

Federal Court



Cour fédérale

Date: 20251022

Docket: IMM-20879-24

Citation: 2025 FC 1711

Edmonton, Alberta, October 22, 2025

PRESENT: The Honourable Justice Thorne

BETWEEN:

MEHDI NOURALIZADEH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant seeks judicial review of a decision by the Refugee Appeal Division [RAD], confirming a finding by the Refugee Protection Division [RPD] that he is neither a Convention refugee nor a person in need of protection. He alleges that the RAD's decision [Decision] was unreasonable because the RAD unreasonably assessed his *sur place* claim, wrongly ruled as inadmissible new evidence that he had submitted and made a series of microscopic and unjustifiable credibility determinations.

[2] For the following reasons, this application is dismissed. I do not find the decision of the RAD unreasonable.

II. Background

[3] The Applicant is a citizen of Iran. He alleges that he fears returning to that country because he had participated in protests in 2019 and 2022. He states that in November 2019 he participated in a demonstration following a rise in fuel prices in Iran, and that he and his wife were part of a crowd that was tear-gassed and sprayed with water cannons. He alleges that later that month he was stopped by police, arrested and detained for ten days, and that this prompted him to decide to make plans to leave Iran. The Applicant further asserts that in September 2022, when protests and demonstrations against the killing of Mahsa Amini took place across Iran, he and his wife participated in at least eight demonstrations. He alleges that he later received a summons to appear in court on February 3, 2023, for his participation in these protests, but that he did not attend, and instead travelled to Türkiye to complete a biometrics assessment for a Canadian temporary resident visa application that he had previously filed. The Applicant states that on February 20, 2023, he received a notification through the Iranian Ministry of Justice online system [SANA] that an order for his arrest had been issued.

[4] On April 15, 2023, the Applicant left Iran for Canada on a valid temporary resident visa. On both his trip to Türkiye and then to Canada, the Applicant states that he travelled utilizing the usual channels, and that he was able to both leave and enter Iran at airports without difficulty or any intervention from the authorities. After his arrival in Canada, the Applicant claimed refugee

protection, alleging that he feared persecution in Iran for taking part in the protests, and being thought to hold anti-government views.

[5] The RPD and the RAD each found that the Applicant was neither a Convention refugee nor a person in need of protection, holding that he had failed to establish that he faced a serious possibility of persecution in Iran, and that he had not established that he faced a *sur place* risk of persecution on his return to Iran as a failed refugee claimant. In its Decision, the RAD determined that the Applicant had not established the credibility of his central allegations, nor that he faced a prospective risk due to any anti-Iranian government political opinions expressed in Canada. The RAD specifically found as inadmissible a series of photographs that the Applicant had submitted for consideration as new evidence. These were of the Applicant taking part in an anti-Iranian government demonstration in Canada on September 18, 2024 [Demonstration Photos]. The RAD found that the photos did not satisfy the *Singh v Canada (Citizenship and Immigration)*, 2016 FCA 96 [Singh] and *Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385 [Raza] [referred herein as the *Singh/Raza* factors] requirement with respect to credibility, due to the timing and circumstances of their production.

[6] The RAD also determined that the Applicant had not established a *sur place* risk were he to return to Iran, noting that prior to the submission of the new evidence, the Applicant had not taken part in any anti-Iranian activities in Canada which would draw the enmity of the Iranian authorities. As the RPD had, the RAD also drew a negative credibility inference in relation to the Applicant's explanation that the reason he had not gone to any protests in Canada was only because he had not known where to find such demonstrations, due to the fact that he did not

speak English, and that he was not tech savvy enough to look up where such events could be found. The RAD rejected the admissibility of the Demonstration Photos, holding that the timing and circumstances of their production was suspect, and therefore not credible, and that those photos appeared to have been taken and submitted solely to answer the RPD's specific finding with respect to his having taken no part in any anti-Iranian government activities during his time in Canada. It also held that the Applicant would not face a forward-looking risk of persecution were he to return as a failed refugee claimant, since objective evidence showed that the Iranian authorities pay little attention to failed asylum seekers unless their activities are pronounced and particularly visible on social media or the like, while the Applicant lacked such a profile.

