

Federal Court



Cour fédérale

Date: 20230602

Docket: IMM-4592-22

Citation: 2023 FC 753

[ENGLISH TRANSLATION]

Ottawa, Ontario, June 2, 2023

PRESENT: Madam Justice St-Louis

BETWEEN:

ALI YAHIA CHERIF

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Introduction

[1] The applicant, Ali Yahia Cherif, a citizen of Algeria, is requesting judicial review of the decision of the Refugee Appeal Division [RAD] that confirmed the decision of the Refugee Protection Division [RPD] and rejected his refugee protection claim under sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the Immigration Act].

[2] Mr. Cherif submits to the Court that the RAD made an unreasonable decision in concluding that he failed to demonstrate the incompetence of counsel who assisted him before the RPD, in rejecting the new evidence he filed with his appeal record, and in confirming the RPD's findings as to his credibility. For the following reasons, the application for judicial review will be dismissed.

II. Background

[3] On April 24, 2019, Mr. Cherif arrived in Canada with a visitor visa, and on September 9, 2019, he claimed refugee protection. In the Basis of Claim Form and the account he signed on September 9, 2019 [2019 BOC Form], Mr. Cherif alleges that he fears he will be killed by the president or vice president of a charitable association [the Charity] located in Sétif. As a volunteer and an active member of the Charity, Mr. Cherif apparently reported them to the gendarmerie for embezzlement of charitable donations.

[4] Essentially, in his 2019 BOC Form, Mr. Cherif stated the following:

- In April 2016, he began volunteering with the Charity and noted irregularities in the Charity's funding.
- From October 21, 2017, to February 21, 2018, he came to Canada to visit his sister. Upon returning to Algeria, he conducted an internal investigation and discovered how two senior executives of the Charity were diverting a large number of donations to their personal bank accounts.
- In June 2018, Mr. Cherif confronted the president of the Charity with the bank statements, and the president denied all accusations. Mr. Cherif then filed a complaint with the gendarmerie against the senior executives, and three days later, the gendarmerie opened a formal investigation against them. The president then contacted Mr. Cherif to ask him whether he was the one who had filed a complaint against them, which Mr. Cherif denied.

- In July 2018, the president informed Mr. Cherif that he was no longer welcome at the Charity. From then on, Mr. Cherif began to receive anonymous threatening calls, promising that he would pay for sticking his nose in matters that did not concern him and for tarnishing the reputation of both senior executives;
- In September 2018, the windshield of Mr. Cherif's car was vandalized. In October 2018, he went to live with his uncle in Algiers until he left the country in late April 2019.

[5] In form No. IMM5669, which he also signed on September 9, 2019, Mr. Cherif instead wrote, in response to question 7, that he had been a member of the Charity from April 2015 to September 2017 and from February 2018 to March 2019, as an office agent. In response to question 10, Mr. Cherif failed to enter the address for the period of October 2018 to April 2019, during which he alleged he had lived in hiding in Algiers.

[6] On April 23, 2021, Mr. Cherif signed an amended BOC Form and appended to it a new, more detailed account [2021 BOC Form]. In particular, he stated the following:

- He first became involved with the Charity in June 2016.
- He worked as a plumber for a company run by his brother.
- He was assisted in his internal investigation by the Charity's secretary-treasurer, Mr. Mihoubi.
- In June 2018, Mr. Cherif and three other volunteers were dismissed.
- Both Mr. Cherif and Mr. Mihoubi were alleged to have confronted the two senior executives before filing a complaint with the gendarmerie together.
- Mr. Mihoubi was hospitalized following a premeditated traffic accident in August 2018, and Mr. Cherif narrowly escaped being hit intentionally by a car.
- He lost touch with Mr. Mihoubi after moving to Algiers, as Mr. Mihoubi also moved elsewhere in Algeria to hide.

[7] On October 26, 2021, the RPD heard Mr. Cherif's refugee protection claim, and Mr. Cherif testified. In his testimony, Mr. Cherif stated, among other things, that (1) his volunteering began in June 2016 and ended against his will in June 2018 after he filed his complaint against the two senior executives of the Charity with the gendarmerie; (2) he began to have doubts about the integrity of the two senior executives after a substantial donation was made by a friend of his brother's in August 2017; (3) the gendarmerie reportedly suspended the Charity's activities as of July 2018 to conduct their investigation; and (4) in October 2018, he moved in with his uncle in Algiers to escape his agents of risk.

[8] On November 17, 2021, the RPD determined that Mr. Cherif is neither a refugee under section 96, nor a person in need of protection under section 97 of the Immigration Act. In its decision, the RPD drew adverse inferences regarding Mr. Cherif's credibility because of several contradictions, inconsistencies and omissions between the 2019 BOC Form, form No. IMM5669, the 2021 BOC Form and Mr. Cherif's testimony at the hearing regarding (1) Mr. Cherif's involvement with the Charity and its closure after Mr. Cherif filed a complaint with the gendarmerie; (2) the embezzlement of charitable donations to the Charity and the filing of a complaint with the gendarmerie against both senior executives; and (3) the fact that he allegedly hid at his uncle's home in Algiers from October 2018 to April 2019. In reaching this finding, the RPD also considered the lack of documentary evidence corroborating Mr. Cherif's complaint to the gendarmerie, the results of his investigation and the lack of satisfactory explanations from Mr. Cherif in response to the problems raised by the RPD.

