided our house and question about my grand-son [the Second Associate Applicant] and beaten all of us. My elder grand-son Harmandeep Singh told the facts about [the Second Associate Applicant]. Due to this, Police raided at New Delhi in the house of friend of my son in order to search of my grand-son [the Second Associate Applicant] but luckily that time my grand-son [the Second Associate Applicant] was not there, hence saved. Later on he left India in December, 2016." This makes it clear that the Principal Applicant's son Harmandeep told the police in Punjab of the location of the Second Associate Applicant and the police in Delhi learned same from the Punjab police when they accompanied them to search the friend in Delhi's home, not from any interstate communication that tracked the Second Associate Applicant to Delhi. The RAD reasonably found that the RPD was correct that the police continued to approach the same individuals and the same places that were known to them and was not evidence that the police are motivated to track the Applicants elsewhere in India.

[24] Third, the Applicants argued that the allegations against the Applicants, namely of militancy, can be considered as major crimes like terrorism. As such, the Applicants submit it is

difficult to understand why the RAD believes police interstate communication to be unlikely in other states in India like the proposed IFA cities. I note that the Applicants did not provide any authority to support their argument that militancy can be considered a major crime similar to terrorism. I also note that the RAD reasonably confirmed the RPD's conclusions that the police likely do not actually believe that the Applicants are involved in militancy, when it found that:

> Among other things, given how seriously the police take actual suspected militancy in India, they likely would not simply have released the [Applicants] without taking measures to ensure that they had access to them and to ensure that they would not flee the country. Such measures available to the police include filing a First Information Report (FIR) against them or confiscating their passports, as the police has the authority to do and has done in cases of suspected terrorists.
>
> [Emphasis added.]

[25] The RAD highlighted that, as noted by the RPD, there is little interstate police communications except for major crimes like smuggling, terrorism, and some high-profile organized crime. It concluded by noting that the circumstances of the case and the Applicants' profile did not show that the Punjab police would have the motivation to expend the necessary time and resources to track the Applicants to the IFA cities several years after their release. I find this conclusion to be reasonable and supported both by the evidence and the NDP that was before the RAD. The NDP states that tracking of persons of interest is difficult, the police have a mixed record of success and that police may track and locate persons of interest depending on the heinousness of the crime and the pressure received from political authorities. Given the Applicants were not accused of any crimes and no FIRs were made against any of them, it was reasonable for the RAD to find that the police would not have the motivation to track the Applicants to the IFA cities.

[26] Last, the Applicants submit that, according to the NDP, no minimal level of support or activism for the Khalistan movement is needed in order to be at risk of persecution. According to the Applicants, the simple fact of being perceived as a supporter of the Khalistan movement is sufficient to face problems from both the police and the public, especially outside the state of Punjab. The Applicants submit that their mere opinion on Khalistan causes a situation where it would be extremely difficult, if not impossible, for them to simply express their opinion on Khalistan, regardless of any participation in activities. The Applicants then argue that considering the taboo nature of Khalistani support in India, it is not unreasonable for the Applicants to not have expressed their beliefs on the matter while in India and having felt more comfortable doing so once in Canada. The onus was on the Applicants to establish a link between the general documentary evidence regarding the treatment of persons perceived to be supporters of Khalistan and their own specific circumstances (*Prophète v Canada (Citizenship and Immigration*), 2008 FC 331 at para 17; *Jarada v Canada (Minister of Citizenship and Immigration)*, 2005 FC 409 at para 28). According to the Respondent, the Applicants failed to do so.

[27] I agree. In this case, the Applicants do not point to any evidence to support their claim that they are perceived as supporters of Khalistan. The evidence in this case is that the Punjab police detained and abused the Second Associate Applicant because a friend of his (not the Second Associate Applicant himself or anyone in his family) was suspected of being a militant in the Khalistan movement. Further, their arguments do not convince me that the RAD unreasonably found that the police would have taken additional measures to ensure the Applicants could be tracked had they believed their alleged support for Khalistan. Lastly, I do not believe the Applicants submitted convincing evidence that demonstrate their militancy for

the Khalistan. The only evidence on this matter is the tentative vote in the Khalistan referendum while in Canada, which the Second Associate Applicant testified he did not follow through with because he was "too busy." In the circumstances, it was reasonable for the RAD to conclude that the RPD correctly found that if the Applicants were genuinely interested in supporting Khalistan, they would have done so in Canada and consequently, they would most likely not actively support Khalistan upon their return to India. Therefore, I find no error in the RAD's conclusion that the Applicants would not face a serious possibility of persecution in the IFA cities due to any active support for the Khalistan movement.

