

Federal Court



Cour fédérale

Date: 20251021

Docket: IMM-16123-24

Citation: 2025 FC 1706

Ottawa, Ontario, October 21, 2025

PRESENT: The Honourable Madam Justice Ngo

BETWEEN:

JAGROOP SINGH

Applicant

and

**THE MINISTER OF IMMIGRATION,
REFUGEES AND CITIZENSHIP**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Jagroop Singh [Applicant], seeks judicial review of a decision dated August 14, 2024, by the Refugee Appeal Division of the Immigration and Refugee Board of Canada [RAD]. The RAD rejected the Applicant's refugee claim on the grounds that he failed to credibly prove that he was a refugee or a person in need of protection within the meaning of sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

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

II. Background and Decision Under Review

[3] The Applicant, a citizen of India, alleged a fear of persecution by the Indian police due to his support of the Shiromani Akali Dal Amritsar Party, the Farmer's movement, and his sustained support for the Khalistan movement in India and in Canada. Between 2017 and 2021, the Applicant states that he was detained and abused by the police on several occasions. The Applicant states that in August 2019, he was accused of being involved with cybercrimes such as making fake identities online that support the Khalistan movement and that he was detained after he participated in 3 farmers' protest in New Delhi.

[4] In February 2018, the Applicant unsuccessfully sought a visitor visa to Canada. On January 12, 2022, with the help of his travel agent, the Applicant travelled to Canada under a fraudulent work visa, which was subsequently extended to a tourist visa. He then sought asylum on August 15, 2022.

[5] Following the filing of the claim, an agent from the Canada Border Services Agency [CBSA] interviewed the Applicant and the Applicant's father on September 6, 2023. A transcript of this interview was in the record before the Refugee Protection Division [RPD] and the RAD.

[6] On May 7, 2024, the RPD rejected the Applicant's refugee claim on the basis that he lacked credibility. The RPD further concluded that he had a viable internal flight alternative [IFA]. The Applicant appealed the RPD's decision to the RAD on May 27, 2024.

[7] On August 14, 2024, the RAD dismissed the appeal on the basis that Applicant lacked credibility under paragraph 107(2) of the IPRA [Decision]. Furthermore, the RAD concluded that the evidence provided by the Applicant regarding his support for the Khalistan movement in Canada failed to demonstrate that his activities in Canada are likely to come to the attention of the Indian authorities. Because the RAD found credibility to be determinative, it did not analyze the IFA. The RAD's Decision is the subject of this application for judicial review.

III. Issues and Standard of Review

[8] The issue on judicial review is whether the RAD's Decision was unreasonable.

[9] The parties submit that the standard of review with respect to the merits of the Decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25). I agree that reasonableness is the applicable standard of review.

[10] On judicial review, the Court must consider whether a decision bears the hallmarks of reasonableness – justification, transparency and intelligibility (*Vavilov* at para 99). A reasonable decision will always depend on the constraints imposed by the legal and factual context of the particular decision under review (*Vavilov* at para 90). A decision may be unreasonable if the decision maker misapprehended the evidence before it (*Vavilov* at paras 125-126). The party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100).

IV. Analysis

[11] The Applicant argues that the rationale underlying the RAD's Decision was "insufficient" and thus, unreasonable. In particular, the Applicant submits that the RAD erred by preferring the Applicant's father's declarations to the CBSA agent over the Applicant's substantive evidence. The RAD attributed limited value to the evidence subsequently presented, which demonstrated that his father suffers from mental illnesses that makes him an unreliable witness.

[12] Moreover, the Applicant submitted that the RAD erred in its assessment of his credibility by imposing an "unjustifiable" and overly harsh level of precision in his narrative submitted as part of his basis of claim, by inferring a lack of subjective fear due to the delay in seeking asylum months after arriving in Canada, and by concluding that an analysis of the proposed IFA was not necessary. The Applicant presented in his memorandum of law arguments challenging the reasonableness of the IFA.

[13] The Applicant further argues that while appreciating the plausibility and credibility of the Applicant's story, the RAD should have assessed the ongoing situation in India. The Applicant contends that the RAD should have concluded, on the balance of probabilities, that the Applicant faces a genuine risk of persecution in India due to his continued support for Khalistan in Canada.

