

Federal Court



Cour fédérale

**Date: 20260410**

**Docket: IMM-427-25**

**Citation: 2026 FC 478**

**Toronto, Ontario, April 10, 2026**

**PRESENT: Madam Justice McDonald**

**BETWEEN:**

**FAIZAL YUSUF MANSURI  
SAMEENA FAIZAL MANSURI  
FAAZ FAIZAL MANSURI**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicants are a family from India who seek judicial review of a Refugee Appeal Division (RAD) decision that rejected their refugee claim on the grounds that they had a viable Internal Flight Alternative (IFA) in Kolkata, West Bengal.

[2] For the following reasons, I am dismissing this judicial review as I am satisfied that the RAD applied the proper considerations to the IFA analysis and did not impose an improper evidentiary burden on the Applicants as alleged.

I. Background

[3] The Applicants are a Muslim family who sought refugee protection in Canada, based on several incidents of religious discrimination that occurred in Thane, Maharashtra. They fear persecution at the hands of the Hindu nationalist organization Rastriya Swayamsevak Sangh (RSS) and its political wing, India's governing Bharatiya Janata Party (BJP).

[4] In 2019, the Principal Applicant, Mr. Faizal Yusuf Mansuri, claims that he was compelled to quit his job due to his hardline Hindu manager. On June 17, 2022, he says he had a verbal and physical confrontation with Hindu colleagues after one of them made negative remarks about Muslims. He reported the incident to the police, who claimed they would investigate but did not file a First Information Report (FIR). The next day, the police told the Principal Applicant that he was accused of eating beef in front of Hindu colleagues in a state where cow slaughter is criminalized. He denied the allegations but says he paid the police 25,000 Indian rupees to avoid registration of a case against him.

[5] In the following weeks, the Principal Applicant claims that he received threatening calls from RSS members and, on one occasion, was physically assaulted by RSS members. As a result, the Applicants entered hiding at the home of the female applicant's parents.

[6] The Principal Applicant claims that three men entered his father's shop on July 24, 2022, and forced his father to call him at gunpoint. He claims that he was threatened and that the men took 20,000 Indian rupees from his father.

[7] On September 23, 2022, the Applicants came to Canada and made a refugee claim on November 3, 2022. The Refugee Protection Division (RPD) rejected their refugee claims.

[8] On appeal, the RAD upheld the RPD decision and found the Applicants had a viable IFA in Kolkata.

## II. Issues

[9] The Applicants argue that the RAD decision is unreasonable on its analysis of the means of the agents of persecution and the IFA location.

[10] On a reasonableness review, the Court assesses if the RAD decision is transparent, justified, and intelligible, and within a range of possible, acceptable outcomes defensible on the facts and law (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 86).

### III. Analysis

#### A. *Means of the RSS and BJP*

[11] The Applicants attack several of the RAD's findings on the means of the RSS and BJP to pursue the Applicants throughout India.

[12] They argue that the RAD failed to consider the prevalence of Hindu nationalism, pointing to references in the India National Documentation Package (NDP) about the RSS and BJP stirring up religious tensions under the pretext of cow protection. However, the RAD considered this information and gave it reduced weight because the BJP and RSS are not in power and have limited presence in the IFA of West Bengal.

[13] The Applicants also argue that the RAD failed to consider systemic issues and corruption with the police throughout India. On this issue, the RAD accepted the possibility of police corruption but considered the risk to the Applicants unlikely, given: (1) the limited presence of the BJP and RSS in Kolkata; (2) there is a secular party in power in Kolkata; and (3) the tendency for Indian police to show loyalty to the party in power. This was a reasonable conclusion based on the NDP evidence before the RAD.

[14] Additionally, the Applicants point to the possibility of being tracked via the Crime and Criminal Tracking Network System, tenant verification system, or Aadhaar system.

[15] Similar arguments were rejected in *Sharma v Canada (Immigration and Citizenship)*, 2024 FC 1444 at paragraph 20 where the Court noted that the applicants “would only be able to be tracked by such systems if they were subject to a criminal charge, a summons, an arrest warrant, or a First Information Report.” This is equally applicable to this case, where the RAD reasonably noted that there was no evidence that these factors apply to the Applicants’ circumstances.

[16] Further, in *Lal v Canada (Citizenship and Immigration)*, 2024 FC 1109, the Court addressed arguments about the Aadhaar system, with Justice Tsimberis finding (at para 43):

...the argument that the police or other state actors are so interested in pursuing a claimant that they would go through the lengths of illegally acquiring access to a biometric database the Indian government has explicitly prohibited them from having access to, either by bribery or by other illicit means, amounts to a baseless conspiracy theory. Without evidence to establish on a balance of probabilities that the police have such a level of interest in the Applicants and such a degree of corruption as to go through these extraordinary means, any argument that the police or other state actors could and would go through such great lengths as to illegally acquire access to the Aadhaar system are similarly without merit, and certainly are not a sufficient basis to overturn otherwise reasonable findings of the RAD.

[17] The Applicants cite NDP evidence of Aadhaar data misuse and leaks as placing them at risk. However, this submission is largely speculative and not sufficient to dislodge the reasonableness of the RAD finding that “the fact that there have been instances of data leaks from the Aadhaar system does not establish that the [Applicants’] Aadhaar data would be leaked or breached, or how that data would become available to the Kolkata police.”

[18] In sum, the Applicants' submissions on this issue are largely a request for the Court to reweigh evidence that was considered by the RAD, which is not the Court's role on judicial review (*Flores Moreno v Canada (Citizenship and Immigration)*, 2025 FC 1315 at para 14).

B. *Reasonableness of the IFA*

[19] The Applicants argue that the RAD failed to fully consider that there is nowhere safe in India for religious minorities.

[20] The RAD addressed the country condition evidence cited by the Applicants and summarized this evidence as showing "the Indian government targets and harasses journalists, lawyers, rights activists, and has filed charges against those that protested peacefully against the *Citizenship (Amendment) Act (CAA)* in 2019." Importantly, considering the Applicants' circumstances, the RAD noted a lack of evidence indicating that Muslims cannot practice their faith or cannot access education, housing, healthcare, or employment. As such, any hardships the Applicants would experience would not meet the threshold of being "unduly harsh."

[21] Regarding the Principal Applicant's personal experience, the RAD stated that the accusations of beef eating that arose in Thane could not establish that the Applicants would face a serious possibility of persecution in Kolkata. This is consistent with the RAD finding that the agents of harm, the RSS and BJP, would lack the means to pursue the Applicants in the IFA.

[22] The RAD's findings on the IFA are reasonable.

IV. Conclusion

[23] The Applicants have not demonstrated that the RAD's decision lacked justification, transparency or intelligibility, or was outside a range of possible, acceptable outcomes based on the facts and law. As such, the decision was reasonable. This judicial review is therefore dismissed.

**JUDGMENT IN IMM-427-25**

**THIS COURT'S JUDGMENT is that:**

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

"Ann Marie McDonald"

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-427-25

**STYLE OF CAUSE:** FAIZAL YUSUF MANSURI, SAMEENA FAIZAL MANSURI, FAAZ FAIZAL MANSURI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MARCH 18, 2026

**JUDGMENT AND REASONS:** MCDONALD J.

**DATED:** APRIL 10, 2026

**APPEARANCES:**

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