

Federal Court



Cour fédérale

Date: 20250825

Docket: IMM-4214-24

Citation: 2025 FC 1412

Ottawa, Ontario, August 25, 2025

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

**AMANDEEP SINGH AND
KANWALDEEP KAUR**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicants, Amandeep Singh [the Principal Applicant] and his spouse Kanwaldeep Kaur [the Associate Claimant] seek judicial review of the Immigration and Refugee Board of Canada's [IRB] Refugee Appeal Division [RAD] February 15, 2024, decision [the Decision] which their dismissed their appeal from a November 14, 2023, decision by the IRB's Refugee Protection Division [RPD]. The Decision confirmed that the Applicants were neither Convention

refugees nor persons in need of protection pursuant to sections 96 and 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[2] The determinative issue before the RPD and the RAD was the Applicants' credibility. The cumulative credibility issues that included the procurement and use of fraudulent medical records made it so that the Applicants did not establish that they faced a serious possibility of persecution on a forward-looking basis. The RPD and the RAD also rejected the Applicants' *sur place* claim that they would be persecuted because they became supporters of an independent Khalistan since their arrival in Canada.

[3] For the reasons that follow, I find that the Decision is reasonable and that the Applicants have not established that the Decision is unreasonable. This application will therefore be dismissed.

I. **Background**

[4] The Principal Applicant is a 38-year-old citizen of India. The Associate Applicant is a 32-year-old citizen of India. Both Applicants are Sikh. They formerly resided in Haryana State, India.

[5] The Applicants have claimed that they were targeted and harassed by a former neighbour, Harbhajan Singh [H.S.], who they allege to be associated with the Bharatiya Janata Party (BJP) political party and who wanted to purchase their family real property at a low price.

[6] They claim that H.S. harassed them attacked the Principal Applicant on May 21, 2017, with the assistance of others. The Principal Applicant was taken to Kalpana Chawla Medical College for medical treatment including a CT scan after the attack. The Applicants claim to have filed a report with the Haryana police in relation to this incident. This report, initially not accepted by the police, was eventually accepted after the community applied pressure on the police to do so. No police action was taken against H.S. The Applicants allege that the police started harassing the Principal Applicant and his family on behalf of H.S afterward.

[7] The Principal Applicant was arrested by the police on September 4, 2017, following a trip to Thailand. He alleges that H.S. had falsely reported him to the police for Sikh militancy and bribed them to arrest him. He further alleges that he was accused of conspiring with Sikh militants and of harbouring militants and gangsters from the Punjab in his home in addition to conveying messages and collecting funds for them. He also alleges that the police beat and tortured him until he was unconscious, took his fingerprints, photos and his signature on blank papers. He alleges that he was released by the police and was treated at Tagore Hospital after his family secured his release with the help of “influential people”.

[8] The Applicants allege that the police continued to harass the Principal Applicant regularly, assaulted him in November 2017 and arrested him and the Associate Applicant on December 14, 2017, after they learned that the Principal Applicant had planned to approach higher authorities about his treatment at the police’s hands. The Applicants claim that they were questioned, threatened, accused of militancy, beaten, that the Associate Applicant was sexually assaulted, and that her fingerprints and signature were taken. The Associate Applicant was

released the next day (December 15, 2017). The Principal Applicant was released on December 17, 2017 as a result of community influence and the payment of a bribe. Both sought and received medical treatment, again at Tagore Hospital. They claim that, upon release, the police threatened to kill them if they did not provide them with information about militants by January 15, 2018.

[9] The Applicants fled to Delhi in early January 2018 and first stayed with relatives and then obtained assistance from an agent to leave India. They arrived in Canada in June 2018 using a Temporary Resident Visa. They claim that the police continue to falsely accuse them and harass their family and relatives since they left India.

[10] The Applicants filed a refugee claim on June 20, 2018, alleging persecution and risk of harm from H.S., his associates and the police based on their real or perceived political opinion. The Applicants had a child in April 2019 while in Canada.

