

Federal Court



Cour fédérale

**Date: 20250918**

**Docket: IMM-13394-24**

**Citation: 2025 FC 1536**

**Ottawa, Ontario, September 18, 2025**

**PRESENT: The Honourable Madam Justice Saint-Fleur**

**BETWEEN:**

**MOHAMMED SHAHIDULLAH**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] This is an application for judicial review of a decision by a Senior Immigration Officer [Officer], dated May 13, 2024 [Decision], rejecting the Applicant's Pre-Removal Risk Assessment [PRRA]. The Officer determined the Applicant would not be at risk of persecution, risk of torture, risk to life, or risk of cruel and unusual treatment or punishment under section 112 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] if returned to Bangladesh.

[2] For the reasons that follow, this application for judicial review is allowed.

## II. Background Facts

[3] Mr. Mohammed Shahidullah [Applicant] is a citizen of Bangladesh and a member of the Bangladesh National Party [BNP]. He became a general member of the BNP's Ramna Thana Unit of Dhaka City around December 2008 and a member of the Executive Committee around January 2010. From December 2012 to January 2016, the Applicant was the Assistant Youth Affairs Secretary of the Unit. The Applicant seeks protection because of his political affiliation, claiming he was targeted by goons of the majority political party in Bangladesh, the Awami League [AL], and the police.

[4] The Applicant entered Canada on January 27, 2016, and made a claim for refugee protection. Initially, his asylum claim was referred to the Refugee Protection Division on February 17, 2016. However, upon learning of the Applicant's political membership, his refugee claim was suspended, and an admissibility hearing was conducted.

[5] On October 15, 2018, the Immigration Division found the Applicant to be inadmissible to Canada on security grounds under subsection 34(1)(c) and 34(1)(f) of IRPA. A deportation order was subsequently issued.

[6] The Applicant applied for a PRRA on the grounds that he risked persecution by the police and members of a political party. The Officer denied his PRRA on May 13, 2024.

### III. Decision Under Review

[7] Since the Applicant was found inadmissible on security grounds pursuant to subsection 34(1)(c) and 34(1)(f) of IRPA due to his membership in BNP, the PRRA was assessed on a restricted basis under section 112(3)(a) of IRPA. Thus, the Officer did not consider fear of persecution under section 96 of IRPA and only considered the factors set out in section 97 of IRPA.

[8] The Officer found that the Applicant had not established on substantial grounds that he would face a forward-facing personal risk of cruel and unusual treatment or punishment, nor a risk to life as described in section 97(1)(b) of IRPA if he were to be returned to Bangladesh. Therefore, his application for PRRA was refused.

[9] The Officer found the Applicant had presented insufficient evidence to demonstrate he currently faces a substantial personalized risk of intimidation, harm, or violence in Bangladesh.

[10] More specifically, the Officer concluded the Applicant had not provided evidence that he was of any special interest because of his political beliefs, position, or activism, and did not demonstrate that he was sufficiently visible as a significant member to be targeted. The Officer held there was insufficient evidence to conclude the Applicant would be “personally singled out for treatment that would be substantially different from other Bengali citizens” based solely on his BNP membership.

[11] The Officer also concluded that there was little evidence to support that agents of harm would still be actively seeking out the Applicant considering it had been 8 years since he fled Bangladesh. The Officer also considered that the Applicant failed to explain the identities and motives of the unnamed individuals and members of the AL who targeted and extorted him.

[12] The Officer noted the country conditions in Bangladesh are generally inferior to those in Canada, citing political and economic challenges as well as human rights violations.

#### IV. Issues and Standard of Review

[13] The sole issue is whether the Decision under review is reasonable.

[14] In this respect, the role of the reviewing court is to examine the decision maker's reasoning and determine whether the decision is based on an "internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 64). Although the party challenging the decision bears the onus of demonstrating that the decision is unreasonable, the reviewing court must ask "whether the decision bears the hallmarks of reasonableness — justification, transparency and intelligibility" (*Vavilov* at para 99).

