

Federal Court



Cour fédérale

Date: 20251023

Docket: IMM-17121-24

Citation: 2025 FC 1714

Edmonton, Alberta, October 23, 2025

PRESENT: The Honourable Mr. Justice Thorne

BETWEEN:

REDHA ALI ABDULLA AHMED ALARAIBI

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 failed to properly consider the intersectionality of his claim, made errors in its factual analysis, and did not engage in a properly forward-looking assessment of his risk.

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

II. Background

[3] The Applicant is a citizen of Bahrain. He alleges that he fears returning there because he had participated in four peaceful marches in that country between the years of 2000 and 2018. He also states that in the year 2000, when he was 17 years old, he was arrested by the police and coerced into signing a false confession in relation to an incident of arson. He states that this happened not long after he had participated in a march that year. Though he has not had any interaction with the police or authorities since the year 2000, he states that he faces a forward-looking risk of persecution from the Bahrain government for being a Shia Muslim and for having anti-government beliefs. He states that though he has periodically left and returned to Bahrain over the years without incident, whenever he did return, he would make a point of deleting any texts or social media that were critical of the government.

[4] Most recently, the Applicant left Bahrain and lived in the United States of America for five months, from May 2021 to October 2021. He then returned to Bahrain in October 2021 and remained living there until he departed for Canada on April 4, 2023. Upon his arrival in Canada the Applicant claimed refugee protection, stating that he feared persecution in Bahrain due to his anti-government views and his religious identity as a Shia Muslim.

[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 Bahrain. In a detailed and comprehensive Decision, the RAD determined that the Applicant's claims of subjective fear of persecution in Bahrain were undermined by his failure to claim refugee protection during the months he had lived in the United States in 2021 and his willing reavailment to Bahrain, where he then lived without incident until coming to Canada in 2023. The RAD found the Applicant's explanation for why he had failed to explore how to obtain refugee status during his time in America to not be credible. His explanation had been that he had simply not thought about doing this.

[6] The RAD also meticulously examined objective evidence with respect to the threat of persecution in Bahrain in relation to Shia Muslim identity, religious practice, political beliefs and dissent, as well as the interplay between these and other factors, in assessing the allegations of the potential risk faced by the Applicant in that country. The RAD ultimately found that the Applicant had not demonstrated that there was a serious possibility that he would be persecuted by government authorities if he were to return to Bahrain because of his low profile, the limited expressions of his political beliefs that he had made in the past, and his apparent lack of intention to engage in such expression in the future. It noted that the Applicant's evidence with respect to his social media use was vague. The RAD also found that he had not established that he used social media platforms to express opinions or share ideas that would have been deemed critical or in opposition of the Bahraini state, to the point that it would have rendered him a person of interest to authorities. Nor was there any evidence that any of his posts, which have since been deleted, had ever come to the attention of the authorities. The RAD also noted that, in his evidence, the Applicant had not represented that he plans to post anti-government content in the future if he were to return to Bahrain, and nor had he indicated that he intended to engage in political activities or

expressions in the future if he were to return. The RAD noted that the last march the Applicant had participated in was in 2018, five years before his departure to Canada.

[7] Thus, the RAD determined that while there was objective evidence relating to the treatment of political dissidents in Bahrain which established the state's capacity and willingness to oppress such political dissenters, on the evidence provided, there was not a serious possibility that the Applicant would face such a risk.

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. 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.

IV. Legal Framework

[10] A person claiming refugee status pursuant to Section 96 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [Act] must meet the applicable legal test to establish that there is a

“serious possibility” or “reasonable chance” of persecution in the event of a return to the country they have fled. In particular, they must establish on balance of probabilities that they have a subjective fear of persecution on the basis of race, religion, nationality, membership in a social group or political opinion, and that objectively this fear of persecution is well-founded. The claimant must demonstrate that there is a serious chance that persecution will occur: *Adjei v Canada (Minister of Employment and Immigration)*, 1989 CanLII 9466 (FCA), [1989] 2 FC 680.

[11] Deference is 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*, “[c]redibility issues are one of the RAD’s core competencies”: at para 23, citing *Pepaj v Canada (Minister of Citizenship and Immigration)*, 2014 FC 938 at para 13.