[11] The Applicants filed affidavits by the Principal Applicant's father, cousin and the Applicants' sarpanch speaking to their alleged experiences in India, a complaint letter to the police by the Principal Applicant's father dated May 21, 2017, and medical certificates from Kalpana Chawla Hospital and Tagore Hospital alleged to be associated with the injuries received in police detention in 2017 prior to their hearing before the RPD.

[12] Approximately one week before their RPD hearing, the Applicants amended their claim to include a *sur place* claim that they had become supporters of Khalistan during their time in

Canada and will be persecuted as a result of their new political activities if they are returned to India. They adduced protest photos and Punjab Referendum Khalistan voter registration cards issued by Sikhs for Justice.

[13] The Applicants have alleged that police have continued to seek them in India including in relation to new political activities in Canada in support of Khalistan.

II. **The RPD Decision**

[14] The RPD found that neither of the Applicants were Convention refugees pursuant to section 96 of the IRPA, nor persons in need of protection pursuant to subsection 97(1) of the IRPA because their claims were not credible.

[15] The RPD found that the Applicants' allegations of persecution were undermined by the lack of credibility regarding:

- a) the medical reports they had produced from Tagore Hospital in Karnal in support of their allegations of being harmed while in police custody. The RPD held that the documents were not genuine because they contained obvious errors in the design and text of the institution's logo, motto and letterhead as compared against the Tagore Hospital's logo and motto design and text found on its website;
- b) injuries reflected in a May 2017 medical bill from Kalpana Chawla Hospital that were alleged to have been suffered as a result of the Principal Applicant being beaten by H.S. and his associates. The RPD held that there was an absence of

corroborative evidence as to the events that caused the injuries reflected in the medical bill;

- c) a non-obtained purported letter of complaint allegedly filed with and reluctantly accepted by the police in May 2017, because no police report suggesting that the complaint was ever actually filed was produced, and, because the Applicants and their families were scared to ask for a copy from the police due to their assumption that the police would not provide a copy of the letter of complaint;
- d) harassment by H.S. and his associates over the transfer of a parcel of real property sought to be acquired by H.S. from the Principal Applicant because:
 - i. the partial rights of ownership to the land at issue rest principally with the Principal Applicant's father (who was not harassed at all by H.S. for a low price sale of the land since the Applicants arrived in Canada in 2018) and did not rest at all with the Principal Applicant, such that the Principal Applicant has no beneficial control of the land and no ability to sell it; and,
 - ii. no other person is alleged to have suffered any incident of harassment by H.S. or his associates with respect to the parcel of real property since the Applicants left Haryana State; and,
- e) the Principal Applicant's father's affidavit dated September 8, 2022, produced Sarpanch affidavit dated August 26, 2022, and the Principal Applicant's cousin's affidavit dated August 31, 2022, were each stamped with a notary stamp that contains errors in its content that calls into question the credibility of the document and the sworn information contained in them.

[16] The RPD rejected the Applicants' *sur place* claim arising from their new profile as supporters of an independent Khalistan that they claim would bring them to the attention of authorities and make it unreasonable to return to India because they would receive negative attention from society and possibly the police. The RPD found that the Principal Applicant's *sur place* claim was not credible because his evidence in its regard was inconsistent, he was not aware of the type of militancy the police could be accusing him of in connection with the independent Khalistan movement, was not aware of what the independent Khalistan movement was, or what was being fought for.

[17] The RPD also found that the chronology of the Principal Applicant's stated interest and participation in the independent Khalistan movement underscored a lack of genuineness in the movement itself. That lack of genuineness, combined with the Principal Applicant's poor and vague knowledge of the independent Khalistan movement's supporters and organization in India undermined his credibility with respect to the *sur place* claim.

III. **The RAD Decision**

[18] The Applicants appealed the RPD decision and argued that the RPD erred in its credibility assessment.

