

Federal Court



Cour fédérale

**Date: 20250911**

**Docket: IMM-19112-24**

**Citation: 2025 FC 1509**

**Toronto, Ontario, September 11, 2025**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**BEKZOD JINAIDOV**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(delivered orally from the bench on September 11, 2025)**

[1] The Applicant applies for judicial review of the Refugee Appeal Division (RAD) decision to dismiss the appeal of his refused refugee claim.

[2] The Applicant advanced a fear of persecution in Kazakhstan after experiencing two arrests and extortion attempts by the police.

[3] While the RAD mysteriously identified the main issue as credibility, the reasons addressed

all of the grounds advanced in the appeal that were raised by the Applicant's previous counsel. Reasonableness review is not a "line-by-line treasure hunt for error" and, read holistically, it is possible to follow the analysis undertaken by the RAD (*Canada (Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (*Vavilov*) at paras 100, 101, 103).

[4] The RAD grasped the Applicant's argument that the motive behind the extortion by the police was the fact that he was perceived as wealthy based on his return from abroad, and that he was a member of the Tajik minority.

[5] The RAD concluded, based on the evidence before it, that the extortion was better explained by the prevalence of general corruption by the Kazakhstani authorities. It is not the role of a court on judicial review to reweigh and reassess the evidence before a decision maker, (*Vavilov* at para 125) and the RAD's conclusion is reasonable.

[6] In written argument, the Applicant argued that the RAD erred by failing to consider the intersectionality of the Applicant's profiles as a Tajik and as a person perceived to be wealthy after working abroad as motivating factors behind the police extortion. However, this argument was not raised by previous counsel before the RAD, and consequently the RAD's decision was not unreasonable for failing to address it.

[7] The application is dismissed because the RAD decision is reasonable.

**JUDGMENT in IMM-19112-24**

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

1. The application for judicial review is dismissed.
2. There is no question for certification and no order regarding costs.

**"Michael Battista"**

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**Judge**

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

**DOCKET:** IMM-19112-24

**STYLE OF CAUSE:** BEKZOD JINAIDOV v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** SEPTEMBER 11, 2025

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** SEPTEMBER 11, 2025

**APPEARANCES:**

David Yerzy FOR THE APPLICANT

Amy King FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

David Yerzy FOR THE APPLICANT  
Barrister and Solicitor  
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT  
Toronto, Ontario