

Federal Court



Cour fédérale

Date: 20251008

Docket: IMM-22359-24

Citation: 2025 FC 1666

Toronto, Ontario, October 8, 2025

PRESENT: The Honourable Mr. Justice Lafrenière

BETWEEN:

TASHNUR JAHAN

Applicant

and

**MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] This is an application for judicial review of a decision of the Refugee Appeal Division [RAD] dated October 30, 2024 [Decision] confirming the decision of the Refugee Protection Division [RPD] finding that the Applicant, a citizen of Bangladesh, is neither a Convention refugee nor person in need of protection pursuant to sections 96 and 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The determinative issue was credibility.

II. Facts

[2] The facts in this case are somewhat unique.

[3] The Applicant's parents and her Canadian-born brother fled Bangladesh in October 2020 and claimed asylum in Canada. The Applicant was unable to accompany her family as she could not obtain a Canadian visa.

[4] In his Basis of Claim form [BOC], the Applicant's father claimed that his family became the victims of torture, extortion and subject of harassment and intimidation because of their beliefs and political opinions by two former business partners, Mr. Ruhul Amin Akil and Mr. Rafiq Ahmed, who were members of the government political party named Awami League [AL].

[5] On September 1, 2022, the RPD rejected the claims of the Applicant's parents on the basis that they had a viable internal flight alternative [IFA] in Chittagong.

[6] The Applicant claims that when her family left in September 2020, she remained in hiding in Chittagong for two years. She further claims that in September 2022, the police detained and interrogated her about "my father's whereabouts and seized my passport." The Applicant was finally able to flee the country and arrived in Canada via the United States of America [US] on February 11, 2023.

[7] The Applicant submitted her refugee claim one week later, which is based essentially on the same grounds of persecution and fear as that of her family members.

[8] The RAD ultimately dismissed the claims of the Applicant's parents on September 7, 2023.

[9] The Applicant's refugee claim was refused by the RPD on June 12, 2024.

[10] The Applicant's appeal to the RAD was refused on October 30, 2024. This is the Decision under review.

III. Analysis

[11] The Applicant submits that the RAD made several reviewable errors that warrant this Court's intervention.

[12] First, she submits that the RAD failed to provide a sufficient analysis or explanation as to why the facts that had been previously accepted by the RPD and RAD in decisions related to her parents' claims were not accepted in her case. As explained below, there is simply no merit to this argument.

[13] In refusing the claims of the Applicant's family members, the RAD did not accept the credibility of their allegations. In fact, the RAD explicitly stated that it was only prepared to assume the credibility of the allegations for the purpose of an IFA assessment:

[63] My findings on the roles of these actors is on the basis of assuming without accepting, since even if the allegations are found to be credible, there is still a viable IFA available to the Appellants.

[14] There is an important distinction to be made – on the one hand, in making a finding that claimants are credible and, on the other hand, in being prepared to accept allegations as credible for the purpose of assessing the viability of an IFA. After all, the existence of a viable IFA can negate the need to assess credibility because it is determinative of a refugee claim.

[15] As stated by Justice Glennys McVeigh in *Oyadeyi v Canada (Citizenship and Immigration)*, 2021 FC 1159 at para 10, assuming the credibility of the allegations for the purposes of an IFA assessment “is not exceptional.”

[16] In my view, it was reasonably open to the RAD to conclude that it was not bound by the decision of the other RAD panel refusing the claims of the Applicant’s family members. The RAD explained why it was not prepared to accept the credibility of the allegations that were advanced in that claim. It also found that the records, including the testimonies, were different in the two cases. Indeed, many of the adverse credibility findings made by the RAD were based on the Applicant’s testimony, which obviously had not been before the other RAD panel when it had determined the family members’ claims.

[17] Second, the Applicant submits that the RAD engaged in an illogical chain of reasoning stemming from the assessment of the Applicant’s evidence, in particular as it relates to the “seizure list” from when she was detained and her passport seized by Bangladeshi authorities in

September 2022. The Applicant submits that it was unreasonable and unintelligible for the RAD to accept that she was detained by police and that her passport was seized, but then proceed to find that this “did not suggest that it was likely due to the business partners and/or the AL or CL (Chattra League).” I disagree.

[18] The RAD noted in its reasons that the seizure list was the Applicant’s strongest documentary evidence. However, it found that this document was not sufficient to overcome the other adverse credibility findings. Specifically, the RAD found that the seizure list did not provide sufficient corroborative evidence that the Applicant was being detained and targeted due to the efforts of the agents of persecution to utilize the police and target her father, who had disposed of his business two years earlier. The RAD also noted that if the Applicant were questioned as part of a genuine police investigation, this would not be grounds for a claim.