[19] The Applicants argued that the RPD's analysis of the medical documentation was overzealous. They argued that the RPD erred in requiring corroborative evidence that the injuries described in the Kalpana Chawla Hospital medical documents were sustained at the hands of the police as alleged. They also argued that the Tagore Hospital records were found suspect by an

incorrect application of the governing principle which led the RPD to ignore that “minor typographical errors” in misspellings on letterhead should not be taken to establish that a document is fraudulent (*Enamejewa v Canada (Citizenship and Immigration)*, 2021 FC 315 at paras 27-29 [*Enamejewa*]).

[20] The Applicants also argued that the RPD unreasonably assessed the complaint to the police, the Principal Applicant’s legal ownership of the land allegedly sought by H.S., and the genuineness of the Applicants’ supporting affidavits based on the notary stamp, arguing that each piece of evidence should be assessed independently by the RAD.

[21] The Applicants were further concerned by the RPD’s treatment of the *sur place* claim, including their finding that the Applicants likely did not genuinely support the Khalistan movement. They emphasized the Principal Applicant’s explanation that he only learned about this movement in Canada and objective evidence that India monitors pro-Khalistan activism in Canada. No new evidence was filed in support of the appeal.

[22] The RAD independently assessed the record that was before the RPD and dismissed the Applicants’ appeal. The RAD confirmed the RPD’s analysis on every point. Like the RPD, the RAD found that the Applicants were not credible and therefore did not establish the basis of their claims.

[23] The RAD found no error in the RPD’s determination that the medical records from Tagore Hospital were fraudulent and assigned them no weight. The errors and flaws in the

hospital's crest, logo, motto and letterhead were found to be part of the purported letterhead of the issuing institution and not minor typographical errors as had been the case in *Enamejew*. The RAD cited *Azenabor v. Canada (Citizenship and Immigration)*, 2020 FC 1160, at para 31, and confirmed the RPD's finding that the document was fraudulent and ought to be given no weight.

[24] Considering that the Principal Applicant had testified that the records were genuine and later in the proceeding confirmed that they had been obtained from his father rather than from the hospital itself, and that the incidents described in these documents required hospitalization and were provided as corroboration for the claims advanced, the RAD confirmed the RPD's determination that the Tagore Hospital records impugned the Applicants' credibility and rebutted the presumption of truth that the Applicants had benefited from.

[25] The RAD agreed with the RPD that the Kalpana Chawla Hospital bill lacked sufficient detail to corroborate that the medical services paid for arose from the alleged May 2017 attack by H.S. and his associates. As the presumption of truth had been rebutted, the RAD determined that the RPD had properly determined that the document was not corroborative. The RAD afforded the bill no weight in establishing the allegations of persecution from H.S.

[26] As it agreed with the RPD that the presumption of truth had been rebutted, the RAD also found that the RPD was correct to require corroborative evidence of the police complaint allegedly filed by the Principal Applicant following the assault by H.S. in May 2017. The RAD found like the RPD had before it that it was unreasonable for the Appellants not to attempt to

have a lawyer, or a third party go to the police and ask for a copy of their filed letter of complaint given that their family fears the police. The RAD drew a negative inference from the Applicants' failure to attempt to secure the documentary piece of corroborative evidence that should have been reasonably available to them.

[27] The RAD also agreed with the RPD that it was not credible that H.S. had not continued to pursue the Principal Applicant's family or any other relatives with shares in the parcel of real property since the Appellants left India. This absence of continued harassment undermined the Applicants' allegations of persecution because of H.S. wanting the land.

[28] The RAD agreed with the RPD that the spelling and grammatical errors in the notary stamp used to validate that the Principal Applicant's father's affidavit dated September 8, 2022, the sarpanch affidavit dated August 26, 2022, and the Principal Applicant's cousin's affidavit dated August 31, 2022, impugned the reliability of the evidence contained in the affidavits themselves. The RAD agreed in particular that the Principal Applicant's father's affidavit could not be trusted because of the finding that the Principal Applicant's father had provided the fraudulent Tagore Hospital records.

