

Federal Court



Cour fédérale

Date: 20251107

Docket: IMM-21719-24

Citation: 2025 FC 1796

Ottawa, Ontario, November 7, 2025

PRESENT: The Honourable Mr. Justice Régimbald

BETWEEN:

**VERONICA QASIM
DINA QASIM
DIANA QASIM
MOHAMMAD QASIM**

Applicants

and

**MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Veronica Qasim [The Principal Applicant or PA], and the Associate Applicants Dina Qasim, Diana Qasim and Mohammad Qasim [collectively, the Applicants], seek judicial review of a decision by the Refugee Appeal Division [RAD] determining that they are not Convention

refugees or persons in need of protection pursuant to sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The Applicants claim that the decision is unreasonable because the RAD erred in its assessment of the incompetence of their previous consultant, the admissibility of new evidence, and the assessment of the forward-looking risk of persecution in Romania.

[2] For the reasons that follow, the application for judicial review is dismissed. Having considered the record before the Court, including the parties' written and oral submissions, as well as the applicable law, I find that the Applicants have failed to discharge their burden and demonstrate that the RAD's decision is unreasonable. The RAD properly considered and engaged with the Applicants' arguments and its decision is well-founded in fact and in law. The Applicants are essentially asking this Court to re-weigh the evidence that was before the RAD, which is not the Court's role in an application for judicial review on the reasonableness standard of review.

II. Background Facts

[3] The Applicants are a family consisting of the Principal Applicant and her children. They are citizens of Jordan and Romania.

[4] The Principal Applicant was born in the city of Hincesti in Moldova, which at the time was part of Romania. She met AAQ in 1998. The Principal Applicant's family opposed the relationship because AAQ was a Jordanian national and Muslim, and sought to separate them. After the Principal Applicant became pregnant with AAQ's child, her family physically abused

and disowned her. The Principal Applicant married AAQ and they subsequently moved to Jordan where the Principal Applicant obtained Jordanian citizenship. The co-Applicants were all born in Jordan.

[5] In 2013, AAQ fell sick. The Principal Applicant and her children had to move in with AAQ's brothers and began to depend on them financially.

[6] In 2016, AAQ's brothers began to sexually assault the Principal Applicant and her eldest daughter. The Principal Applicant reached out to her family, now living in Romania, for help through the intermediary of her uncle, but was rejected and informed that she would be harmed if she ever came back to the country.

[7] Over time, the abuse worsened. AAQ's brothers forced the Principal Applicant's son to leave school and work for them, forced her eldest daughter to wear a hijab, and began arranging a marriage for her.

[8] In 2017, seeking to flee Jordan, the Principal Applicant obtained Romanian citizenship for herself and her children. After telling AAQ about the abuse they had suffered at the hands of his brothers and obtaining his consent to leave, the Applicants departed for Canada in 2021.

[9] In April 2022, the Applicants submitted their refugee claim. The Refugee Protection Division [RPD] refused their claim on September 27, 2023.

[10] The Applicants appealed the RPD's decision. Firstly, they argued that it was rendered in a procedurally unfair manner because their former consultant was incompetent. They lay a number of allegations against the consultant who assisted them in preparing their Basis of Claim [BOC] form and represented them before the RPD, as well as the paralegal who supported the consultant in the process. The Applicants claimed that they were told not to seek evidence of persecution in Romania, that their BOC forms were never translated to them, and that the signatures on the BOC forms were forged. They also explained that they were led to believe that the paralegal was a lawyer who would represent them during the hearing, and were deceived into believing that the consultant was in fact the paralegal's assistant, rather than their representative. Finally, the Applicants claimed that the consultant had over delegated her responsibilities to the paralegal and failed to provide sufficient support in drafting the BOC, among other perceived issues.

[11] Secondly, the Applicants also sought to admit new evidence that was not before the RPD. They claim that this evidence fell under one of the listed exceptions in 110(4) of IRPA because it arose after the RPD hearing. While some of the evidence pertained to the incompetence of their former consultant, other documents concerned their forward-facing risk in Romania. They specifically requested to admit a letter by the Principal Applicant's uncle, explaining that her family would "slay" her were she to return to Romania. The Applicants described that they did not know to ask the uncle for this letter before the RPD hearing as their former consultant told them not to do so.