#### V. Legislative Dispositions

[15] The facts constituting inadmissibility must be assessed in light of section 33 of the IRPA. Sections 33 and 34(1)(b) of IRPA set out the following:

## Rules of interpretation

33 The facts that constitute inadmissibility under sections 34 to 37 include facts arising from omissions and, unless otherwise provided, include facts for which there are reasonable grounds to believe that they have occurred, are occurring or may occur.

### Security

34 (1) A permanent resident or a foreign national is inadmissible on security grounds for

[...]

(b) engaging in or instigating the subversion by force of any government;

[...]

(f) being a member of an organization that there are reasonable grounds to believe engages, has engaged or will engage in acts referred to in paragraph (a), (b), (b.1) or (c).

## Interprétation

33 Les faits — actes ou omissions — mentionnés aux articles 34 à 37 sont, sauf disposition contraire, appréciés sur la base de motifs raisonnables de croire qu'ils sont survenus, surviennent ou peuvent survenir.

### Sécurité

34 (1) Emportent interdiction de territoire pour raison de sécurité les faits suivants :

[...]

c) se livrer au terrorisme;

[...]

f) être membre d'une organisation dont il y a des motifs raisonnables de croire qu'elle est, a été ou sera l'auteur d'un acte visé aux alinéas a), b), b.1) ou c).

[16] Section 97(1) of IRPA defines a person in need of Canada's protection:

## Person in need of protection

97 (1) A person in need of protection is a person in Canada whose removal to their country or countries of nationality or, if they do not have a country of nationality, their country of former habitual residence, would subject them personally

(a) to a danger, believed on substantial grounds to exist, of torture

## Personne à protéger

97 (1) A qualité de personne à protéger la personne qui se trouve au Canada et serait personnellement, par son renvoi vers tout pays dont elle a la nationalité ou, si elle n'a pas de nationalité, dans lequel elle avait sa résidence habituelle, exposée :

a) soit au risque, s'il y a des motifs sérieux de le croire, d'être soumise à la

within the meaning of Article 1 of the Convention Against Torture; or	torture au sens de l'article premier de la Convention contre la torture;
(b) to a risk to their life or to a risk of cruel and unusual treatment or punishment if	b) soit à une menace à sa vie ou au risque de traitements ou peines cruels et inusités dans le cas suivant :
(i) the person is unable or, because of that risk, unwilling to avail themselves of the protection of that country,	(i) elle ne peut ou, de ce fait, ne veut se réclamer de la protection de ce pays,
(ii) the risk would be faced by the person in every part of that country and is not faced generally by other individuals in or from that country,	(ii) elle y est exposée en tout lieu de ce pays alors que d'autres personnes originaires de ce pays ou qui s'y trouvent ne le sont généralement pas,
(iii) the risk is not inherent or incidental to lawful sanctions, unless imposed in disregard of accepted international standards, and	(iii) la menace ou le risque ne résulte pas de sanctions légitimes — sauf celles infligées au mépris des normes internationales — et inhérents à celles-ci ou occasionnés par elles,
(iv) the risk is not caused by the inability of that country to provide adequate health or medical care.	(iv) la menace ou le risque ne résulte pas de l'incapacité du pays de fournir des soins médicaux ou de santé adéquats.

## VI. Submissions and Analysis

### A. *The Officer's Conclusion That There Was Insufficient Evidence to Demonstrate Personal Risk in Bangladesh Is Not Reasonable*

[17] The Applicant argues he provided numerous corroborative documents and other evidence confirming his history of persecution, including affidavits from friends and family, letters from his physician and lawyer, translated news reports, a general diary completed by his wife, and

more. He believes, considering the record before him, the Officer did not consider the entirety of the evidence.

[18] Furthermore, the Applicant makes the argument that it was unreasonable for the Officer to request photographs, police reports, or news reports. According to the Applicant, the Officer seemed to negate his credibility regarding the incidents of persecution based on his failure to provide corroborative evidence such as photographs, news articles or police complaints.

