

Federal Court



Cour fédérale

Date: 20251120

Docket: IMM-21344-24

Citation: 2025 FC 1848

Ottawa, Ontario, November 20, 2025

PRESENT: The Honourable Mr. Justice Gleeson

BETWEEN:

MOHAMMAD NIDAL AKRAM AL-BDOUR

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant is a citizen of Jordan who reports that he faces harm in that country following an accusation that he sexually assaulted a minor female. In a decision dated October 24, 2024, the Refugee Appeal Division [RAD] confirmed a finding by the Refugee Protection Division [RPD] that the Applicant had not established forward-facing risk of harm in Jordan and that he was neither a Convention refugee nor a person in need of protection.

[2] The Applicant seeks judicial review of the RAD's decision under subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. For the reasons set out below, the application for leave and for judicial review [Application] is dismissed.

II. Background

[3] The Applicant worked as a taxi driver in Jordan. He reports that in February 2022, he was accused of the kidnapping and sexual assault of a female passenger. He was detained and, after trial, was found not guilty of the alleged offences in July 2022. Nonetheless, he reports the family of the reported victim threatened and attempted to harm him because the family believes he has violated the victim's honour.

[4] In August 2022, the Applicant left Jordan and sought refugee protection in Canada. During the hearing before the RPD in June 2024, the Applicant testified that in June 2023, members of the victim's family attended his home in Jordan and demanded money from his family. The RPD found that the Applicant's narrative was generally credible. However, the RPD also expressly found he was not credible on the issue of forward-facing risk, noting that, on the basis of the Applicant's evidence, it had been over a year since the alleged agents of harm had shown any interest in the Applicant. The RPD addressed the Applicant's supporting documentary evidence, but found that this evidence did not establish a current or forward-facing risk, that the alleged ongoing threat to his life was speculative and that the Applicant had not established that the police would target him should he return to Jordan, and noted he had also testified that his family in Jordan were safe from the agents of harm.

III. Decision under Review

[5] In confirming the RPD's findings, the RAD first considered and rejected the following four pieces of new evidence presented by the Applicant:

- a) An email from the Applicant's parents, dated August 2024, stating that individuals attended their home in July 2024, threatened the Applicant and his family and demanded money, that the Applicant's parents then moved to Karak, and that in early August 2024, individuals located them in Karak and made further threats;
- b) An undated letter from the Applicant's father's lawyer to the Public Prosecutor of Irbid stating that, in July 2024, the Applicant's father found individuals damaging his vehicle, was threatened and assaulted, and that one of the assailants was the victim's family member;
- c) A medical report regarding the Applicant's father's treatment for a sprained right ankle in July 2024; and
- d) A lease agreement between a landlord and the Applicant's father for a property in Karak, for a lease starting in August 2024.

[6] The RAD found that the proposed new evidence satisfied the criteria set out at subsection 110(4) of the IRPA. However, citing *Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385 [Raza] and *Canada (Citizenship and Immigration) v Singh*, 2016 FCA 96 [Singh], the RAD rejected the proposed evidence finding it not to be credible because (1) the timing and circumstances of the alleged events in the new evidence—arising eight days after the RPD

decision which relied upon the lack of ongoing interest in the Applicant—was fortuitous; (2) the proposed new evidence was inconsistent with the Applicant’s evidence before the RPD in that it purported (a) an escalation in the nature of the risk, (b) a significant increase in the frequency of visits by the agents of harm, (c) an increased motivation of the agents of harm to locate the Applicant; and (3) the evidence addressed all the RPD’s findings.

[7] Not having admitted any new evidence, the RAD also found there could be no oral hearing (IRPA, s 110(6)).

[8] In the absence of admissible new evidence, the RAD rejected the Applicant’s arguments of ongoing interest for essentially the same reasons as set out by the RPD—the absence of credible evidence of the continued interest of the agents of harm. The RAD concluded the RPD had correctly determined that the Applicant did not face a forward-facing risk in Jordan.

IV. Issues and Standard of Review

[9] The Applicant challenges the reasonableness of the RAD’s decision and submits there was a denial of procedural fairness. I have framed the issues as follows—Did the RAD err in:

1. Refusing to admit new evidence?
2. Declining to hold an oral hearing?
3. Finding the absence of forward-facing risk?
4. Failing to conduct a subsection 97(1) of the IRPA analysis?

[10] The Applicant argues that the RAD breached his procedural fairness rights by failing to hold an oral hearing and conduct a section 97 analysis (Issues 2 and 4). I disagree. In advancing these arguments, the Applicant is in effect taking issue with the RAD's assessment of the evidence before it, a matter that is to be reviewed on the presumptive standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25). Issues 2 and 4 are to be reviewed on the standard of reasonableness.

[11] The RAD's decision on the admissibility of the new evidence and on the merits are also to be reviewed on the reasonableness standard (Issues 1 and 3).