[12] Thirdly, the Applicants claimed that the RPD erred in concluding that they had no forward-facing risk in Romania. They pointed to the new evidence indicating that the Principal Applicant's family still wished to harm them if they were to return to Romania or Moldova.

[13] The RAD dismissed their appeal in a decision dated November 4, 2024. It found that the Applicants had not submitted sufficient evidence to support their allegations of incompetence of their consultant. The RAD also concluded that although the new evidence supporting the allegation of the incompetence of the consultant was admitted, the one related to their forward-facing risk was not. The RAD explained that the evidence was available before the RPD decision, and that they could not find that the Applicants' former consultant told them not to obtain it.

[14] Finally, the RAD ruled that the RPD was correct in finding that the Applicants had not established a forward-facing risk in Romania. The Applicants failed to provide any relevant or credible evidence that the Principal Applicant's family members still harboured ill will towards her since she last had direct contact with them. She did not establish that they had the means or motivation to find and harm her and the co-Applicants in Romania.

III. Issues and Standard of Review

[15] The Applicants raise the following issues:

1. Did the RAD err in its assessment of the incompetence of the Applicants' consultant before the RPD?
2. Did the RAD properly exclude new evidence that was not admissible?
3. Was the RAD's assessment of forward-looking risk in Romania unreasonable?

[16] The standard of review in this case is that of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 [Mason] at paras 7, 39–44). To avoid judicial intervention, the decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility (Vavilov at para 99; Mason at para 59). A decision may be unreasonable if the decision maker misapprehended the evidence before it (Vavilov at paras 125–126; Mason at para 73). However, the reviewing Court must refrain from “reweighing and reassessing the evidence considered by the decision maker” (Vavilov at para 125). Reasonableness review is not a “rubber-stamping” exercise, it is a robust form of review (Vavilov at para 13; Mason at para 63). The party challenging the decision bears the onus of demonstrating that the decision is unreasonable (Vavilov at para 100).

IV. Analysis

A. *The RAD’s decision that the Applicants were properly represented is reasonable*

[17] The Applicants submit that the RAD erred in its conclusion that their initial consultant was incompetent in failing to provide adequate advice in the preparation of their BOC, as well as the need to adduce evidence of forward-looking risk in Romania.

[18] The Applicants submit that the RAD’s decision is inconsistent with the decision in *Law Society of Upper Canada v Hohots*, 2015 ONLSTH 72 [Hohots] where it was held that to meet the standard of competency, a consultant had to help a claimant prepare their BOC and ensure that the narrative includes all alleged past incidents of persecution (Hohots at para 21).

Moreover, a consultant must marshal the necessary evidence to establish the claim of risk. In this case, the Applicants submit that the consultant failed on both issues (*Hohots* at para 22).

[19] The Respondent submits that the decision was reasonable because the RAD considered the evidence presented by the Applicants concerning their consultant's incompetence but found the former consultant's version of the story more credible. The Respondent also submits that the RAD reasonably concluded that the Applicants have not met the high threshold necessary to establish that their consultant was incompetent. The Applicants have not raised any issues with the RAD's decision, and their arguments constitute a disagreement with the reasoning and the outcome. The Respondent also submits that the decision in *Hohots* is distinguishable because in that case, the lawyer had delegated responsibilities with little supervision, leading to prejudice to his clients. In this case, the RAD made a finding of fact that the representation was adequate because the BOC was reviewed by the consultant before it was signed.

[20] In my view, the RAD properly reviewed the evidence in relation to the competence of the previous consultant. The RAD preferred the evidence of the consultant and reasonably ruled, on the basis of the evidence adduced, that the consultant did not forge the Applicants' signature of documents, reviewed early drafts of the documents and provided adequate advice on the documentation and evidence necessary to support the Applicants' claim (RAD decision at paras 50-54). In doing so, and while without citing *Hohots*, the RAD ruled that the Applicants had not discharged their high burden to establish that the consultant failed to provide competent service in relation to the drafting of their BOC and the marshalling of the necessary evidence. The RAD also reasonably dismissed the Applicants' argument that the consultant failed to adduce important supporting documentation relating to the alleged risk of persecution in Romania,

because the Applicants stated to the consultant that no document existed on the issue (RAD decision at paras 52-57).