[29] The RAD found the Applicants' explanation for the belated inclusion of the *sur place* element of their claim into the RPD record unreasonable, noting that it was not a "minor detail" but rather a significant additional basis for protection. The RAD found the evidence before it insufficient to establish that the Applicants have been active participants in the pro-Khalistan

movement in Canada or that they have deeply held views on the issue. The RAD agreed with the RPD with respect to the *sur place* claim and qualified it as disingenuous and lacking good faith.

[30] The RAD noted that objective evidence from the National Documentation Package establishes that India monitors pro-Khalistan activities in Canada. However, the absence of any additional evidence that would connect the Applicants with India's monitoring activities left their allegations of persecution upon their return to India as unsubstantiated allegations.

[31] The RAD found that the Applicants had not demonstrated a serious possibility of persecution or, on a balance of probabilities, risk of harm under section 97(1) of the IRPA should they return to India.

IV. **Issues and Standard of Review**

[32] The issue before the Court is whether the RAD's decision with respect to the Applicants' credibility and their *sur place* claim is reasonable. The parties agree that the applicable standard of review is the standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov], at para 23; *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12, at para 58).

[33] I agree with the parties. This Court has held in a number of decisions that the standard of review applicable to a RAD decision and its credibility assessment is reasonableness (*Aguebor v Canada (Minister of Employment and Immigration)* [1993], 160 NR 315 (FCA) at para 4; *Gomez*

Florez v Canada (Citizenship and Immigration), 2016 FC 659 at para 20; *Soorasingam v Canada (Citizenship and Immigration)*, 2016 FC 691 at para 17).

[34] The reasonableness standard requires that this court take a deferential approach to the RAD's decision and to its credibility findings because those findings go to the very core of their jurisdiction. This is especially so if the RPD's credibility findings are found to be correct by the RAD on appeal (*Lawani v. Canada (Citizenship and Immigration)*, 2018 FC 924 at paras 13-16 [*Lawani*]). A high degree of judicial deference follows as these findings go to the RPD's and the RAD's heartland (*Lawani* at para 15). Mr. Justice Denis Gascon's observations in this regard as set out in *Lawani* at paragraph 16 are instructive and consistent with *Vavilov*:

[16] On such credibility and plausibility questions, a reviewing court can neither substitute its own view of a preferable outcome, nor can it reweigh the evidence (*Khosa* at para 59; *Diallo v Canada (Citizenship and Immigration)*, 2007 FC 1062 at para 30). The Court must not intervene with the RPD's decision so long as the panel came to a conclusion that is transparent, justifiable, intelligible, and within the range of possible, acceptable outcomes that are defensible in respect of the facts and the law (*Dunsmuir* at para 47). It is sufficient "if the reasons allow the reviewing court to understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range of acceptable outcomes" (*Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 [*Newfoundland Nurses*] at para 16).

[35] The burden is on the Applicant to show that the decision under review is unreasonable. The Applicant must satisfy the Court that there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency in its rationale and outcome. Any alleged flaws or shortcomings must be more than merely superficial or peripheral to the merits of the decision. It would be improper for a

reviewing court to overturn an administrative decision simply because its reasoning exhibits a minor misstep. Instead, the reviewing court must be satisfied that any shortcomings or flaws relied on by the party challenging the decision are sufficiently central or significant to render the decision unreasonable (*Vavilov* at paras 15 and 100).

[36] A reviewing court should not intervene in the RAD's decision if that decision is reasonable and bears the hallmarks of reasonableness. The decision will be reasonable in its rationale and outcome if it is justified, transparent and intelligible in relation to the relevant factual and legal constraints that bear upon the decision (*Vavilov* at para 99). It will also be based on an internally coherent and rational chain of analysis and that is justified on the record before it (*Vavilov* at para 85). A reviewing court must be able to trace the decision maker's reasoning without encountering any fatal flaws in its overarching logic, and it must be satisfied that "there is [a] line of analysis within the given reasons that could reasonably lead the tribunal from the evidence before it to the conclusion at which it arrived." (*Vavilov*, at para 102).