[19] The RAD noted that it was easy to acquire authentic documents that contain false information and counterfeit documents in Bangladesh, but that this was insufficient by itself to determine that the seizure list was not genuine. However, the limited reliability of the document coupled with the lack of probative value led the RAD to find that the document was not sufficient to overcome the adverse credibility findings. In my view, it was reasonably open to the RAD to so find.

[20] The Applicant submits that the RAD assessed the evidence based on what it does not say, rather than on what it says (*Mahmud v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 8019 (FC)). I cannot subscribe to this argument. The RAD did note that the Applicant

may have been detained and questioned with her passport taken. However, the Applicant had the burden of submitting evidence establishing a link between her evidence and her agents of persecution. The RAD determined the evidence did not establish that link. It was reasonably open to the RAD, in light of the evidentiary record, to weigh the evidence and find that the seizure list was not capable of overcoming the adverse credibility concerns because of its limited probative value and reliability.

[21] Third, the Applicant submits that the RAD erred in the interpretation of her testimony. By way of example, the Applicant claims that the RAD undertook a microscopic view of perceived discrepancies by finding that her use of a nickname and misstatement of one of the names of her agents of persecution, which led to a negative credibility determination being made against her. As she did before the RAD, the Applicant argues that the names of her agents of persecution are minor and peripheral, making the RAD's credibility findings on this issue unreasonable. This argument must fail. It was open to the RAD to consider this inconsistency as part of its credibility assessment. As found by the RAD, the names of her agents of persecution were central to her claim. Even so, the RAD recognized that this finding alone was not sufficient to find the Applicant not credible, but that it was an additional consideration.

[22] Further, the Applicant claims the RAD erred in finding her testimony surrounding her activities while living in hiding lacked sufficient credible evidence and that she was not in fact in hiding. The RAD stated that it did not find sufficient credible evidence as to the likelihood of the Applicant's hiding. Before this Court, the Applicant simply repeats the arguments presented to the RAD. The Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v*

Vavilov, 2019 SCC 65 at para 125 makes it abundantly clear the role of this Court is not to reweigh and reassess the evidence unless there are “exceptional circumstances.” No such circumstances have been established here.

[23] The Applicant also takes issue with the RAD’s treatment of her testimony surrounding the police concerns of her father and her responses to the questions posed by the RPD. The Applicant argues that the RAD misconstrued the question posed to her and that there are no inconsistencies in her evidence. I disagree. The RAD identified specific inconsistencies between the Applicant’s BOC and her testimony before the RPD in its reasons. It was open to the RAD to make a negative credibility finding based on the analysis of the inconsistencies.

[24] In her submissions on judicial review, the Applicant completely ignores and does not challenge several critical credibility findings that go to the heart of the Applicant’s claim. First, the RAD noted an inconsistency in the statement included in the Applicant’s BOC that she was “harassed and intimidated” by the AL and CL members since September 2022. However, the Applicant testified that she had never had any contact with them. Second, the Applicant was issued a US visa in June of 2022 but only picked it up in September 2022. The Applicant was given the opportunity to explain why she waited so long to pick it up. She testified that she was not checking her email. The RAD noted the inconsistency between the four months wait and the subjective fear the Applicant affirmed she felt. Third, the RAD found it implausible that the police found her in Chittagong because they had seen a car driving from Chittagong to Dhaka when she went to pick up her US visa. The RAD found it was implausible for the police to have singled out her car in a city of over 21 million.

[25] The RAD's unchallenged credibility findings must be presumed to be true (*Zhu v Canada (Citizenship and Immigration)*, 2017 FC 615 at para 20 citing *Liu v Canada (Citizenship and Immigration)*, 2015 FC 207 at paras 28–30).

[26] In my view, the RAD reasonably and independently assessed each of the numerous credibility findings challenged by the Applicant. The Applicant has failed to show RAD erred in any of them. Since the Applicant has not addressed other credibility findings, they must be taken as reasonable and responsive of the record.

IV. Conclusion

[27] For the above reasons, I conclude that the Decision bears the hallmarks of reasonableness. It is justified, transparent and intelligible. The application is accordingly dismissed.

[28] Neither counsel raised any questions for certification.

JUDGMENT IN IMM-22359-24

THIS COURT'S JUDGMENT is that:

1. The application is dismissed.
2. There is no question to be certified.

"Roger R. Lafrenière"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-22359-24

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