[14] With respect, I cannot agree with the Applicant's submissions. The Applicant's characterization of the Decision and the findings made by the RAD was not accurate and

essentially, much of his arguments revolved around the weight the RAD should have given to his evidence and testimony. Indeed, as will be explained in the following paragraphs, the RAD assessed all the arguments presented and adequately explained why the Applicant was found not credible.

[15] The starting point on judicial review is to consider the Decision and the reasons provided. The Applicant's disagreement with the RAD's decision does not suffice to grant judicial review (*Soorasingam c Canada (Citoyenneté et Immigration)*, 2016 CF 691 at para 24; *Ali v Canada (Citizenship and Immigration)*, 2024 FC 1926 at para 12). The role of the Court while conducting a judicial review is not to substitute its own judgment but rather, to examine if the interpretation by the RAD was reasonable (*Tong v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 625 at para 32).

[16] As this Court previously stated, “[t]he fact that there may be other reasonable interpretations of the facts does not mean that the RAD's interpretation was unreasonable” (*Singh c Canada (Citizenship and Immigration)*, 2023 CF 1715 at para 41 [*Singh*]).

[17] Having considered the Decision and the reasons provided in the context of the record before the RAD, the Court is able to trace the RAD's reasoning without encountering any fatal flaws in its overarching logic. The reasons and analysis of the evidence before the RAD establish a line of analysis that allows the Court to follow the process by which the conclusion was reached. In such circumstances, I cannot conclude that the Decision is unreasonable (*Vavilov* at para 102).

[18] In the Applicant's case, the RPD and RAD identified material inconsistencies and contradictions in the Applicant's testimony as well as with the evidence that he submitted. On appeal, the RAD grappled with the Applicant's submissions and detailed in the Decision why his justifications to these discrepancies remained unconvincing.

[19] For example, the RAD outlined the information provided to the CBSA agent by the Applicant's father. It was clear from their exchange that the Applicant's father did not corroborate the allegations put forward by the Applicant in his request for asylum. Indeed, the Applicant's father's answers contradicted the Applicant's entire narrative and basis of claim. The Applicant subsequently submitted a medical report stating that the Applicant's father suffered from mental health illnesses. He states on judicial review, that the RAD ought to have given full weight to the medical report and concluded that the Applicant's father was an unreliable witness. His father's answers, therefore, should have been disregarded by the RAD and the RAD ought to have preferred the Applicant's evidence.

[20] However, it is clear from the Decision that the RAD reviewed the medical report but found that it consisted of general and vague statements about the mental health diagnosis. There was little guidance in the report to assist in determining whether the Applicant's father was suffering from an "episode" when he interacted with the CBSA agent. Based on the limited information contained in the medical report, it was open to the RAD to conclude that this report could not fully explain nor justify all the contradictory answers provided to the CBSA agent by the Applicant's father.

[21] The other evidence that was presented and considered by the RAD included photographs, other medical reports and affidavits. The RAD analyzed the photographs and found that they were not clear and could not corroborate the Applicant attending protests. The medical reports submitted by the Applicant were also considered to be unhelpful. The medical reports were intended to demonstrate proof of the assaults sustained by the Applicant, which allegedly occurred years before the reports were prepared. However, I disagree with the Applicant's submission that the RAD unreasonably required him to prove who assaulted him. The medical reports contained little information. Other than a list of injuries, there was no background on how the Applicant sustained the injuries (i.e. the reason he was seeking medical attention). As such, I cannot find that it was unreasonable for the RAD to conclude that the reports do not assist in establishing that the Applicant was injured by the police as he claimed he had been, among other things.

[22] The RAD further considered the Applicant's affidavits submitted for the RPD hearing. The Applicant underlined that the RAD unduly focused on the extensive similarity of the accounts presented in these affidavits, which was unreasonable as they related the same incidents. However, the RAD also considered the similarities in the context of the circumstances behind the timing of the filing of these affidavits. The Applicant had sought to adjourn the RPD hearing but failed to provide sufficient medical evidence to justify the adjournment, as he was required to. In this circumstance, the RAD agreed with the RPD that the Applicant was not credible about his hospital visit that prompted the postponement request, and that he misrepresented his hospitalization to obtain a postponement for his RPD hearing date.

