

Federal Court



Cour fédérale

**Date: 20250728**

**Docket: IMM-10236-24**

**Citation: 2025 FC 1335**

**Ottawa, Ontario, July 28, 2025**

**PRESENT: The Honourable Mr. Justice Favel**

**BETWEEN:**

**TANVEER SINGH**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] Tanveer Singh [Applicant] seeks judicial review of a March 19, 2024 decision of the Refugee Appeal Division [RAD], wherein the RAD upheld the decision of the Refugee Protection Division [RPD] that the Applicant is neither a Convention refugee nor a person in need of protection within the meaning of sections 96 and 97 of the *Immigration and Refugee*

*Protection Act*, SC 2001, c 27 [IRPA] [Decision]. The determinative issue for the RAD was an Internal Flight Alternative [IFA] in Jaipur, India.

[2] The application for judicial review is dismissed.

## II. Background

[3] The Applicant, a Sikh preacher and advocate, is a citizen of India and is from the state of Punjab. He alleges fear of persecution by followers of Dera Sacha Sauda [DSS] and Indian authorities, on the grounds of religion and political opinion.

[4] On February 26, 2020, the Applicant helped organize a protest in the state of Haryana against acts of sacrilege committed by the DSS and its leader, Ram Rahim. The protest led to unrest and violence between Sikhs and DSS supporters. A few days later, Haryana police arrested, beat, and detained three of the Applicant's fellow preachers who spoke at the protest. All three were released but one was ultimately killed.

[5] The Applicant says another member of his group warned him that police were searching for him. He was able to evade police by staying with his uncle and later going to New Delhi.

[6] On March 5, 2020, the Applicant left for Canada on a pre-arranged visitor visa to preach at Sikh temples. He later remained in Canada on a work visa.

[7] In January 2022, the Applicant made a claim for asylum. The Applicant's Basis of Claim [BOC] narrative alleges that: (1) the Haryana police continue to look for him at his home and accuse him of being a terrorist for inciting violence at the protest; and (2) he speaks out against the police. The Applicant's additional BOC narrative elaborates on the March 2, 2020 protest and explains the arrests of several co-organizers of the protests and that one co-organizer was ultimately killed in April 2020. At the RPD hearing, he stated that police tortured his father in March 2020 and continue to do so. The Applicant also stated that he is a supporter of Khalistan and that he expressed support for Khalistan during the protest. This information was not in his BOC narrative or in the additional BOC narrative. He also fears reprisals from the police and DSS followers.

[8] On September 11, 2023, the RPD rejected the Applicant's claim. The determinative issue for the RPD was an IFA in Jaipur. The RPD concluded that the Applicant was neither a Convention refugee nor a person in need of protection.

[9] The Applicant appealed to the RAD, which is the Decision under review.

### III. The Decision

[10] The RAD dismissed the Applicant's appeal. The RAD "found significant credibility concerns with respect to the Appellant's evidence" but agreed with the RPD that the determinative issue was availability of an IFA.

A. *New Issue of Credibility*

[11] During the RPD hearing, the Applicant said for the first time that he is a vocal supporter of Khalistan and that he expressed support for Khalistan during the protest.

[12] As a result of the Applicant's statement at the RPD that he was a supporter of Khalistan, by letter dated February 1, 2024, the RAD notified the Applicant and the Minister that it intended to address a new issue of credibility related to the IFA issue addressed by the RPD. It asked the Applicant to specifically address the omission from the BOC about his preaching in support of Khalistan and to clarify when he became aware that the Haranya police were looking for him.

[13] The Applicant provided submissions on these issues on February 15, 2024. In response to the first question, the Applicant said he "does not identify as a 'Khalistan activist' to the degree of other such individuals who are involved in extremism and militancy and as such chose not to rely on this controversial title", but shares the view of many Sikh individuals that "the current Indian government is not for Sikh's and does not recognize their struggle and is actively allowing incidents which disparage the religion and the people generally, and so an independent Sikh state would be best for all Sikhs." Regarding the identified inconsistency of the police looking for him, the Applicant "maintains he could only confirm he was in fact being sought after by police when they actually visited his home looking for him".

[14] The Applicant's additional submissions acknowledged that his original BOC narrative and his additional BOC narrative were "quite brief".

[15] As no new evidence was submitted, the RAD was unable to hold a new hearing.