V. **The Parties' Arguments**

A. ***The Applicants***

[37] The Applicants in effect re-argue what they had argued be the RPD that the RAD erred in assessing their credibility and in assessing the documentary evidence they produced in support of their claims.

[38] The Applicants argue with respect to the Tagore Hospital medical documents that the teachings in *Enamejewa* apply and that the RAD was incorrect in distinguishing their application in this case. They argue that the errors in the medical documents are “minor typographical errors,” not “material errors” as in *Azenabor*, and that the errors should not be taken as establishing the documents as fraudulent (*Enamejewa* at paras 27-29; *Azenabor* at para 30).

[39] With respect to the failure to obtain a copy of the 2017 police complaint, the Applicants argue that whether the complaint was actually filed with the police “does not go to the crux” of their claim. Therefore, they suggest that failure to attempt to obtain a copy of the report should not form the basis of negative credibility findings.

[40] The Applicants suggest that the RAD unreasonably upheld the RPD’s overzealous assessment of the affidavits by the Principal Applicant’s father, cousin and the Applicants’ sarpanch. They acknowledge that the notary stamps contained “a few typographical and grammatical errors,” but argue that such errors are understandable in the context of a non-English speaking notary public in an Indian village. In their view, the fact that the affidavits are on official seal paper and are dated and signed by affiants and the notary should “take precedence” in the circumstances. On this point, the Applicant again cites jurisprudence of this Court, including *Enamejewa* and *Azenabor*, which generally suggests that minor clerical errors are not determinative of authenticity and fraudulence (*Mohamud v Canada* (Citizenship and Immigration), 2018 FC 170 at paras 6-8, *Adebayo v Canada* (Immigration, Refugees and Citizenship), 2019 FC 330 at para 34, *Miah v Canada* (Citizenship and Immigration), 2022 FC 335 at para 14).

[41] The Applicants are also concerned about the RAD's finding that the Applicants lacked credibility because there is no evidence that the Principal Applicant was the legal owner of the land or that H.S. targeted later tenants of the property after they fled to Canada. They suggest that H.S. had no reasonable way to know who the landowner is or was, and that "it is reasonable that as far as any third party was concerned" that the Principal Applicant would be perceived as the property owner because he had been farming and in charge of the land.

B. *The Respondent*

[42] The Respondent disputes that the RAD unreasonably deemed the hospital records fraudulent. The Respondent notes that the RAD clearly distinguished the matter from *Enamejewa* because the errors in the Tagore Hospital letterhead were more akin to "material errors" in printed portions of an institution's graphic representation, as in *Azenabor*. The Respondent argues that the lettering and graphic errors constituting a falsified crest in the presented letterhead was a serious issue and not "minor typographical errors". The Respondent relies on *Saifullah v Canada (Citizenship and Immigration)*, 2023 FC 1060 at para 32, in which this Court held that assessing the authenticity of documents is a case-by-case analysis considering the evidence before the decision maker and any explanation offered.

[43] The Respondent also argues that the RAD was not unreasonable in drawing a negative inference from the Applicant's failure to try to produce a copy of the May 2017 police report. The Respondent relies on *Luo v Canada (Citizenship and Immigration)*, 2019 FC 823 para 20 [*Luo*], and *Kukoyi v Canada (Citizenship and Immigration)*, 2023 FC 1250 at para 25 [*Kukoyi*]

for the proposition that the RAD may consider and draw a negative inference from a lack of effort to obtain corroborative evidence to establish elements of their claim.

[44] The Respondent further argues that the RAD reasonably discounted the Applicants' father's cousin's and village sarphanch's affidavits because errors in the notary stamp vitiate the verification and authentication that such an item is intended to provide. The Respondent relies upon *Singh v Canada (Citizenship and Immigration)*, 2023 FC 914 at para 52 [*Singh*] and the proposition set out there that the misspelt seal of a notary is more akin to a misspelt government stamp on an official document and is properly found as lacking credibility.

