

Federal Court



Cour fédérale

Date: 20250911

Docket: IMM-8061-24

Citation: 2025 FC 1511

Ottawa, Ontario, September 11, 2025

PRESENT: The Honourable Madam Justice Turley

BETWEEN:

ADEEL AHMAD

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant seeks judicial review of a Refugee Appeal Division [RAD] decision refusing his application for refugee protection under section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], due to the availability of an internal flight alternative [IFA]. He argues that the RAD erred in refusing to admit new evidence, under subsection 110(4) of the *IRPA*, that corroborated an alleged attack on the Applicant's wife

and son. Further, the Applicant asserts that the RAD unreasonably determined that he had a viable IFA because his agents of persecution were not motivated to locate him throughout Pakistan.

[2] I am dismissing the application for judicial review. The RAD reasonably refused to admit the new evidence for several reasons. Most notably, the timing of the alleged attack was suspicious given it occurred ten days after the Refugee Protection Division's [RPD] decision rejecting the Applicant's asylum claim. With respect to the viability of the proposed IFAs, the RAD reasonably determined a lack of motivation for two main reasons. First, there was no credible evidence that the agents of persecution had tried to locate the Applicant in the two years since he fled Pakistan. Second, the fatwa issued against the Applicant was not accompanied by a blasphemy charge.

II. Background

[3] A citizen of Pakistan, the Applicant alleges being targeted by the Sipah-e-Sahaba Pakistan [SSP], also known as the Ahle Sunnat Wal Jama'at [ASWJ], for attending a Christian funeral and firing a manager, an SSP member, from his family business.

[4] In December 2021, the Applicant was physically attacked by a group of individuals who shouted religious slogans and called him a heretic. The next day, the Applicant was threatened over the phone for firing the manager. The manager subsequently called the Applicant's father stating that the Applicant would be added to the SSP's target list if he was not rehired.

[5] The SSP ultimately issued a fatwa against the Applicant, declaring that he should be killed. This caused the Applicant to leave his home in Kamoke and hide in Lahore at his uncle's house. However, after a shopkeeper in Lahore reported that men had been asking for his whereabouts, the Applicant fled to another uncle's home in Noshera Virkan, and then to Canada via the United States. He filed his asylum claim in April 2022.

[6] The RPD found that the Applicant was credible and had established the elements of his claim. However, his application was rejected based on viable IFAs in Hyderabad and Karachi. In particular, the RPD concluded that the SSP was not motivated to seek out the Applicant in the proposed IFAs because there was no evidence corroborating his testimony that the SSP had contacted his family since he left Pakistan. The RPD therefore determined that his allegations of ongoing motivation were speculative.

[7] Before the RAD, the Applicant sought to adduce new evidence about an alleged attack on his wife and child that occurred in January 2024. The RAD determined that the evidence was inadmissible because it was not sufficiently credible or trustworthy.

[8] On the merits, the RAD concluded that the determinative issue was viable IFAs. The RAD agreed with the RPD that the lack of evidence that the SSP was looking for him, or had bothered his family since he left Pakistan, supports that they are not motivated to find and harm the Applicant in either IFA. Further, while the RAD accepted that the Applicant was the subject of a fatwa, it concluded that this did not mean that the SSP was motivated to pursue him. There was insufficient evidence that the SSP was interested in enforcing the fatwa in the Applicant's

home area, let alone throughout Pakistan. The RAD reasoned that this finding was reinforced by the absence of any blasphemy charges.

III. Analysis

[9] The Applicant argues that the RAD erred in two ways. First, that it erroneously refused to accept his new evidence. Second, that it erred in finding that the SSP was not motivated to locate him in either proposed IFA. There is no dispute that the applicable standard of review on both issues is reasonableness.

A. *The RAD did not err in finding that the new evidence was not credible*

[10] It is well established that under the reasonableness standard of review, deference is owed to the RAD's determinations of the admissibility of evidence: *Frank v Canada (Citizenship and Immigration)*, 2023 FC 696 at para 25; *Asim v Canada (Citizenship and Immigration)*, 2022 FC 517 at para 23; *Khan v Canada (Citizenship and Immigration)*, 2020 FC 438 at para 32.

[11] The Applicant sought to adduce three new pieces of evidence about an alleged attack by members of the SSP on his wife and child in January 2024: (i) an affidavit from the Applicant; (ii) a letter from his father to local police; and (iii) videos of the attack. According to this evidence, eight to ten people “followed the [Applicant]’s wife and son to the father’s home, attacked with weapons including firearms, held them hostage for two hours, threatened their lives, and fled only when the police eventually arrived”: Refugee Appeal Division – Reasons and Decision dated March 26, 2024 at para 15 [RAD Decision].