[7] Finally, the RAD held that the credibility of the Applicant's claims was undermined by a series of factors. These included: his entry and multiple departures from Iran, using the regular airports and channels despite there having been a court summons and an arrest warrant issued against him – which the RAD held undermined the credibility of his claim that he was wanted by the authorities as an activist; and the failure of the Applicant to provide or demonstrate access to electronic copies of the arrest warrant and court summons from the SANA portal, given the RAD's rejection of his explanation that this was because he was not tech savvy and did not know how to get these documents, since his wife had assisted him in accessing them when he was in Iran. In holding that this undermined the Appellant's credibility, the RAD noted that this did not explain why he could not have again had his wife assist him to provide those documents. The RAD also found that the hard copies of the arrest warrant and court summons that had been provided by the Applicant were not credible documents as the date written on the summons postdated and conflicted with the date he claimed he had received the notification for it. The RAD also noted that

both the summons and the arrest warrant did not contain certain standard information which objective evidence indicated was generally included in these documents.

III. Issue and Standard of Review

[8] The sole issue at play in this matter is whether the decision under review is reasonable.

[9] In this respect, the role of a 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 [Vavilov] at para 85; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 64 [Mason]. Although the party challenging the decision bears the onus of demonstrating that the decision is unreasonable (Vavilov at para 100), the reviewing court must assess “whether the decision bears the hallmarks of reasonableness—justification, transparency and intelligibility”: Vavilov at para 99.

[10] The jurisprudence confirms that assessments of credibility made by the RPD and the RAD are reviewed on a standard of reasonableness: *Dayanidiy v Canada (Citizenship and Immigration)*, 2025 FC 1019 at para 52; *Abdulrazekh v Canada (Citizenship and Immigration)*, 2024 FC 898 at para 14; Vavilov at para 16; Mason at para 7. Deference is further owed to the RAD with respect to the assessment of credibility: *Singh v Canada*, 2023 FC 1106 at para 19; *Aldaher v Canada (Citizenship and Immigration)*, 2021 FC 1375 at para 23; *Sary v Canada (Citizenship and Immigration)*, 2016 FC 178 at para 23 [Sary]. As Justice Gascon noted in Sary, “credibility issues are one of the RAD’s core competencies”: Sary at para 23. Accordingly, a

high degree of deference is owed to the RAD's credibility findings, especially if on appeal to the RAD the RPD's earlier credibility findings were found to be correct: *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924.

[11] Jurisprudential principles in relation to credibility review were recently pithily summarized by my colleague Justice Ferron in *Dayanidiy v Canada (Citizenship and Immigration)*, 2025 FC 1019 at para 44:

In *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 [*Lawani*], Justice Gascon provides a comprehensive summary of the principles governing how an administrative tribunal properly assesses credibility (at paras 21-25). These include:

Refugee applicants are presumed to be telling the truth. This is a rebuttable presumption.

Accumulated contradictions, inconsistencies and omissions on key elements of a refugee claim can lead to a negative credibility finding. The RPD is best positioned to assess this because it has the benefit of seeing the claimant testify.

Negative credibility findings should not be based on minor contradictions or a "microscopic" examination of issues irrelevant to the case or peripheral to the claim.

Negative credibility findings on central elements of a refugee claim can extend to other elements of the claim and impact the credibility or weight of documentary evidence.

Credibility should not be made strictly on the absence of corroborative evidence, but negative inferences can be drawn if claimants could be reasonably expected to provide such evidence and cannot reasonably explain their absence.

The RPD is entitled to draw conclusions based on implausibilities, common sense and rationality, but they must be rational, culturally sensitive, and clearly expressed.

IV. Analysis

A. *The RAD Decision was reasonable*

[12] For the reasons that follow, this application for judicial review is dismissed. The RAD's reasons were rational, intelligible, and justified. In my view, the Applicant has failed to establish to any reviewable errors.

[13] The Applicant raises three central arguments. First, they state that the RAD's determination that the photos were inadmissible as new evidence was unreasonable. However, the Applicant does not address the RAD's specific assessment of the statutory or *Singh/Raza* factors in coming to its conclusion, but instead generally posits that the photographs would have bearing on his *sur place* claim. The Applicant then asserts that in not admitting the photos, the RAD failed to consider the impact the pictures would have regarding the *sur place* claim, and that decision makers should not reject a *sur place* claim solely on the basis that the claimant was acting for an improper motive without examining risk. The Applicant goes on to argue that the RAD's findings with respect to his *sur place* claim were also thus unreasonable.