[12] A reasonable decision "is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker." (*Vavilov* at para 85). A reviewing court will intervene only where an applicant persuades it that "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency." (*Vavilov* at para 100).

V. Analysis

A. *The RAD did not err in refusing to admit the new evidence*

[13] New evidence can only be admitted before the RAD where it is satisfied at least one of the three conditions set out in subsection 110(4) of the IRPA have been met (*Singh* at para 34). In addition to the three conditions expressly provided for, four additional conditions are implied from the purpose of subsection 110(4)—credibility, relevance, newness and materiality (*Singh* at

paras 38, 44, citing *Raza* at para 13), conditions that “are essentially designed to preserve the integrity of the judicial process” (*Singh* at para 43).

[14] The Applicant relies on the presumption of truthfulness in submitting that the RAD—having agreed that he was a credible witness before the RPD— “ha[d] an obligation under the law to accept his evidence as true without superior evidence stating otherwise and without a valid reason to doubt its truthfulness.” He argues he met the admissibility requirements for new evidence as set out in subsection 110(4) of the IRPA and that the RAD’s reasons for rejecting the evidence are “not enough in law.”

[15] The RAD did not misapprehend or misapply the criterion to be considered where new evidence is to be admitted. The RAD provided a detailed explanation in support of its finding that the evidence was not credible for admissibility purposes, noting the fortuitous timing and circumstances of the reported events—eight days following the RPD’s decision when the Applicant had previously reported no interaction in more than a year preceding the RPD hearing. The RAD also considered that the new evidence reported a purported escalation in the frequency of visits and demonstrated an increased motivation to locate the Applicant together with an increase in the nature of the risk now alleged, including attacks on family members, and that these inconsistencies were not addressed. Noting that evidence can be reasonably assessed in light of its source and the circumstances in which it came into existence, the RAD concluded the new evidence was not credible and therefore not admissible. The RAD’s conclusion is reasonable.

[16] The Applicant's argument to the effect that the RAD was required to accept the evidence having found him to be generally credible misapprehends the RAD's credibility finding and conflates the Applicant's credibility with that of the proposed new evidence. In considering whether to accept new evidence under subsection 110(4) of the IRPA, the RAD is assessing the credibility of the evidence, not the Applicant. Again, the RAD did not err in this regard.

B. *The RAD did not err in not holding an oral hearing*

[17] Having reasonably found the new evidence was not admissible, the RAD both reasonably and correctly found that pursuant to subsection 110(6) of the IRPA an oral hearing could not be held.

C. *The RAD's forward-facing risk assessment is reasonable*

[18] In asserting a forward-facing risk before the RAD, the Applicant primarily relied on evidence that was not properly before the RAD, having been found inadmissible.

[19] The RAD noted the Applicant did not contest the RPD's forward-facing risk conclusions other than on the basis of the inadmissible new evidence. The RAD then confirmed the RPD's finding that the last contact with the agents of harm was over a year prior to the RPD hearing, and then concluded, in the absence of evidence of ongoing motivation and interest in locating the Applicant, that he had failed to establish a forward-facing risk (*Jamal v Canada (Citizenship and Immigration*, 2023 FC 1633 at para 27). The Applicant has not demonstrated this finding is unreasonable.

D. *The RAD did not err in failing to conduct a separate section 97 analysis*

[20] The Applicant argues that the RAD unreasonably failed to engage in a section 97 analysis with regard to the reported “threats to his life.” There is little merit to this argument. As stated by Justice Strickland in *Chattha v Canada (Minister of Citizenship and Immigration)*, 2025 FC 637 at para 37:

[...] [A] separate analysis under section 97 is not always required and it may be permissible for the RAD to consider both simultaneously (*Sida* at para 15; see also *Ikeme v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 21 at para 40 [*Ikeme*], citing *Bouaouni* at para 41). For example, negative credibility findings can dispose of a claim under section 97 absent a separate analysis unless there is independent and credible evidence capable of supporting a positive disposition of the claim (*Ikeme* at para 41, citing *Canada (Citizenship and Immigration) v Sellan*, 2008 FCA 381 at para 3).

[21] In this case before me, the RAD upheld the RPD’s negative credibility findings regarding the Applicant’s forward-facing risk in Jordan. Having reasonably refused to admit the new evidence the Applicant sought to rely on, the RAD did not err in failing to undertake a separate analysis under subsection 97(1) of the IRPA.

VI. Conclusion

[22] The Application is dismissed. The Parties have not identified any question of general importance, and none arises.

JUDGMENT IN IMM-21344-24

THIS COURT’S JUDGMENT is that:

1. The Application is dismissed.
2. No question is certified.

“Patrick Gleeson”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-21344-24

STYLE OF CAUSE: MOHAMMAD NIDAL AKRAM AL-BDOUR v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 22, 2025

JUDGMENT AND REASONS: GLEESON J.

DATED: NOVEMBER 20, 2025

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