[45] Finally, the Respondent argues that the RAD was not unreasonable in concluding that H.S.'s failure to pursue the land over the past six years undermines the Applicants' allegations of persecution. The Respondent argues that it is illogical to suggest, on one hand, that H.S. attacked the Principal Applicant because he wanted his land and then imply that H.S. ceased attempts to get this land solely because the Principal Applicant was no longer there. They also suggest that the Applicants present a contradiction in alleging that H.S. had no way to discern the land ownership, but also that H.S. could differentiate between the Principal Applicant, a perceived owner, and later tenants or the Applicant's father whom he did not apparently hassle.

[46] The Respondent concludes that the RAD's credibility findings on the above noted points were based on evidence before them and grapples with the arguments raised by the Applicants in their submissions.

VI. Analysis

[47] Madam Justice Rochester, then of this court, wrote in 2022 in *Onwuasoanya v. Canada (Citizenship and Immigration)*, 2022 FC 1765, at para 10 [*Onwuasoanya*] that:

[10] Credibility determinations are part of the fact-finding process, and are afforded significant deference upon review (*Fageir v Canada (Citizenship and Immigration)*, 2021 FC 966 at para 29 [*Fageir*]; *Tran v Canada (Citizenship and Immigration)*, 2021 FC 721 at para 35 [*Tran*]; *Azenabor v Canada (Citizenship and Immigration)*, 2020 FC 1160 at para 6). Such determinations by the RPD and the RAD demand a high level of judicial deference and should only be overturned “in the clearest of cases” (*Liang v Canada (Citizenship and Immigration)*, 2020 FC 720 at para 12). Credibility determinations have been described as lying within “the heartland of the discretion of triers of fact [...] and cannot be overturned unless they are perverse, capricious or made without regard to the evidence” (*Fageir* at para 29; *Tran* at para 35; *Edmond v Canada (Citizenship and Immigration)*, 2017 FC 644 at para 22, citing *Gong v Canada (Citizenship and Immigration)*, 2017 FC 165 at para 9).

[48] The Applicants have not established that the RAD or that the RPD before it made an unreasonable decision in its assessment of their credibility generally. They have not established that the RAD or the RPD before it made perverse or capricious credibility findings, or that such findings were made without regard to the evidence. The same is true with respect to the RAD’s consideration of the *sur place* claim in light of the Applicants’ evidence.

[49] The Applicants’ claim relies significantly on the documents they produced and allege are from the Tagore Hospital. These hospital documents were tendered to demonstrate and corroborate the harm they have suffered and for which they were hospitalized while being silent as to whom may have been the harm’s author. These documents go to the core of their claims.

[50] The Tagore Hospital documents do not reflect minor typographical errors. The errors at issue are in the letterhead of the institution itself and reflect an institutional letterhead that superficially resembles the institutional letterhead and crest but appears to be a fabrication upon a cursory inspection. The RPD disclosed the Tagore Hospital Website to the Applicants during the hearing before it and noted that the institutional crest shown on the website was considerably different from the one reproduced in the Applicants' documents. When questioned about the source of the documents, the Applicants averred to the Principal Applicant's father having obtained the records from Tagore Hospital yet still maintained that the documents were true. The RPD found that the Tagore Hospital documents tendered by the Applicants were not credible despite the Applicants' assertions to the contrary. The RAD upheld the RPD's findings with respect to the Tagore Hospital documents on the same basis as had the RPD had.

[51] The Tagore Hospital documents are suspect on their face and, combined with the Applicants' unpersuasive testimony as to their credibility and reliability, give rise to reasonable concerns about the genuineness of the documents and what they purport to reflect (*Azenabor* at para 31). It was open to the RAD to uphold the RPD findings on the credibility of the Tagore Hospital documents on the evidence before it. I find the RAD's findings in this regard to be reasonable.

[52] The RAD's finding as to the lack of credibility of the Tagore Hospital documents and of the Principal Applicant's assertions that the documents were genuine caused it to conclude, as had the RPD before it, that the presumption of truth that would otherwise apply to the Applicants' evidence had been rebutted (*Lawani* at para 21). As is the case with the Tagore

Hospital documents, the RAD's finding that the Principal Applicant lacked credibility more generally were open to it on the evidence before it considering the teachings set out in *Maldonado v Canada (Minister of Employment and Immigration)*, 1979 CanLII 4098 (FCA) and addressed in *Lawani* and the many decisions that have followed it.