V. Analysis

A. *The RAD decision was reasonable*

[12] For the reasons that follow, I dismiss this application for judicial review, as the RAD’s reasons were rational, intelligible, and justified. The Applicant has failed to point to any reviewable errors.

[13] The Applicant raises three central arguments. First, they state that though the RAD’s Decision is long and detailed, the RAD failed to properly consider the intersectionality of the Applicant’s claim: that he was at risk as an individual with anti-government opinions who was

also a practicing Shia Muslim. Instead, the Applicant asserts that the analysis of the RAD was siloed; that is, it considered the risk of each of these factors independently but failed to properly appreciate how the confluence of these considerations could impact the potential risk faced by the Applicant.

[14] Second, the Applicant argues that the RAD made an error in its factual analysis, namely that in finding that the Applicant lacked evidence that he had been arrested and subject to harm by the Bahrain authorities, the RAD had missed that he had given testimony that it was his participation in the 2000 march that had led the authorities to concoct a case to arrest him for arson later that year.

[15] Finally, the Applicant contends that the RAD failed to undertake a forward-looking assessment of his risk, because it “segued into an analysis of the Applicant’s past political activities”. He states that the question the RAD should have been concerned with is whether he would be at risk had the authorities discovered his posts and views.

[16] I do not find these arguments persuasive. With respect to the first argument, Counsel for the Applicant clearly misconstrues the reasoning of the RAD in stating that it had failed to consider the intersectionality of the Applicant’s claim. While he pointed to sections of the Decision which did consider individual aspects of both the Applicant’s identity and other segments which analyzed the realities of discrimination and government action in various fields, it is clear that in the Decision the RAD also went on to scrupulously consider, at some length, the interaction of these factors. In my view, it is evident that the RAD was alert and sensitive to the Applicant’s full profile,

but it is equally clear that, based on the facts and evidence presented, the RAD simply did not find that the Applicant's overall profile reflected a serious possibility of risk on an objective basis. In essence, the RAD determined, for a host of reasons it outlined, that while anti-government dissidents who are Shia Muslim do indeed face a compounding risk of oppression from the authorities, the evidence presented did not establish that the muted activities of the Applicant reasonably indicated that he possessed the profile of such an anti-government dissident.

[17] In relation to the Applicant's second argument, also I find the RAD made no such error. The Applicant asserts that the RAD made a factual error, by ignoring or missing his testimony that he had indeed been arrested while seeking to exercise his beliefs because his participation in the 2000 march had caused the authorities to create a case to later detain him for arson. However, this argument ignores that the RAD, like the RPD before it, specifically found that it was merely the Applicant's subjective belief that these two events had been connected, and that there was no objective evidence which supported this characterization. To this end, the RAD also found that this claim had not initially been made in the Applicant's materials but only arose later during the hearing. In any event, it is simply not accurate to state that the RAD had missed or ignored this testimony. It rather rejected what it determined to be the unfounded contention that his arrest twenty-five years ago had been related to his participation in the march, on its assessment of the evidence.

[18] Finally, I cannot agree with the argument that the RAD somehow failed to engage in a forward-looking risk assessment, as it had rather analyzed the past political activities of the Applicant. The RAD considered the evidence of the Applicant's current circumstances, in light of

the evidence of his personal profile and past political activities, but all of this was in the context of assessing whether the Applicant had established that he faced a forward-facing risk of harm were he to return to Bahrain. In finding that there was no evidence that the authorities were aware or interested in the Applicant's social media posts or muted political views, or that they would likely become aware of these in the future, the RPD was first and foremost considering his future prospect of risk. While the Applicant now asks what would happen were the government to discover his views in the future, the Decision of the RAD is clear in finding that no evidence was presented that indicated that the Applicant had any intention of expressing objectionable views in the future, and nor had he done so in the past.

[19] In short, in all of its arguments the Applicant is asking 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 its role on judicial review. The RPD did not disregard or ignore evidence or fail to contemplate considerations of intersectionality. Rather, the Applicant simply disagrees with the way the RAD weighed the evidence and is essentially asking this Court to also do so and to step in to displace the RAD's findings with its own. That is not the role of this Court on judicial review: *Vavilov* at para 125.

[20] 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. Having considered the evidence on the record, and the RAD's thorough examination of the

issues and the record 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.

VI. Conclusion

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

JUDGMENT in IMM-17121-24

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

DOCKET: IMM-17121-24

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