Federal Court Cour fédérale

Date: 20251001

Docket: IMM-13766-24

Citation: 2025 FC 1607

Ottawa, Ontario, October 1, 2025

PRESENT: The Honourable Mr. Justice Lafrenière

BETWEEN:

MEHMET FEHMI ISIK
SUDENAZ ISIK

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicants, Mehmet Fehmi Isik and Sudenaz Isik, are citizens of Türkiye. They were married in Türkiye in early August 2021 and applied that same month for student visas to enter Canada.

[2] Their visa applications were refused in November 2021.

[3] The Applicants booked a ticket to Mexico with the assistance of a smuggler and left Türkiye on April 20, 2022. After landing in Mexico, the Applicants attempted to cross into the United States of America [US] but were detained by US border officials.

[4] The Applicants did not apply for asylum in the US because their ultimate destination was always Canada. The Applicants crossed the border into Canada on July 25, 2022 and applied for refugee status.

[5] In their Basis of Claim forms, the Applicants both allege fear of harm at the hands of the Turkish authorities and citizens on account of Mr. Isik's Kurdish Alevi identity. Mr. Isik's mother is Kurdish and Ms. Isik fears harm based on her association with her husband. The Applicants also allege fear of harm at the hands of Ms. Isik's Turkish Sunni Muslim father and her family because of Mr. Isik's Kurdish Alevi background and his marriage to Ms. Isik.

II. Decisions below

[6] The Refugee Protection Division [RPD] found that the Applicants had a viable internal flight alternative [IFA] in Ankara from any risk from Ms. Isik's father. It also found that the risk they face related to religion, ethnicity and political opinion was not persecution, nor did it amount to a risk to their life, risk of cruel and unusual treatment or punishment or a danger of torture. The RPD concluded that the Applicants are not Convention Refugees or persons in need

of protection pursuant to sections 96 and 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA] and therefore rejected their claims.

[7] On appeal to the Refugee Appeal Division [RAD], the Applicants raised three main concerns with the RPD's findings. First, they claimed that the RPD had made several crucial and determinative errors in its assessment of whether they could safely relocate to the IFA of Ankara. Second, they argued that the RPD erred in finding that the discrimination that Mr. Isik had faced as a Kurdish Alevi man did not amount to persecution. Third, they submitted that the RPD had failed to assess the cumulative impact of all discriminatory and harassing events experienced by the couple in assessing claims under s. 96 of IRPA.

[8] In its decision dated July 15, 2024, the RAD confirmed the RPD's findings and dismissed the Applicants' appeal [Decision]. The IFA was the determinative issue.

III. Issue to be determined

[9] The Applicants seek judicial review of the RAD's Decision.

[10] The only issue to be determined is whether the RAD erred in confirming the RPD's findings. The parties submit, and I agree, that the applicable standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 23, 33 [*Vavilov*]. Under this standard, the court will consider the existence of justification, transparency and intelligibility within the decision-making process. The starting point of

reasonableness review is judicial restraint and respect for the distinct role of administrative decision makers.

IV. Analysis

[11] The Applicants submit that the RAD made several reviewable errors that warrant this Court's intervention. Their arguments on judicial review largely mirror the arguments that they made before the RPD.

A. *Alleged inconsistency in the Decision*

[12] The Applicants maintain that the Decision is internally inconsistent when assessing Mr. Isik's profile. They point to the following two paragraphs, that read as follows:

> [16] Having reviewed the documentary evidence, I find that violence, discrimination, and harm do occur against Kurds, but the impact of this is limited for those who are not active on political or social/civic matters, such as the Appellants.
>
> [17] The PA's experiences reflect this – he experienced problems but was able to participate in private and civic life. While his experiences were not acceptable, they fall short of persecutory. I find the evidence does not support that the Appellants would face persecution in Ankara because the PA is Kurdish.

[13] The Applicants claims that the RAD both used the purported lack of civic involvement to exclude Mr. Isik from the profile of a person who would face harm, and later, using his successful civic involvement to find that he was able to participate in both private and civic life and thus, live safely. They argue that these two positions are incompatible with each other. I disagree.

[14] While the RAD's findings may appear at first glance to be contradictory, on judicial review, the reviewing court must look at the decision as a whole in assessing whether the reasoning is both rational and logical. Reasonableness review is after all not a "line-by-line treasure hunt for error" (*Vavilov* at para 102).