[14] Second, the Applicant argues that the RAD erred in its assessment of his credibility. He argued the RAD had unreasonably found that his ability to leave and enter Iran, despite having both a summons and an arrest warrant issued against him, undermined his claims that he was wanted by the Iranian authorities. He also argued as unreasonable the RAD's finding that, on balance of probabilities, he would not have been able to exit and enter the country using regular channels were this the case. In written submissions, the Applicant states that in reaching this

conclusion, the RAD failed to rebut the presumption of truthfulness that applied to his testimony and had not given adequate weight to his explanation as to this.

[15] Finally, the Applicant argued that certain of the RAD's credibility findings in relation to the documentation he had submitted were also unreasonable. He asserted that the RAD had been microscopic in its assessment of minor inconsistencies about whether it had been the Applicant or his wife that had checked the online SANA system and learned of the summons and arrest warrant against him. The Applicant also argued in his oral submissions that the RAD had prejudged his credibility, and that this had tainted its evaluation of the evidence throughout its Decision, and further that the RAD had then sought reasons to disbelieve the Applicant rather than objectively assessing the evidence.

[16] I do not find these arguments persuasive. With respect to the admissibility of the new evidence, the RAD correctly applied both the express statutory requirements of subsection 110(4) of the Act and the requisite *Singh/Raza* factors in its assessment of the admissibility of the photographs. I note that the Applicant did not, in any way, engage with the RAD's specific analysis on this front. In any event, the RAD concluded that the new evidence did not satisfy the *Singh/Raza* requirement of being credible, in terms of their source and circumstance and given the timing of their production. The RAD ultimately held that the photos had been taken and produced specifically to address the RPD's finding that the Applicant did not face a *sur place* risk since he had not engaged in any anti-Iranian government activity over the time he had been in Canada. It cannot be said, on the evidence provided, that this analysis with respect to the new evidence lacked a coherent or rational chain of analysis.

[17] I also cannot agree with the Applicant's arguments as to why the RAD's *sur place* analysis should be found unreasonable. The Applicant submits that this was because: 1) the RAD failed to consider the impact the pictures would have in relation to this claim; or 2) that the RAD had improperly rejected the *sur place* claim solely on the basis that the Applicant was bringing that claim with improper motives; or 3) that it had failed to examine the change in the risk to the Applicant as a result of the new activities in Canada.

[18] First, the record establishes that the claim that the RAD failed to consider the impact the pictures would have had is simply not accurate. In discussing the potential relevance of the photographs, the RAD specifically identified the concern that his expressing anti-Iranian government views in Canada in this way could result in a risk of harm if he returned to Iran. I note that when this was brought to the attention of Applicant's counsel in oral submissions, he retracted the assertion that the RAD had not considered this, but instead stated that even if so, the RAD had not considered this concern in substantial enough depth. Second, in the Decision, it was the ultimate finding of the RAD that objective evidence established that the Iranian authorities "pay little attention to failed asylum seekers on their return to Iran, unless they have visible activities on social media tracked by the Iranian authorities". The RAD went on to note that the Applicant did not correspond to this profile, and that he had submitted no evidence indicating that he had been active on social media articulating anti-Iranian government beliefs and opinions during his time in Canada. Indeed, the Applicant had rather indicated that he was not at all tech savvy. It was for this reason that the RAD made its determination, on a balance of probabilities, that he would not face a risk from the regime were he to return to Iran, regardless of his activities in Canada.

[19] While Applicant's counsel further argued that the RAD was merely assuming that the Applicant lacked social media, and that it had not directly asked the Applicant if this was the case, I also do not find this assertion persuasive. The Applicant's evidence was fundamentally that he did not know how to use technology, and this rendered logically discernable the RAD's chain of analysis leading to its conclusion that he possessed no social media where he had disseminated anti-regime views. More importantly, as Respondent's counsel pointed out, the onus to provide evidence in support of his claims lay with the Applicant, and no such evidence was ever put forward indicating that the Applicant possessed social media. The RAD also noted that no evidence had been presented that would otherwise lead to the belief that the Applicant had come to the attention of the Iranian authorities for activities he has participated in from within Canada. Accordingly, the RAD found on a balance of probabilities that this was not the case, and that the Applicant would therefore not face a *sur place* risk upon a return to Iran. In my view, again, it cannot be said that this analysis lacks a coherent or rational chain of analysis.

[20] Next, the Applicant argues that in concluding that he would not have been able to transit in and out of Iran using regular channels given his alleged violation of a court summons and the arrest warrant issued against him, the RAD, without regard to the presumption of truthfulness, unreasonably gave inadequate weight to his explanation of how this was possible: *Maldonado v Canada (Minister of Employment and Immigration)*, 1979 CanLII 4098 (FCA), [1980] 2 FC 302 (FCA) at pp. 305 [*Maldonado*].