B. *IFA Analysis*

[16] The RAD recognized the two-prong test for an IFA as established in *Rasaratnam v Canada (Minister of Employment and Immigration)*, 1991 CanLII 13517 (FCA) requiring the panel to be satisfied that:

- 1) on a balance of probabilities, there is no serious possibility of the claimant being persecuted or in danger of torture or subjected to a risk to life or cruel and unusual treatment or punishment in the IFA, and
- 2) conditions in that part of the country are such that it would be reasonable, in all the circumstances, including those particular to the claimant, for them to seek refuge there.

[17] On the first prong, the RAD found the Applicant failed to establish the agents of persecution have the motivation to pursue him in the IFA.

[18] The RAD first found the Applicant had not provided any evidence “to suggest that the DSS ever looked for, threatened, or otherwise had any interest in personally harming” him, and that the presumption of truthfulness established by the Federal Court of Appeal in *Maldonado v. Minister of Employment and Immigration*, 1979 CanLII 4098 (FCA) does not apply to “conclusions of a speculative nature”. Therefore, there was “insufficient evidence to establish that the DSS has any motivation to locate and harm the Appellant in the proposed IFA”.

[19] The RAD similarly found there was “insufficient credible and reliable evidence to establish that the police continue to look for” the Applicant. The RAD specifically noted:

- The Applicant's testimony was vague;
- The Applicant had not provided a First Information Report or arrest warrant, saying he was afraid the police would harm his father if he did;
- The Applicant did not mention the police visits or torture of his father in his original or additional Basis of Claim Narratives, or anywhere else in his evidence other than in his testimony at the RPD hearing; and
- The Applicant did not provide an affidavit from his father, who he spoke to on a regular basis, with details about the police visits or torture.

[20] The RAD held that while corroborative evidence is generally not required, due to the presumption of truthfulness, it can be expected when there are doubts about an applicant's credibility (*Senadheerage v Canada (Citizenship and Immigration)*, 2020 FC 968 at para 26).

[21] In addition, the RAD noted that the Applicant's "arguments on appeal place significant emphasis on his alleged identity as a Khalistan supporter and he submits that there is a distinct difference between simply preaching Sikhism and publicly advocating for Khalistan." As mentioned above, this issue was raised for the first time at the RPD hearing, but the RPD made no finding on the Applicant's alleged support for Khalistan. The RAD held this was an error.

[22] The RAD considered the Applicant's further submissions but drew a negative credibility inference from this omission from his original BOC. The RAD further noted significant differences in the characterization of the Applicant's support for Khalistan between his Appeal Memorandum, dated November 4, 2023, and further submissions, dated February 15, 2024. As a result, the RAD concluded he had "not provided sufficient credible and reliable evidence to overcome the credibility concerns noted above and establish that he has preached in support of

Khalistan and would be perceived as a Khalistan supporter or face a serious possibility of persecution on that basis if he were to relocate to Jaipur”.

[23] The RAD concluded that because motivation had not been established, it did not need to address arguments about the means of DSS or the police to locate the Applicant in the IFA.

[24] On the second prong, the RAD further agreed the Applicant failed to establish that conditions in the IFA made it an unreasonable alternative for refuge. The RAD considered the Applicant’s personal and objective evidence, including his Sikh identity and physical appearance, age, languages (Punjabi, some Hindi and English), and his work experience as both a preacher and electric assembler. The RAD found that while there was objective National Documentation Package [NDP] “evidence of discrimination and ‘very deep rooted’ prejudice against Sikhs since 1984, it also states that Sikhs generally do not face ‘systematic problems in India based on their identity.” Similarly, there was “no evidence in the NDP to suggest that the Appellant would otherwise have more difficulties accessing a healthcare or employment in Jaipur than elsewhere in India, such that it would be objectively unreasonable for him to relocate there”.

#### IV. Issues and Standard of Review

[25] The only issue for determination is whether the Decision was reasonable in its assessment of the first prong of the test for a viable IFA.

[26] The parties agree, and I concur, that the standard of review is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16-17 [Vavilov]).

V. Analysis

A. *Preliminary Issue – Extension of time*

[27] Both parties made submissions on whether the Applicant should be allowed an extension of time to file materials. I note that by Order dated January 24, 2025, the Court per Justice Norris, granted this extension. Accordingly, these submissions do not need to be considered.