[28] Overall, the Applicants have not convinced me the RAD made a reviewable error in its conclusions on the Punjab police's lack of motivation to track the Applicants.

B. *Alleged Errors related to Police's Means to Track the Applicants in the IFA cities*

[29] With respect to the CCTNS, as discussed above, the Applicants' submissions on this subject presume that the Applicants' information would be included in the CCTNS, which are entirely speculative and seek to have the Court reweigh the evidence before the RAD. The RAD reasonably found that this had not been established. I would add that the NDP also clearly states that no official record of extrajudicial arrests is maintained in official criminal databases, including the CCTNS. The Applicants claim that the RAD erred in finding that the arrests were extrajudicial and argue instead that they should be qualified as arbitrary, but legal. The Applicants allege that the police would not have taken them to the police station if the detention had been extrajudicial and would not have taken photos, fingerprints or signature to create a paper trail of their wrongdoing. Rather, I agree with the Respondent that the Applicants'

arguments are speculative, and ask the Court to re-examine the evidence, which is not the role of this Court, in order to arrive at a more favourable conclusion. There are a number of cases before this Court, including some referenced above, that involve extrajudicial arrests by Indian police similar to the case at hand, where the police illegally detain an individual, take fingerprints, photographs and signatures on blank pages, to later release them on a payment of a bribe.

[30] As for the tenant verification system, the RAD reasonably held:

> (…) given that the [Applicants'] information is unlikely to be included in the CCTNS, it makes little difference that the police would have access to that database if they did conduct a tenant verification check on the [Applicants]. Since counsel does not contest any of the RPD's reasons on the issue of tenant verification, it suffices for me to confirm that I have independently reviewed all of the evidence on this issue, and I agree with this finding for all of the reasons provided by the RPD (…).

[31] The RAD's finding is reasonable given my prior finding on the reasonableness of its finding that there is no evidence that the Applicants' information was included in the CCTNS. I also agree with the Respondent that this tenant verification system argument is a new argument that was not before the RAD and should therefore not be entertained by this Court on judicial review. This judicial review is limited to the record before the RAD and no exception applies to this general rule (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright), 2012 FCA 22* at paras 15, 19-20).

[32] Lastly, the Applicants argue before this Court, which considering the rampant corruption present throughout India and considering the broad usage of the country's main identity card, the Aadhaar card, the RAD erred in its conclusion that the Applicants would not be at risk of being

tracked through their identity cards. As previously stated, this Court is limited to reviewing the arguments that were before the decision maker. As such, the Applicants' argument pertaining to the alleged rampant corruption in India should not be considered. I am also not convinced by the Applicants' argument on the broad usage of the identity card. On the contrary, the NDP states that the agency that controls the CCTNS has been judicially excluded from access to the Aadhaar data and that there was no legal access to Aadhaar data in any police database, including the CCTNS. As such, police are prohibited by law from accessing or using this data for criminal investigations. Despite this acknowledgment, the Applicants argue the prevalence of corruption and bribery gives rise to a sufficient fear of persecution from use of this biometric data because the police could still bribe someone to get it. This submission has been dealt with recently by members of this Court (*Singh v Canada (Citizenship and Immigration),* 2023 FC 1758 [*Singh 1758]* at para 31; *Sandhu* at para 22). The NDP is unequivocal that the *Aadhaar Act*, the Aadhaar system's governing statute, prevents the agency running it (the Unique Identification Authority of India) from sharing this data for criminal investigations. As in *Singh 1758*, the Applicants have offered no credible evidence nor justifiable argument to overcome that "the police cannot use biometric data from the Aadhaar card and tenant verification system for criminal investigations" (*Sandhu* at para 22, citing *Singh 1758* at para 31). As such, I find the RAD reasonably concluded that the evidence did not establish a serious possibility that the Punjab police would be able to track the Applicants to the IFA cities.

VII. Conclusion

[33] For these reasons, this application is dismissed. I find that the RAD reasonably considered the evidence and concluded that the Applicants had a viable IFA in the designated

IFA cities. Numerous factors have led the RAD to conclude that the police do not have the motivation and means to track down the Applicants in the proposed IFA. It was not unreasonable for the RAD to conclude that Mumbai, Jaipur and Kolkata are valid IFAs for the Applicants. The parties confirmed that there were no questions of general importance for certification. I agree.

JUDGMENT in IMM-5197-23

THIS COURT'S JUDGMENT is that:

1. This application for judicial review is dismissed.

2. There is no question to certify.

"Ekaterina Tsimberis"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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