[21] In the end, the RAD accepted the evidence of the Applicants' previous consultant over that of the Applicants. The Applicants' main argument in this regard is that they disagree with the RAD's assessment of the evidence. However, the Applicants are essentially asking this Court to re-weigh the evidence that was before the RAD and reach a different conclusion, or to embark upon a "line-by-line treasure hunt for error" (*Vavilov* at paras 102, 125). That is not this Court's role in an application for judicial review on the reasonableness standard of review. The Court is satisfied that the RAD properly reviewed the evidence before it and that its conclusion falls within a range of possible and acceptable outcomes. The Applicants have not discharged their burden to meet the high threshold to establish that their consultant was incompetent, nor demonstrate that there were sufficient shortcomings warranting the Court's intervention in relation to this ground (*Vavilov* at paras 86, 100, 102).

B. *The RAD did not commit a reviewable error in refusing to admit the new evidence*

[22] For new evidence to be admissible before the RAD, it must meet the criteria of subsection 110(4) of the IRPA that are listed as follows:

Evidence that may be presented	Éléments de preuve admissibles
(4) On appeal, the person who is the subject of the appeal may present only evidence that arose after the rejection of their claim or that was not reasonably available, or that the person could not reasonably have been	(4) Dans le cadre de l'appel, la personne en cause ne peut présenter que des éléments de preuve survenue depuis le rejet de sa demande ou qui n'étaient alors pas normalement accessible ou, s'ils l'étaient, qu'elle n'aurait pas normalement présentés, dans les

expected in the circumstances to have presented, at the time of the rejection.	circonstances, au moment du rejet.
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[23] If the new evidence meets one of the criteria above, the evidence must then also meet the conditions of admissibility identified in the jurisprudence, being credibility, relevance, newness and materiality (*Singh v Canada (Citizenship and Immigration)*, 2016 FCA 96 at paras 38, 43–47 [Singh]; see also *Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385 at para 13 [Raza]).

[24] The Applicants submit that the RAD erred in not admitting the PA’s uncle’s letter as new evidence pertaining to the Applicants’ forward-looking risk of persecution in Romania and Moldova. Given that the standard for incompetence of counsel is high and the standard for admitting new evidence is different, the Applicants’ reliance on the poor advice of their consultant caused the letter to be reasonably unavailable, which meets the criteria for the admission of new evidence. Moreover, even if the letter post-dates the RPD hearing and even if the PA could have inquired with her uncle earlier, this does not mean that the letter concerns events that occurred prior to the hearing and in any event, the uncle was not available for the RAD hearing given the short timeline.

[25] In my view, the RAD reasonably refused to admit the new evidence pertaining to the Applicants’ risk in Romania. In making its decision, the RAD considered the criteria stated in *Singh* to determine that the new evidence was not admissible (*Rahman v Canada (Citizenship and Immigration)*, 2025 FC 22 at paras 24-32). It reasonably found that while the letter from the PA’s uncle is dated after the RPD decision, the explanation for why it was not obtained earlier—

the PA's consultant's alleged negligence in failing to inform that evidence of forward-looking risk was required—was not accepted. Indeed, the RAD accepted the consultant's evidence that the Applicants stated that no documentation was available. Moreover, the RAD ruled that the circumstances in which the letter appeared were fortuitous, making it not credible and with limited probative value (RAD decision at paras 24, 85). For those reasons, the letter was not admissible.

[26] I find that the Applicants' arguments do not demonstrate that the RAD unreasonably came to those conclusions. As stated by Justice Aylen in *Gunasinghe v Canada (Citizenship and Immigration)*, 2023 FC 400 at paragraph 37, and is apposite in this case, "the RAD summarized the contents and source of each letter, acknowledged that the allegations within the letters went directly to the crux of the RPD's negative determination and noted that the letters were presented within weeks of the RPD making precisely the point in their negative decision that there was no evidence of any threats to the Applicants since December 2019. The guidance in *Raza* clearly states that the sources and circumstances in which the new evidence came into existence is part of the credibility analysis, which is exactly the analysis conducted by the RAD. The Applicants have not advanced any arguments that convince me that the RAD's conclusion was unreasonable in the circumstances."

