Date: **20250212**

Docket: **IMM-15110-23**

Citation: **2025 FC 271**

Toronto, Ontario, February 12, 2025

PRESENT: Madam Justice Go

 BETWEEN:

Omar Ahmed Issa AL MUQBEL

Applicant

and

**THE MINISTER OF CITIZENSHIP &
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I.   Overview

[1]   The Applicant, Omar Ahmed Issa Al Muqbel, is a 30-year-old citizen of Jordan.

[2]   The Applicant made a refugee claim in June 2022, alleging fear of persecution from the

tribes of two police officers who were killed by his father and two other relatives. While his

father and his father's co-assailants were criminally charged and sentenced, the Applicant

claimed that the officers' tribes were unsatisfied with the criminal proceedings and sought to exact blood revenge upon the Applicant.

[3]   The Applicant attended two sittings at the Refugee Protection Division [RPD]. The first sitting was adjourned because during his testimony, the Applicant—who is Muslim—expressed that he was fasting and was unable to concentrate. At the request of the Applicant's then-counsel, the RPD agreed to adjourn the hearing until after the end of Ramadan.

[4]   The RPD rejected the Applicant's claim on the basis of credibility, noting, among other things, the inconsistencies between the Applicant's Basis of Claim [BOC] narrative and his testimony during the first sitting about when his fear started. The Applicant appealed to the Refugee Appeal Division [RAD], which dismissed the Applicant's appeal also based on credibility concerns [Decision].

[5]   The Applicant seeks a judicial review of the Decision. I dismiss the application as I find the Applicant fails to raise any reviewable errors with the Decision.

II.   Issues and Standard of Review

[6]   The Applicant raises several issues which can be summarized as follows:

   a. Did the RAD err in its credibility assessment?
   b. Did the RAD err in its assessment of the documentary evidence?

[7]   The parties agree that the reasonableness standard applies when reviewing the merits of the Decision: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 23 [*Vavilov*]. A reasonable decision is one that displays justification, transparency, and intelligibility with a focus on the decision actually made, including the justification for it: *Vavilov* at para 15. Overall, a reasonable decision is one 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 para 85.

III.   Analysis

A.   *The RAD did not err in its credibility assessment*

[8]   The Applicant makes several arguments to challenge the RAD's credibility findings.

[9]   First, the Applicant argues that the RAD failed to adequately consider that the Applicant was fasting and unwell during his first oral hearing with the RPD, and unreasonably drew negative inferences on the basis of inconsistencies stemming from this hearing.

[10]   I reject this argument.

[11]   The RAD explicitly considered the Applicant's submissions impugning the RPD decision for the same alleged error. The RAD justified their credibility assessment in deeming the actual adjournment separate from their finding that the Applicant insufficiently explained the inconsistencies and omissions stemming from that hearing. The RAD noted that the Applicant

was "not struggling" to testify during the hearing at which he was fasting, and provided lengthy, detailed descriptions of material events that proved inconsistent with his later testimony. The Applicant does not dispute the RAD's finding about his lengthy, detailed descriptions about the incident in question, nor do I find any reviewable error arising from this finding.

[12]   Second, the Applicant argues that the RAD erred by endorsing the RPD's "circular reasoning." Specifically, the Applicant alleges that the clans that were targeting the Applicant issued a decision on June 4, 2022 to apply retribution on the Applicant. The RPD rejected this allegation, finding that the Applicant failed to mention the clan decision in his BOC and that the clan decision was inconsistent with his testimony. According to the Applicant, this was "circular reasoning," and the RAD erred by endorsing it. The Applicant also adds that the RAD was overzealous in its assessment, and failed to apply the presumption of truthfulness: *Maldonado v Minister of Employment and Immigration*, [1980] 2 FC 302, 1979 CanLII 4098 (FCA) [*Maldonado*] at 305. The Applicant cites case law establishing that a decision-maker's reliance on logical fallacies and speculation may impugn the internal rationality and reasonableness of their decision: *Vavilov* at para 104; *Mohammed v Canada (Citizenship and Immigration)*, 2020 FC 437 at para 11 [*Mohammed*].

[13]   Contrary to the Applicant's submission, the RPD's negative credibility findings based on inconsistencies between the Applicant's BOC and his testimony do not amount to circular reasoning. The presumption of truth set out in *Maldonado* can be rebutted by inconsistencies and/or an accumulation inconsistencies and omissions: *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 at paras 21-22.

[14]   I also reject the Applicant's suggestion that the RAD simply endorsed the RPD's

credibility assessment. The RAD found the allegation of the June 2022 threat lacked credibility,

not only because it was excluded from the Applicant's BOC, but also because the Applicant

inadequately explained the omission. The RAD conducted its own independent assessment of the

Applicant's credibility and its finding was reasonable in light of the legal and factual constraints.

[15]   Finally, *Mohammed* is distinguishable, as the Court found in that case that the RPD

concluded the applicant's statements were contradictory, not for what they say, but based on an

inference made by the RPD: *Mohammed* at para 7. This is not the case here.