[12] The RAD determined that the new evidence was not credible for four reasons.

[13] First, the RAD found that the timing of the attack was “suspiciously fortuitous” given that it occurred ten days after the RPD had denied the Applicant’s asylum claim: RAD Decision at para 14. The RAD noted that the new evidence appears to rebut the RPD’s key finding that the Applicant had failed to demonstrate that the SSP has an ongoing interest in finding him because they did not bother his father nor his wife after he fled Pakistan.

[14] This Court has held that evidence can reasonably be regarded as dubious based on the suspicious timing of events: *Jiang v Canada (Citizenship and Immigration)*, 2021 FC 572 at para 44; *Idugboe v Canada (Citizenship and Immigration)*, 2020 FC 334 at paras 21–25 [*Idugboe*]; *Elmi v Canada (Citizenship and Immigration)*, 2020 FC 296 at paras 32–36; *Meng v Canada (Citizenship and Immigration)*, 2015 FC 365 at para 22.

[15] The Applicant, however, argues that the RAD erred in failing to consider the nature of the new evidence. In particular, he states that the father’s letter was notarized and “appears to have been stamped by the police station”. These factors, the Applicant asserts, “are indicative of the credibility of the document”: Applicant’s Memorandum of Fact and Law at para 17. I do not agree that the RAD’s reasoning is undermined because it failed to mention these factors. While notarization supports the authenticity of a document, it does not automatically make a statement credible. This would elevate form over substance. Notably, in *Idugboe*, four affidavits were reasonably rejected as not credible due to the fortuitous timing of the events they described: *Idugboe* at paras 18–25.

[16] Second, the RAD found that the timing of the alleged attack was even more suspicious because “it represents a remarkably sudden and violent escalation in the SSP/ASWJ’s targeting of the [Applicant]”: RAD Decision at para 15. Before the RPD, there was no credible evidence that the SSP had bothered the Applicant’s family after he left Pakistan. Yet, 10 days after the RPD’s decision, the Applicant alleges that a group of eight to ten persons followed his wife and son to his father’s house, attacked them with weapons, held them hostage for two hours, threatened their lives, and only fled when the police arrived. Further, the RAD noted that there was nothing in the country condition evidence that “would reasonably explain this extraordinarily coincidental and dramatic escalation”: RAD Decision at para 15.

[17] The Applicant argues that the RAD’s objection about the timing and severity of the attack ignores the unpredictability of fatwas, which can be enforced at any time by anyone: Applicant’s Memorandum of Fact and Law at paras 18–19. However, the Applicant extensively argued this point about fatwas before the RPD and the RAD. The RAD clearly took this evidence into account but determined that the issue of lack of motivation remains.

[18] Third, the RAD concluded that the Applicant’s testimony before the RPD “raises doubts about the credibility of his fortuitous new allegations”: RAD Decision at para 16. This is because the Applicant testified that the SSP “only go after the person that is on their list or that is on their target list” and “does not go after kids and women, otherwise, it becomes a big issue in the whole community”: Transcript of the RPD Hearing, Certified Tribunal Record at 124. The new evidence alleges that the SSP attacked his wife and child, which would not be the norm,

according to the Applicant's testimony. On this basis, the RAD reasonably determined that the Applicant's own testimony casts doubt on the credibility of the new evidence.

[19] Fourth, the RAD held that the video evidence of the alleged incident was not sufficiently credible or probative:

[...] There is insufficient credible evidence that the events documented in these videos are the same ones alleged by the Appellant. The videos do not reveal when or where they were taken. There is no one identifiable in the videos who can be linked to the Appellant's claim, such as his family members. The videos are brief, and there is no audio. Though what is captured in the videos is not necessarily inconsistent with the Appellant's and his father's description of the alleged attack, many key details are not captured, such as the use of firearms, the attack on their home by multiple persons who managed to break in, and the arrival of the police. Moreover, neither the Appellant's affidavit nor his father's letter provides any further explanation on the provenance or the content of the videos, and the Appellant merely asserts that these are videos of the event in question. [...]

RAD Decision at para 17

[20] The Applicant argues that the RAD erred in dismissing the videos for what they do not show, as opposed to considering what they do show. I agree with the Respondent, however, that the RAD was entitled to point out key details missing in the videos, as well as the lack of any explanation of its provenance. Further, the Applicant ignores the broader issues undermining the credibility of the attack — fortuitous timing and dramatic escalation. The role of corroborative evidence is to assuage any suspicions. This requires more than just not contradicting the story, which is already suspect; it must offer an element that allows the RAD to overcome its suspicions. In this case, the videos were simply insufficient to do so.