[15] The Applicants ignore the preceding paragraph where the RAD found that while violence, discrimination, and harm do occur against Kurds, "in general, Kurds can participate normally in both private and civic life, particularly non-politically active Kurds and those who support the Justice and Development Party." When the three paragraphs are read together, it is clear that the RAD was alert and alive to the Applicants' profiles, and in particular that of Mr. Isik.

[16] The RAD explained why the Applicants' specific profile/characteristics would not put them at risk in Ankara, including because they failed to establish that they are active on political matters. The RAD acknowledged that Mr. Isik experienced problems in the past but was nevertheless able to participate in private and civic life. While accepting that his experiences were "not acceptable," the RAD found that the discrimination he faced in the past fell short of persecutory. The RAD also noted Mr. Isik's lack of engagement with the Alevi community, and the lack of evidence on what specific ways Mr. Isik might face restrictions on his religious practice. Reviewing the record, I see no error in these findings.

B. *Alleged failure to explain why the Applicants' circumstances did not amount to persecution.*

[17] The Applicants submit that the RAD failed to provide an explanation as to why their circumstances did not amount to persecution. There is no merit to this argument.

[18] In making these arguments, the Applicants are asking the Court to reweigh evidence properly considered by the RAD without explaining how its reasoning was erroneous, which is improper on judicial review. The Supreme Court of Canada in *Vavilov* makes it abundantly clear the role of this Court is not to reweigh and reassess the evidence unless there are "exceptional circumstances": para 125.

[19] With respect to the risk from Ms. Isik's father, the RAD found that there was no serious risk in the IFA. The RAD agreed with the RPD that the father does not have the means to locate them in Ankara and he poses no serious risk to them in this IFA. A full explanation was provided by the RAD and the Applicants did not take issue with this finding at the hearing.

[20] As for the risk to Mr. Isik due his ethnicity, religion, and political opinion, I am satisfied that the RAD sufficiently addressed each of these in the Decision. More importantly, the RAD correctly noted that refugee protection is a forward-facing assessment.

[21] The Applicants allege that there is no requirement that their experiences be persecutory by themselves, but rather, that the cumulative assessment of the experiences they faced met the standard of discrimination amounting to persecution. This is not in dispute. In fact, the RAD

acknowledged in the Decision that "acts of harassment or discrimination may cumulatively constitute persecution."

[22] However, based on the evidence before me, I find that the RAD carefully considered each aspect of Mr. Isik's allegations of discrimination, both individually and cumulatively. It weighed the impact of each factor on the Applicants' lives and determined that they would be able to relocate to Ankara, that they would face limited exposure to politically motivated harm due to the nature and level of Mr. Isik's profile. I find the RAD's determination that Ankara would be a suitable IFA to be fully justified.

C. *Alleged selective reading of country conditions*

[23] The Applicants argue that the RAD erred in its interpretation of the country condition evidence. While they acknowledge that the RAD assessed the country conditions and treatment faced by Kurds and Alevi Muslims in Türkiye, they submit that there is no explanation or justification given as to why the assessed factors do not meet the threshold for the finding that the Applicants do not face persecution. They claim the evidence was selectively read. I disagree.

[24] The RAD referred to multiple well-known and well-respected sources of information on country conditions. The existence of other evidence and the possibility of another conclusion does not establish an error. As is well-established, a decision-maker is presumed to have considered all the evidence when making its decision and need not refer to each and every piece of evidence: *Simpson v. Canada (Attorney General),* 2012 FCA 82, at para 10.

[25] All the RAD was required to do was to review the evidence and reasonably ground its findings in the materials before it, which it did in this case.

V. Conclusion

[26] A decision is reasonable where it based on an internally coherent reasoning and justified in light of the legal and factual constraints that bear on it, including consideration of the totality of evidence. I find the Decision under review meets this bar.

[27] For the foregoing reasons, the application for judicial review is dismissed.

[28] The parties raised no question for certification, and I agree none arises.

JUDGMENT IN IMM-13766-24

THIS COURT'S JUDGMENT is that:

1. The application is dismissed.

2. No question is certified.

"Roger R. Lafrenière"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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