

Federal Court



Cour fédérale

Date: 20250919

Docket: IMM-8495-24

Citation: 2025 FC 1542

Ottawa, Ontario, September 19, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

KAMRAN AKHTER

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND EMERGENCY
PREPAREDNESS**

Respondent

REASONS AND JUDGMENT

[1] Mr. Kamran Akhter (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Refugee Protection Division (the “RPD”), dismissing his claim for protection. The RPD found that he is not eligible for protection under either section 96 or subsection 97(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicant is a citizen of Pakistan, from Gujarat. He claimed to be at risk due to his conversion from Sunni Islam to Shia Islam. He alleged a fear of persecution from the general Sunni population, the government of Pakistan and extremist Muslim groups including the Lashker-e-Jhangvi (the “LeJ”).

[3] The RPD found that omissions in the Applicant’s Basis of Claim (“BOC”) and oral evidence were significant and undermined his credibility. Nonetheless, it considered that an Internal Flight Alternative (“IFA”) was available to the Applicant in Hyderabad. It dismissed his claim for protection on that basis.

[4] The Applicant now argues that the RPD erred by microscopically assessing his evidence and rejecting his reasonable explanations for the gaps and omissions. He also submits that the RPD relied on its unreasonable assessment of his evidence to find that Hyderabad would be an IFA for him.

[5] The Minister of Public Safety and Emergency Preparedness (the “Respondent”) submits that the RPD made no reviewable error in its assessment of credibility nor in its conclusions about the availability of an IFA.

[6] Following the decision of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov* [2019] 4 SCR 653 the decision is reviewable on the standard of reasonableness.

[7] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision”; see *Vavilov*, *supra* at paragraph 99.

[8] I am not persuaded by the Applicant’s arguments about any alleged errors by the RPD in assessing his credibility.

[9] The RPD, not the Court, is mandated to assess the evidence and to make findings of credibility. There are sufficient gaps in the evidence that are clearly identified by the RPD that support its findings. As well, the RPD gave clear reasons for its negative credibility findings.

[10] I move now to the Applicant’s submissions about the RPD’s conclusion about the availability of an IFA.

[11] In its decision in *Rasaratnam v. Canada (Minister of Employment and Immigration*, [1992] 1 F.C. 706 at 710-711 (F.C.A.), the Federal Court of Appeal set out a two-part test for an IFA, as follows:

- First the Board must be satisfied that there is no serious possibility of a claimant being persecuted in the IFA.
- Second, it must be objectively reasonable to expect a claimant to seek safety in a different part of the country before seeking protection in Canada

[12] The RPD reviewed each part of the test. The Applicant focuses on the RPD’s treatment of the first part of the test, that is whether the agents of persecution, in particular the LeJ, have the

means and motivation to find him in the proposed IFA. He does not directly challenge the second part of the test, that is whether he had shown that relocation to Hyderabad was unreasonable.

[13] The RPD reviewed each part of the test. The Applicant focuses on the RPD's treatment of the first part of the test, that is whether the agents of persecution, in particular the LeJ, have the means and motivation to find him in the proposed IFA. He does not directly challenge the second part of the test, that is whether he had shown that relocation to Hyderabad was unreasonable.

[14] I agree with the submissions of the Respondent, that the RPD had considered the personal circumstances of the Applicant as well as the objective country condition evidence set out in the National Documentation Package (the "NDP") in finding that he had not shown a serious possibility of persecution in the proposed IFA.

[15] The burden in that regard lay upon the Applicant, not the RPD.

[16] Although the Applicant did not make submissions about the second part of the test in his written submissions, the Respondent addressed that part of the test. He submitted that the RPD had reasonably found that Hyderabad would be an IFA for the Applicant, considering his personal circumstances, including language, education and employment history.

[17] In my opinion, the Applicant has failed to show that the decision of the RPD fails to meet the applicable standard.

[18] In the result, the application for judicial review will be dismissed. There is no question for certification.

JUDGMENT IN IMM-8495-24

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed. There is no question for certification.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8495-24

STYLE OF CAUSE: KAMRAN AKHTER v. MPSEP

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 15, 2025

REASONS AND JUDGMENT: HENEGHAN J.

DATED: SEPTEMBER 19, 2025

APPEARANCES:

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