

Federal Court



Cour fédérale

Date: 20230330

Docket: IMM-8310-21

Citation: 2023 FC 441

Ottawa, Ontario, March 30, 2023

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

MINA AHMAD

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Ms. Mina Ahmad (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Refugee Protection Division (the “RPD”). In its decision, the RPD determined that the Applicant was not a Convention refugee since an Internal Flight Alternative (“IFA”) is available in her country of citizenship.

[2] The Applicant is a citizen of Pakistan, from Mandi Bahauddin, Punjab. She is a teacher, employed in a private elementary school. She is a practicing Shia. She sought protection in Canada based upon a fear of gender-based violence from her brother and uncle, as well as from anti-Shia extremists.

[3] The Applicant entered Canada via the United States of America where she did not seek protection. Pursuant to paragraph 110(2)(d) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”), she was allowed to claim refugee protection in Canada, as an exception to the Safe Third Country Agreement.

[4] The RPD expressed concerns about the Applicant’s credibility but ultimately concluded that an IFA is available to her in Karachi.

[5] The Applicant now challenges the reasonableness of that finding. She also argues that the RPD committed a reviewable error by failing to apply the *Chairperson’s Guideline 4: Women Refugee Claimants Fearing Gender-Related Persecution*.

[6] The decision of the RPD is reviewable upon the standard of reasonableness; see the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.).

[7] The Minister of Citizenship and Immigration (the “Respondent”) submits that the decision of the RPD meets the applicable legal standard of reasonableness.

[8] In considering reasonableness, the Court is to ask if the decision under review "bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision"; see *Vavilov, supra* at paragraph 99.

[9] Although the Applicant advances many arguments, the determinative issue in this application is the RPD's finding about an IFA.

[10] I agree substantially with the submissions of the Respondent.

[11] The test for a viable IFA is addressed in *Rasaratnam v. Canada (Minister of Employment and Immigration)*, [1992] 1 F.C. 706 at 710-711 (F.C.A.). The test is two-pronged and provides as follows:

- First, the Board must be satisfied that there is no serious possibility of a claimant being persecuted in the IFA.
- Second, it must be objectively reasonable to expect a claimant to seek safety in a different part of the country before seeking protection in Canada.

[12] In order to show that an IFA is unreasonable, an applicant must show that conditions in the proposed IFA would jeopardize life and safety in travelling or relocating to that IFA;

see *Thirunavukkarasu v. Canada (Minister of Employment and Immigration)*, [1994] 1 F.C. 589 at 596-598 (F.C.A.).

[13] In my opinion, the RPD's finding that the uncle and brother lacked the means to locate the Applicant in Karachi is reasonable, relative to the evidence that was submitted.

[14] Turning to the second prong of the IFA test, that is the reasonableness of the proposed IFA, the RPD highlighted several elements from the documentary evidence about relocation to Karachi. That approach was both responsible and reasonable.

[15] The RPD acknowledged the family support available to the Applicant. It acknowledged the Applicant's professional qualifications.

[16] Considering the evidence that was before the RPD, I am satisfied that the RPD's decision meets the applicable standard of reasonableness: the reasons are transparent, intelligible and justified.

[17] The RPD, not the Court, is mandated to weigh the evidence. I am satisfied that the RPD discharged its mandate and I see no reviewable error to justify judicial intervention.

[18] In the result, the application for judicial review will be dismissed. There is no question for certification.

JUDGMENT in IMM-8310-21

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question for certification.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8310-21

STYLE OF CAUSE: MINA AHMAD v. THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: HELD BY WAY OF VIDEOCONFERENCE

DATE OF HEARING: MARCH 7, 2023

REASONS AND JUDGMENT: HENEGHAN J.

DATED: March 30, 2023

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