[19] The Respondent submits the Officer's conclusions were not credibility findings. Instead, the Officer found the evidence was insufficient to support his claim and was of low probative value. The Respondent relies on *Adeleye v Canada (Citizenship and Immigration)*, 2020 FC 640 for the proposition that credibility findings and findings of insufficient evidence are distinct concepts (at paras 10-11). I agree.

[20] However, in the present case, the Officer stated that there was insufficient evidence to establish the Applicant faces a substantial personalized risk of intimidation, harm, or violence in Bangladesh, but did not make any credibility findings. The Officer did not give any reasons for doubting the truthfulness of the Applicant's evidence. Nevertheless, the Officer reiterated throughout the Decision that the Applicant failed to provide "photographs, news reports, nor any copies of possible complaints files with police" and that there was a lack of corroborating evidence regarding key elements of his claim, such as the threats he and his wife received and the reasons for the threats. The Officer also does not give any reasons for doubting the truthfulness of the Applicant's evidence.

[21] For instance, the Officer considered that the Applicant failed to explain why he believes members of the AL were responsible for the threats he received, or why unnamed individuals would target him before noting he did not provide any photographs, news reports, nor any copies of possible complaints files with police in that regard.

[22] In his statements and submissions for his PRRA application as well as in his narrative filed for his refugee claim which were before the Officer, the Applicant indicated that local members of the AL and two specific individuals who had previously threatened him were responsible for the violence he suffered because of his political involvement. The Officer did not say why the Applicant's evidence alone is insufficient to establish this fact and there was no conflicting evidence or inconsistencies to bring that evidence into question. Not only did the Officer fail to explain his appreciation of the Applicant's evidence, but also why there was a need for corroborative evidence.

[23] In another instance, the Officer noted the Applicant stated, he was attacked in his BNP office in January 2016, and that on three occasions agents of harm visited his home looking for him. Without analyzing the evidence, the Officer simply stated that the Applicant had not explained who or why he was targeted for violence, nor had he provided any photographs, news reports, nor any copies of possible complaints files with police.

[24] The Officer took a similar approach with respect to the Applicant's statements that his wife in Bangladesh was visited by unnamed men who threatened her and attempted to extort her. The Officer noted these allegations as well as the affidavit of the wife where she indicates having



received threatening phone calls from AL members. Once again, the Officer commented that the Applicant did not explain who or why unnamed men targeted his spouse in Bangladesh, nor did he provide any photographs, news reports, nor any copies of possible complaints files with police.

[25] This Court has held there is no general requirement for corroboration and it would be an error to make a credibility finding based on the absence of corroborative evidence alone (*Dundar v Canada (Citizenship and Immigration)*, 2007 FC 1026, at paras 19-22; *Ndjavera v Canada (Minister of Citizenship and Immigration)*, 2013 FC 452 at paras 6-7; and *Chekroun v Canada (MCI)*, 2013 FC 737 at para 65). This is what the Officer has done in this case.

[26] If there is a valid reason to question the claimant's credibility, the Officer may draw a negative inference from a failure to provide corroborative evidence that would reasonably be expected. That is not the case here, since no credibility finding has been made.

[27] For the reasons set out above, I cannot conclude that the Officer's finding that there was there was insufficient evidence to demonstrate personal risk in Bangladesh was reasonable.

## VII. Conclusion

[28] I am satisfied that the appropriate remedy is to set the Decision aside and remit the matter for reconsideration by a different Officer.

[29] Neither party proposed a question for certification, and I agree none arises.

**JUDGMENT in IMM-13394-24**

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

1. The application for judicial review is allowed.
2. The matter is sent back to a different Senior Immigration Officer for a new determination.
3. There is no question to be certified.

"L. Saint-Fleur"

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Judge

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

**DOCKET:** IMM-13394-24

**STYLE OF CAUSE:** MOHAMMED SAHIDULLAH v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** MONTRÉAL (QUÉBEC)

**DATE OF HEARING:** AUGUST 27, 2025

**JUDGMENT AND REASONS:** SAINT-FLEUR J.

**DATED:** SEPTEMBER 18, 2025

**APPEARANCES:**

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