[21] Again, I cannot agree. As this Court has held, the *Maldonado* presumption does not require the RPD (or the RAD) to accept as objectively true what an Applicant merely believes to be true:

Olusola v Canada (Citizenship and Immigration), 2020 FC 799 at para 25. So, while the Applicant has stated that he believes that it was “just luck” which enabled him to enter and exit Iran repeatedly without incident after his arrest warrant had been issued, the RAD was not required to blithely accept this explanation. Nor did the RAD fail to explain why it came to the conclusion that it did, as it went on to specifically outline the considerations which led it to hold, on a balance of probabilities, that it was not credible that he would have been able to transit without issue.

[22] Beyond this, I note that throughout its Decision the RAD did effectively rebut the presumption of truthfulness generally. *Maldonado* stands for the presumption of truthfulness of a sworn statement unless there are reasons to doubt its truthfulness: *Maldonado* at pp. 305. Considering the evidence in its totality, in my view, the RAD properly rebutted this presumption. It cannot be said that the RAD did not have regard to the evidence overall regarding credibility. In arriving at its conclusion, the RAD considered the objective country conditions evidence, the Applicant’s participation in “at least 8” anti-government demonstrations, the circumstances and authenticity issues of the arrest warrant and court summons issued against him, in addition to his ability to travel both without any issues and without expressing any fear of doing so after the arrest warrant had been issued. It further considered and rejected as unpersuasive the Applicant’s explanations in relation to all of this evidence.

[23] Furthermore, I am unpersuaded by the Applicant’s argument that the RAD had prejudged his credibility and that this had tainted its evaluation of the evidence. Oddly, in support of this argument, Applicant’s counsel cited a passage from the RPD decision (rather than the RAD Decision) which stated that it had drawn a negative inference to the Applicant’s overall credibility.

However, the RAD Decision specifically analysed the RPD's reasoning in this regard and assessed the specific evidence the Applicant had put forward in support of the finding. Further, the RAD also particularly analyzed and explained each of its own credibility findings in terms of the evidence presented. As a result, even if the RPD's findings were to be imputed to the RAD, it is clear that this was merely one of a number of factors that led to the RAD's overall credibility determination. Once again, at the very least, it cannot be said that the Decision did not reveal a rational chain of analysis.

[24] Finally, the Applicant argues that the RAD had been microscopic in its assessment of a minor inconsistency regarding whether the Applicant or his wife had checked the online SANA system and learned of the summons and arrest warrant against him. However, the RAD Decision makes clear that the issue was not merely the contradiction in his testimony and BOC as to how he obtained the summons and arrest warrant, but that an adverse inference in relation to his credibility had been drawn due to the Applicant's failure to ever provide electronic copies or screenshots of those documents. The RAD had further rejected as unreasonable the Applicant's explanation that he had not provided these documents because he was not tech savvy, as it noted that the Applicant could have simply asked his wife to help him obtain them, as he had done before. Again, while one could disagree with the RAD's conclusion, there is an internally coherent and rational chain of analysis in its reasoning. So, too, was this the case in relation to the RAD's findings with respect to the credibility and authenticity of the summons and arrest warrant documents, given the issues with the inconsistent date on the summons and the failure of both documents to contain mandatory information that objective evidence establishes is generally included in such Iranian documents.

[25] In short, all of the Applicant's arguments essentially ask this Court to reweigh and reassess the evidence that was before the RAD. While I can appreciate that the Applicant has a different perspective on how the information before the RPD and RAD should have been considered, this effort to have the Court re-evaluate the evidence does not correspond with the role of this Court on judicial review: *Vavilov* at para 125.

[26] The burden is on the Applicant to show that the Decision is unreasonable by establishing that there are sufficiently serious shortcomings in the Decision such that it could not be said to exhibit the requisite degree of justification, intelligibility and transparency: *Vavilov* at para 100. Considering the evidence on the record, and the RAD's examination of both this and the issues before it, I am not satisfied this burden has been met. Rather, I find the Decision is justified, transparent and intelligible: *Vavilov* at paras 99 and 125.

V. Conclusion

[27] This application for judicial review is dismissed. The parties proposed no question for certification, and I agree that none arises.

JUDGMENT in IMM-20879-24

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No question of general importance is certified.
3. No costs are awarded.

“Darren R. Thorne”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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