B.   *The RAD did not err in its assessment of the documentary evidence*

[16]   The Applicant argues that the RAD overlooked "critical" evidence contradicting their

conclusion that the Applicant lacked credibility. Some of the Applicant's arguments focus on the

RPD decision, which is not under review. As such, I will not address those arguments.

[17]   The Applicant takes issue with the RAD's finding of inconsistency with respect to a

notice dated January 15, 2016 from a tribe that was providing protection to the Applicant

[Protecting Tribe]. According to the Applicant's own evidence, his mother helped him find the

Protecting Tribe, and the Applicant sought their protection after the agents of harm were

dissatisfied with his father's criminal sentence issued by the Jordanian court. The RAD found the

notice from the Protecting Tribe, which established their protection as of January 15, 2016, was

inconsistent with the Applicant's own evidence and with a court document from the Jordanian

court stating the sentencing of the Applicant's relatives did not take place until February 21,

2016. The RAD decided not to give the notice from the Protecting Tribe any weight. The RAD also did not give any weight to a document dated February 15, 2022 from the Protecting Tribe advising the Applicant that they would stop protecting the him.

[18]   The Applicant alleges that the RAD erred by first declaring the January 15, 2016 notice from the Protecting Tribunal as "unauthentic" and then connecting the February 2022 document the Applicant submitted as being related to the first document.

[19]   Generally, the Applicant alleges that the RAD's findings about the authenticity of the Applicant's documents is based on speculation and conjecture, rather than reasonable inferences deduced from the evidence, and are therefore unreasonable: *Ukleina v Canada (Citizenship and Immigration)*, 2009 FC 1292 at paras 8, 14.

[20]   I reject all of the Applicant's arguments.

[21]   The RAD justified their discounting of the Protecting Tribe's January 15, 2016 notice for two reasons. First, the date on which it was issued was inconsistent with the Applicant's testimony that protection was required after his father's sentencing, which did not occur until February 21, 2016, and with documentary evidence of his sentencing on that date. Second, the notice did not reference the agents of harm. The Applicant raises no arguments to undermine these reasons.

[22]   Further, the RAD discounted the Protecting Tribe's February 2022 document not simply because it was derived from the January 2016 document. The RAD also noted that the February 2022 document was inconsistent with the Applicant's evidence concerning a request to renew monetary compensation made to protect the Applicant in January 2016, of which the Applicant made no mention. Once again, the Applicant fails to establish any errors arising from these findings.

[23]   At the hearing, the Applicant added that the RAD should have considered the fact that the agents of harm would not be happy with the sentence even before it was announced, and it was reasonable for him to seek protection before the sentencing. The Applicant's new argument was not based on any evidence on the record, and in fact contradicted his own evidence before the RPD.

[24]   The Applicant also argues that the RAD unreasonably discounted the alleged 2016 and 2022 letters from the Protecting Tribe because they failed to mention certain details. He cites case law establishing that a decision-maker cannot discount documents that corroborate some aspects of a claimant's narrative merely because they do not further corroborate the claim: *Belek v Canada (Citizenship and Immigration)*, 2016 FC 205 at para 21 [*Belek*].

[25]   I disagree. Unlike in *Belek*, the RAD in this case did not discount documents because they do not corroborate other aspects of the narrative. Rather, the RAD reasonably justified its findings on each document in relation to the Applicant's inconsistencies and lack of adequate explanation.

[26]   At the hearing, the Applicant raised a new argument stating that the RAD unreasonably discounted the Facebook messages from the Applicant's relatives as inauthentic. The Applicant submitted the Facebook messages from his relatives to show that he was still in danger. All of the Facebook messages were sent to the Applicant on the same day, with little details. Before the Court, the Applicant argued that he had provided proof of video calls with his family on the record, and that the RAD should have considered the fact that the Applicant had tried to contact his relatives for more details about their Facebook messages.

[27]   Once again, I find the Applicant's arguments lack merit.

[28]   The RAD did not find these messages inauthentic, as the Applicant argued before the Court. Rather, the RAD confirmed the RPD's finding that these messages are not able to overcome the credibility concerns, as they did not provide details of the events of which the relatives purport to have knowledge.

[29]   Further, as the Respondent pointed out, the transcript evidence does not indicate that the Applicant referred to any video calls that he made with the relatives in his testimony, nor did he testify that he was trying to contact his relatives to obtain more details about these messages. The Applicant's new argument is thus without any evidentiary foundation.
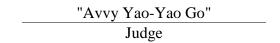
IV.   Conclusion

[30]   The application for judicial review is dismissed.

[31]   There is no question to certify.

<u>JUDGMENT in IMM-15110-23</u>

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.

2. There is no question to certify.

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"Avvy Yao-Yao Go"
Judge

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DOCKET:	IMM-15110-23
STYLE OF CAUSE:	OMAR AHMED ISSA AL MUQBEL v THE MINISTER OF CITIZENSHIP & IMMIGRATION
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