[21] For these reasons, the Applicant has not established that the RAD's rejection of his new evidence was unreasonable.

B. *The RAD's lack of motivation finding is reasonable*

[22] The Applicant only takes issue with the RAD's determination under the first prong of the IFA test: that he failed to establish the SSP's motivation to pursue him in either Hyderabad or Karachi. Relying on the Court's decisions in *Rivera Benavides v Canada (Citizenship and Immigration)*, 2020 FC 810 at para 75, *Losada Conde v Canada (Citizenship and Immigration)*, 2020 FC 626 at para 91, and *Abbas v Canada (Citizenship and Immigration)*, 2019 FC 1576 at paras 27–30, the Applicant argues that the RAD erred by finding a lack of motivation because the SSP have not contacted his family since he left Pakistan.

[23] The Respondent distinguishes those cases and counters that a parallel line of jurisprudence remains valid, whereby an agent of persecution's lack of contact with family members is a legitimate factor to consider in assessing ongoing motivation: *Torres Zamora v Canada (Citizenship and Immigration)*, 2022 FC 1071 at para 14; *Leon v Canada (Citizenship and Immigration)*, 2020 FC 428 at para 16.

[24] As the Respondent points out, Justice Sadrehashemi considered these two approaches in *Ramirez v Canada (Citizenship and Immigration)*, 2024 FC 561, finding that motivation determinations are fact-specific decisions:

[7] Ultimately, these are fact-specific decisions that depend on how the RAD considered a number of factors including, among others: the reason the claimants were initially targeted, the steps

the agents of persecution have taken, the length of time that has passed without contact, and the relationship the agents of persecution have to the applicants. There is no magic formula to making this determination; an absence of evidence of contact for X number of years does not necessarily establish a lack of motivation (*Rendon Segovia v Canada (Citizenship and Immigration)*, 2023 FC 868 at para 23). These are context-specific evaluations that depend on the facts of the claim and the reasons given by the decision-maker.

[25] Here, the RAD based its motivation finding on two main reasons. The absence of credible evidence that the SSP had “bothered” the Applicant’s family members or looked for him since he left Pakistan was only one reason. The other reason was the absence of blasphemy charges accompanying the fatwa.

[26] I do not accept the Applicant’s argument that the RAD failed to “meaningfully account” for the objective evidence about fatwas: Applicant’s Memorandum of Fact and Law at para 33. The RAD accepted that the Applicant was the subject of a fatwa and acknowledged the objective evidence that fatwas are serious. However, it found that simply because the Applicant “is the subject of a *fatwa* does not mean [...] that the agents of persecution or harm *ipso facto* possess the motivation to find and harm him in the IFA locations” [emphasis in original]: RAD Decision at para 41. This is consistent with the Court’s jurisprudence that a fatwa does not automatically guarantee asylum: *Ilyas v Canada (Citizenship and Immigration)*, 2024 FC 1940.

[27] In addition, in reaching this conclusion, the RAD relied on objective evidence indicating that blasphemy charges are increasingly being lodged by the SSP following the issuance of fatwas as a means of involving the police. The RAD thus reasoned that the fact the fatwa on the Applicant was not accompanied by a blasphemy charge further supports that the SSP is not

motivated to track him to either proposed IFA locations: RAD Decision at para 43. Based on the country condition evidence, this is a reasonable conclusion.

[28] The Applicant further argues that the RAD failed to consider his testimony that, while hiding at his uncle's house in Lahore, a shopkeeper reported that individuals were inquiring about him. There is no basis to this argument given that the RAD expressly accepted this testimony and determined that it "weighed" in the Applicant's favour. However, the RAD held that it did not demonstrate the SSP's motivation to track him to the proposed IFA locations "given that Lahore is in close proximity to his home area": RAD Decision at para 44.

[29] The RAD's reasoning that the Applicant has two viable IFAs in Pakistan is intelligible, transparent, and justified. There is no basis upon which I can interfere with the finding.

IV. Conclusion

[30] Based on the foregoing, the RAD's decision is reasonable and the application for judicial review is dismissed. The parties did not propose a question for certification, and I agree that none arise.

JUDGMENT in IMM-8061-24

THIS COURT’S JUDGMENT is that:

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

“Anne M. Turley”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8061-24

STYLE OF CAUSE: ADEEL AHMAD v THE MINISTER OF CITIZENSHIP
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