B. *Was the Decision reasonable?*

(1) Applicant's Position

[28] The RAD's finding is fundamentally flawed and ignored the fundamental basis of the Applicant's claim, namely that he seeks protection as a Sikh preacher-activist, not just a Sikh preacher. The Applicant will continue to speak out against the DSS and the government. He will also promote the Khalistani cause if returned.

[29] Neither the RAD or RPD "assessed the risk posed by this specific profile", making the Decision unreasonable (*Gopal v Canada (Citizenship and Immigration)*, 2024 FC 71 at para 15).

[30] The evidence established Haryana police searched for the Applicant across state lines due to his role in organizing the protest. The RAD did not make any credibility findings about his



evidence that the police looked for him after he left India, only that there was insufficient evidence they continue to look for him. The Applicant would maintain his role as a Sikh preacher-activist if returned to India and therefore faces a serious forward-facing risk of harm from both the police and DSS.

(2) Respondent's Position

[31] The RAD reviewed all of the Applicant's evidence and reasonably determined he had not met his onus to demonstrate that the proposed IFA is unreasonable. The Applicant provided no evidence of that DSS ever looked for or threatened him, and no objective evidence established DSS works with police. The Decision clearly explained why corroborating evidence was necessary to establish continued visits by the police. The RAD's findings are reasonable and supported by the record (*Singh v Canada (Citizenship and Immigration)*, 2023 FC 1758 at para 34).

[32] In addition, the Applicant did not meet the "very high" threshold to establish the IFA was unreasonable under the second prong of the test (*Singh v Canada (Citizenship and Immigration)*, 2023 FC 1758 at para 35).

[33] Availability of an IFA is determinative. The Decision is reasonable.

(3) Conclusion

[34] Much of the Applicant's arguments amount to a request to reassess and reweigh the evidence, which is not permissible on judicial review (*Vavilov* at para 125).

[35] On the first prong, I agree with the Respondent that the Applicant had not established that the DSS had the motivation to pursue him in the proposed IFA. The RAD assessed the evidence and reasonably found that the Applicant did not meet his high burden to establish that the proposed IFA was unreasonable.

[36] First, the RAD's assessment of the Applicant's profile as a Khalistan supporter or activist was reasonable in light of the vagueness of his BOC narrative and his additional BOC narrative.

[37] Second, the RAD's requirement for corroborative evidence was reasonable in light of the inconsistencies or lack of details in the Applicant's own evidence, particularly in the BOC and additional BOC narrative and the testimony that came to light before the RPD.

[38] The Applicant did not mention the police visits or torture of his father in his original BOC or additional BOC narrative, or anywhere else in his evidence other than in his testimony at the RPD hearing. The Applicant did not provide evidence from his father, who he spoke to on a regular basis, with details about the police visits or torture.

[39] The Applicant had not provided sufficient evidence, beyond mere speculation, that the DSS looked for him or that the DSS works with or is aided by the police. The objective evidence did not establish that there was a link between the two.

[40] Though not argued at the hearing, I will also address the second prong. After reviewing the RAD's conclusion I see no reason to question the RAD's finding that the Applicant did not meet his high burden to establish that it would be unreasonable to relocate to the proposed IFA. The RAD noted the country condition evidence that there is discrimination and prejudice of Sikhs but that the NDP also stated that Sikhs do not face systematic problems. The country condition evidence also does not indicate that the Applicant would be prevented from accessing housing.

[41] The RAD also considered the particular circumstances of the Applicant to assess the employment prospects of the Applicant in the proposed IFA: his relative youth; work experience as a preacher and electric assembler; and his language abilities.

[42] Overall, considering the record, I can see no error in the RAD's IFA assessment. The Decision is reasonable.

## VI. Conclusion

[43] The Decision is reasonable.

[44] There is no question for certification proposed by the parties.

**JUDGMENT in IMM-10236-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. There is no question for certification.

"Paul Favel"

---

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-10236-24

**STYLE OF CAUSE:** TANVEER SINGH v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** APRIL 10, 2025

**JUDGMENT AND REASONS:** FAVEL J.

**DATED:** JULY 28, 2025

**APPEARANCES:**

DAVID ORMAN	FOR THE APPLICANT
VERONICA CHAM	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

ORMAN IMMIGRATION LAW TORONTO, ONT	FOR THE APPLICANT
ATTORNEY GENERAL OF CANADA TORONTO, ONT	FOR THE RESPONDENT