[27] In my view, the RAD therefore properly conducted the analysis required in determining the admissibility of the evidence and in this case, the RAD reasonably determined that the letter was not admissible in any event because of its lack of credibility and low probative value. The RAD's decision therefore falls within a range of possible and acceptable outcomes and the

Applicants have not discharged their burden to demonstrate that there were sufficient shortcomings warranting the Court's intervention.

C. *The RAD's conclusion that there is no forward-looking risk in Romania is reasonable*

[28] The Applicants argue that the RAD erred in concluding that there was no forward-looking risk of persecution in Romania. However, the Applicants' argument rests on their disagreements with the RAD's reasoning pertaining to the negligence of their consultant and the admissibility of evidence. As discussed above, these arguments constitute a disagreement with the RAD's analysis without identifying any substantive reason as to why the RAD's decision is unreasonable.

[29] More precisely, the Applicants submit that the PA's uncle's letter ought to have been admitted and the RAD's conclusion that even if it had admitted the letter, it would still not establish a forward-looking risk, is unreasonable (RAD decision at paras 85-90). The Applicants also argue that the PA's affidavit should have been admitted in full along with the uncle's letter.

[30] The Respondent submits that the RAD was reasonable in its analysis of the forward-looking risk of returning to Romania given that the Applicants had not presented any evidence to the RAD other than their affidavits. Moreover, the Applicants have failed to identify what about the RAD's analysis of the uncle's letter, had it been admitted, is unreasonable.

[31] In my view, as discussed above, the RAD properly ruled on the admissibility of the new evidence. Moreover, the Applicants' arguments relating to the RAD's assessment of the uncle's

letter and evidence, even if it had been admitted, is not substantive but rather a disagreement with the RAD's conclusion on its assessment of the evidence. As stated above, the RAD reasonably held that the uncle's evidence lacked credibility and was of little probative value (RAD decision at paras 24, 85). As for the relevant paragraphs of the PA's affidavit, on their own, they do not substantiate a forward-looking risk of persecution in Romania. Those paragraphs rather explain the lack of evidence and the attempt to bolster their claim with the introduction of the uncle's evidence, as well as other information such as where the family lives and the PA's brothers' construction company, that is immaterial to the allegation of risk.

[32] The RAD's reasoning is therefore intelligible, transparent and justified in light of the record before it (*Vavilov* at paras 15, 98). The Applicants bear the onus of proving that the decision is unreasonable, and they did not demonstrate that the RAD committed errors that were sufficiently central or significant to render the decision unreasonable (*Vavilov* at para 100). The RAD has considered the entirety of the evidence placed before the RPD in making its assessment, and concluded that the Applicants failed to demonstrate a forward-looking risk of persecution in Romania. The Applicants' request is essentially that the Court performs an examination of the evidence *de novo* and re-weigh the RAD's evidentiary assessment. Unfortunately, this is not the Court's role on judicial review (*Zhang v Canada (Citizenship and Immigration)*, 2023 FC 1308 at para 36; *Vavilov* at paras 124-125).

[33] I have reviewed the RAD's reasons carefully and find no basis upon which to intervene. The RAD properly reviewed the evidence before it and its conclusion falls within a range of possible and acceptable outcomes.

V. Conclusion

[34] The RAD's decision is reasonable. The RAD conducted a reasonable assessment of the competence of the Applicants' previous consultant, properly determined the evidentiary issues, and reasonably assessed the evidence in determining that the Applicants had failed to discharge their burden and demonstrate that they were in need of protection. That decision was based on a reasonable assessment of the evidence presented by the Applicants.

[35] The Applicants' application for judicial review is dismissed.

[36] The parties have not proposed any question for certification and I agree that none arises in the circumstances.

JUDGMENT in IMM-21719-24

THIS COURT'S JUDGMENT is that:

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

"Guy Régimbald"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-21719-24

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CITIZENSHIP AND IMMIGRATION

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APPEARANCES:

Annie O'Dell	FOR THE APPLICANTS
Leila Jawando	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Annie O'Dell Barrister and Solicitor Toronto (Ontario)	FOR THE APPLICANTS
Attorney General of Canada Toronto (Ontario)	FOR THE RESPONDENT