

Federal Court



Cour fédérale

Date: 20250818

Docket: IMM-13296-24

Citation: 2025 FC 1386

Toronto, Ontario, August 18, 2025

PRESENT: Mr. Justice Diner

BETWEEN:

LAKHVIR SINGH MANN

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant challenges a Refugee Appeal Division [RAD] decision dated June 18, 2024 [Decision] refusing the appeal of a Refugee Protection Division [RPD] decision which rejected his refugee claim on the basis of credibility and an Internal Flight Alternative [IFA]. The RAD focused its analysis on the determinative issue of an IFA in Delhi. It also agreed with the RPD's primary credibility finding.

[2] The Applicant took issue with the RAD Decision because of what he contends was an unreasonable credibility finding, which he claims taints the IFA finding. I disagree, and explained the reasons for which I will not overturn the RAD Decision to counsel at the hearing, having promised short written reasons, which follow.

[3] The Applicant is a Sikh citizen of India from the Punjab who supported the Shiromani Akali Dal Amritsar (“SADA”) party. He sought refugee protection on the basis that he fears persecution from India’s Congress Party supporters, who have threatened him on several occasions. The RPD found, as did the RAD, that the Applicant failed to establish that the alleged agents of harm have the means or motivation to locate him in Delhi, and determined it would not be unreasonable for him to relocate there. The RAD also found that the Applicant was not at a general risk of persecution in Delhi due to his political affiliation.

[4] First, with respect to the RAD’s (and RPD’s) credibility finding, the Applicant failed to persuade me of any weaknesses in the Decision. Indeed, the panel pointed to both the inconsistency between the oral testimony and a central omission of the Basis of Claim form [BOC] – the fact that the agents of persecution (unknown and unidentified members of the Congress Party) had continued to seek out the Applicant after he left India.

[5] Apart from the fact that this key element of his refugee claim was not mentioned in the BOC – and despite the fact that he had counsel (specifically, different counsel from today’s proceedings) – no amended BOC was provided, and there was also a lack of corroborative evidence that both the RPD and RAD pointed to. In particular, neither the Applicant’s wife nor

his grown children provided any corroboration of the alleged visits. Yet, his refugee hearing took place about a year after the Applicant made his refugee claim, providing ample time to obtain corroboration of his allegations from the people supposedly impacted.

[6] The Respondent pointed to *Singh v Canada (Citizenship and Immigration)*, 2024 FC 1625 at paras 22-24 to support the validity of the credibility finding, and the fact that the presumption of truthfulness can be rebutted when there are grounds to find that a claimant's testimony lacks credibility. I agree that is precisely what occurred in the present circumstances. The problem for the Applicant with the claim lay not only with the valid credibility finding by the RAD, but also with a lack of sufficiency of evidence to corroborate his claim – evidence which was entirely obtainable with a modicum of diligence.

[7] Turning to the second issue (IFA), even though the RAD accepted that the Applicant could be at risk in the Punjab, in my view, it was open to the RAD to find that the Applicant failed to prove that there was a risk of persecution in Delhi. The RAD reached that conclusion after considering the Applicant's lack of significant participation in the party – other than having attended approximately 20 rallies over a span of 10 years with no further participation or activism in elections or otherwise – and without having been harmed other than one assault by unknown Congress Party supporters in 2019 at a rally.

[8] The Applicant conceded that absent an error with the RAD's credibility finding, no issue arose from the RAD's IFA finding vis-a-vis a lack of means and motivation of the agents of persecution to seek out the Applicant in Delhi. The Applicant pointed out that he only took issue

with one IFA finding, namely that he would not face issues with the police in the IFA, when he had argued that as a Sikh man he would be at risk in Delhi. However, counsel was unable to point to any authority standing for the proposition that low-profile members of SADA or a similarly-situated party would be at risk in Delhi, particularly when the Applicant stated that he never had any issues with the police in the past. He had never been arrested, pursued or otherwise troubled by the police.

[9] As the RAD made justifiable and transparent findings in light of the evidence, the conclusion that the Applicant is neither a Convention refugee or a person in need of protection was reasonable. It withstands judicial review.

JUDGMENT in IMM-13296-24

THIS COURT’S JUDGMENT is that:

1. The judicial review is dismissed.
2. Not questions for certification were raised, and I agree none arise.
3. There is no order as to costs.

“Alan S. Diner”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-13296-24

STYLE OF CAUSE: LAKHVIR SINGH MANN v MCI

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA

DATE OF HEARING: AUGUST 14, 2025

JUDGMENT AND REASONS: DINER J.

DATED: AUGUST 18, 2025

APPEARANCES:

Aman Sandhu	FOR THE APPLICANT
Artemis Soltani	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Sandhu Law Office Barristers and Solicitors Surrey, British Columbia	FOR THE APPLICANT
Attorney General of Canada Vancouver, British Columbia	FOR THE RESPONDENT