[53] The RAD held as had the RPD that the content of the Applicant's father, cousin and Sarpanch's affidavits could not be trusted because there were errors in the receiving notary's stamp and attestation. The RAD was bolstered in its finding that the affidavits could not be trusted because typographical errors were found not only in the notary's stamp but also in the notary public's attestation included on each of the affidavits. The notary's affirmation read "Vaild Outside India" rather than "Valid Outside India". I would add that the certification is equally suspect as it reads "Certified that the above was declare solemman affirmation before me at Karnal..." rather than "Certified that the above was declared by solemn affirmation before me at Karnal...". While these discrepancies were not determinative of the affidavits' authenticity, the RAD found that it could not rely on the affidavits tendered and assigned them no weight. The RAD's findings on these points were transparent, intelligible and justifiable on the evidence before it considering *Singh*.

[54] The RAD reviewed the evidence with respect to the allegations that H.S. had been harassing the Applicants because he wished to buy the family land and reasonably found that the Principal Applicant's evidence was not credible. The RAD considered the Principal Applicant's testimony that H.S. targeted him because he was heir to the land but found it to not be credible considering that no other family member other than the Principal Applicant had been targeted

despite having either a better or equal interest in the land being harassed or targeted by H.S. since the Principal Applicant left India. The absence of evidence that farmers granted leases to the family land since the Principal Applicant left India had been targeted by H.S. also affected the Principal Applicant's credibility. The absence of any continued pursuit or harassment by H.S. strained the Applicants' credibility. The RAD's findings on this issue were transparent, intelligible and justified on the evidence before it.

[55] I agree with the Respondent that it was open to the RAD to draw a negative inference from the Applicant's failure to try to produce a copy of the May 2017 police report (*Luo and Kukoyi*). The explanation provided for such a failure was not a reasonable explanation. The RAD's decision was intelligible on this issue and supported by the jurisprudence.

[56] Finally, the RAD found as the RPD had with respect to the Applicants' *sur place* claim. The Applicants' evidence tendered was that they only seemed to get involved in the pro-Khalistan movement in the weeks before the hearing before the RPD. The RAD found that the Applicants did not present sufficient credible evidence to establish that they have been active members of the Khalistan movement or that they had deeply held views on the topic. The evidence of what the Applicants would do in support of the pro-Khalistan movement should they be returned to India was found to be vague in content and in intended action with like minded persons: the Applicants could not identify any groups to meet with and then could not explain what they would do with them other than spread the message. The RPD found the Applicants' support of the Khalistan movement to be disingenuous. As with the credibility issues discussed

above, it was open to the RAD to find as it did on the evidence before it in accordance with the prevailing jurisprudence on credibility as summarized in *Lawani* and in *Onwuasoanya*.

[57] The Applicants have not established that the RAD's decision is unreasonable or suffers from sufficient or serious shortcomings that would justify disregarding the high degree of deference this Court is required to show to the RAD when it upholds RPD credibility findings. A review of the Decision in light of the evidence and the applicable law instead establishes that the Decision is reasonable.

VII. **Conclusions**

[58] The Decision is transparent, justifiable, intelligible, and within the range of possible, acceptable outcomes that are defensible in respect of the facts and the law that constrained the RAD. The Applicants have not established that the Decision is unreasonable. There is no basis for the Court to interfere with the RAD's decision.

[59] The parties have not suggested that there is a serious question of general importance to be certified in this proceeding. I agree with the parties in this regard.

JUDGMENT in IMM-4214-24

THIS COURT’S JUDGMENT is that:

1. This application for judicial review is dismissed.
2. There is no serious issue of general importance to be certified in this proceeding.
3. There is no order as to costs.

“Benoit M. Duchesne”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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