[23] The RAD noted that the Applicant only produced documentation such as the affidavits to support his refugee claim after the initial RPD hearing date was adjourned and shortly before the claim was to be heard on its merits by the RPD once it was rescheduled. The RAD noted that if the Applicant's allegations of persecution began in 2017, it was not credible that he would only start to compile evidence around the date of his RPD hearing. Taken in full context, the RAD found the affidavits not to be genuine, further undermining the Applicant's credibility.

[24] It is trite law that credibility findings are part of the fact-finding process of the decision-maker and are afforded significant deference upon judicial review. Justice Tsimberis recently summarized the Court's jurisprudence on determinations of credibility by the RPD and the RAD. Such determinations by the RPD and the RAD demand a high level of judicial deference and should only be overturned "in the clearest of cases". Credibility determinations have been described as lying within "the heartland of the discretion of triers of fact and cannot be overturned unless they are perverse, capricious or made without regard to the evidence" (*Singh v Canada (Citizenship and Immigration)*, 2024 FC 125 at para 7, other citations omitted). As such, a highly deferential approach must be adopted by the Court in assessing credibility determinations (*Uddin v Canada (Citizenship and Immigration)* 2024 FC 1190 at para 26 [*Uddin*]).

[25] Reading the Decision holistically, the Court is able to discern that the RAD identified an accumulation of contradictions, inconsistencies, and omissions regarding crucial elements of the Applicant's refugee claim. Such an accumulation can reasonably lead to a negative conclusion with respect to an applicant's credibility (*Lawani v Canada (Citizenship and Immigration)*, 2018

FC 924 at para 22). In the Applicant's case, this included the Applicant's father's contradictory testimony, the material omission in the basis of claim of the party the Applicant supported, the unsupported request for the RPD hearing postponement, and, non-genuine affidavits, for example.

[26] The Applicant evidently disagrees with the assessment. However, much more is needed. He needed to demonstrate that the RAD's assessment was unreasonable (*Uddin* at para 27). With respect, the Applicant is asking the Court to consider the same arguments and evidence presented to the RAD and reinterpreting these arguments and evidence to arrive at a different conclusion. To accept the Applicant's submissions would be to reweigh the evidence, which the Court cannot do on judicial review (*Vavilov* para 125). I equally find the same analysis applies to the Applicant's arguments about the RAD's conclusion with respect to his *sur place* claim.

[27] Finally, the RAD declined to analyze the RPD's IFA as credibility was determinative. The Applicant did not identify how this was a reviewable error. The Decision did not include the IFA, and the RPD's conclusions on an IFA do not form part of the Decision under review.

[28] In sum, the Decision was responsive to the Applicant's submissions and is founded on an analysis that is intrinsically coherent and rational. Furthermore, the Decision is justified in light of the legal and factual constraints that bear upon the RAD and is therefore, not unreasonable.

V. Conclusion

[29] The Decision meets the hallmarks of reasonableness. As such, the application for judicial review must be dismissed.

[30] The parties do not propose any question for certification, and I agree that in these circumstances, none arise.

JUDGMENT in IMM-16123-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question for certification.

"Phuong T.V. Ngo"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-16123-24

STYLE OF CAUSE: JAGROOP SINGH v THE MINISTER OF
IMMIGRATION, REFUGEES AND CITIZENSHIP

PLACE OF HEARING: MONTRÉAL (QUÉBEC)

DATE OF HEARING: OCTOBER 7, 2025

JUDGMENT AND REASONS: NGO J.

DATED: OCTOBER 21, 2025

APPEARANCES:

Me Gabrielle Morneau El-Hajal	FOR THE APPLICANT
Me Bruno Olivier Bureau	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Me Gabrielle Morneau El-Hajal Barrister and Solicitor Montréal (Québec)	FOR THE APPLICANT
Attorney General of Canada Montréal (Québec)	FOR THE RESPONDENT