[9] On December 3, 2021, Mr. Cherif appealed the RPD decision to the RAD. He submitted that the negligent or incompetent representation of his former counsel had an impact on the RPD's analysis insofar as it denied him the opportunity to submit evidence relevant to his case.

[10] In this regard, Mr. Cherif submitted as evidence before the RAD correspondence between his counsel before the RAD and his former lawyers. His counsel before the RAD asked the former counsel why no exhibits had been filed in evidence and what their respective roles in preparing the case were. She also noted that Mr. Cherif had provided her with several documents that would certainly have helped corroborate his fear of persecution, although she did not describe these documents. One of the two former counsel responded that she was not responsible for preparing the case, that her role was limited to the hearing, and that, to her knowledge, the other former counsel had prepared the case with Mr. Cherif for several hours prior to the hearing. She also stated that the other counsel had explained to her that the documents provided by Mr. Cherif at his meetings—specifically, a certificate of membership in an association and a plumbing degree—were not relevant to the case and/or did not add positively to the story. Mr. Cherif's other former counsel did not respond to the current counsel's emails.

[11] Mr. Cherif further states in his affidavit dated February 1, 2022, that his former counsel never told him what documents he could obtain to corroborate the facts in his case. Mr. Cherif also stated in his affidavit that he had shown his diploma and his certificate of membership in the Charity to one of his former counsel, but that this person did not want to file them for a reason unknown to Mr. Cherif.

[12] Before the RAD, Mr. Cherif added that the RPD had erred by placing excessive weight on his 2019 BOC Form, overlooking the fact that he had corrected his BOC Form at the beginning of the hearing and not considering his explanations at the hearing. Mr. Cherif also submitted to the RAD that he had not given confusing testimony as to the different events, or their sequence, but only as to certain dates, which cannot justify a non-credibility finding.

[13] Before the RAD, Mr. Cherif filed new evidence to corroborate his testimony regarding his situation in Algeria, his involvement in the Charity and the problems he experienced. He therefore filed with the RAD the following documents: (1) an undated work certificate issued by his brother certifying that Mr. Cherif had worked as a work supervisor for his brother's organization in Sétif since January 1, 2019; (2) provisional certificate of qualification in carpentry; (3) a certificate of membership in the Charity dated April 27, 2017; (4) an undated statement from his brother; and (5) an undated statement from his uncle. Mr. Cherif then also filed his own affidavit, in which he states that he had these documents or was able to obtain them, but his former counsel before the RPD did not believe it relevant to file them.

[14] On April 21, 2022, the RAD dismissed Mr. Cherif's appeal and confirmed the RPD's determination.

III. RAD decision

[15] In its decision, the RAD stated that it had conducted its own analysis of the record, by applying the correctness standard, and dismissed Mr. Cherif's appeal. The RAD noted that the determinative issues were procedural fairness and Mr. Cherif's credibility.

[16] In short, the RAD (1) determined that Mr. Cherif had not established the incompetence of the counsel who had assisted him before the RPD; (2) rejected the new evidence that Mr. Cherif had submitted before it; (3) did not grant his request for an oral hearing; (4) concluded that the RPD's determination was correct; and (5) concluded that Mr. Cherif had not established that he would face a serious possibility of persecution and that, on a balance of probabilities, he would not be subjected to a risk to his life, a danger of torture or a risk of cruel and unusual punishment if he were to return to Algeria.

[17] As to the basis of Mr. Cherif's refugee protection claim, the RAD concluded that he (1) had not established his involvement with the Charity; (2) had not established that he had reported fraud to the gendarmerie; and (3) had failed to take temporary refuge in Algiers, which undermined his credibility.

[18] The RAD first determined that Mr. Cherif had not established that his former counsel were incompetent in not filing any exhibits and that there was no breach of procedural fairness. The RAD noted that Mr. Cherif criticized his former counsel for not discussing exhibits with him prior to the hearing and that, in support of his allegations, Mr. Cherif had not filed a practice notice but had submitted an email exchange between his counsel before the RAD and one of his former counsel who had represented him at the RPD hearing, in which she confirms that she did not submit the membership certificate or diploma to the RPD as these documents are not relevant to Mr. Cherif's case. The RAD noted that the email exchange does not enable me to know whether the other former counsel was notified of the allegations of incompetence.

[19] RAD assessed each new item of evidence

[20] With respect to Mr. Cherif's work certificate and degrees, the RAD considered that they were not relevant to Mr. Cherif's refugee protection claim and that their submission at the hearing would have had no impact on the outcome of the RPD decision, which does not challenge Mr. Cherif's employment. The RAD thus determined that the former counsel were not incompetent in choosing not to file them.

[21] As for the membership certificate, although it was relevant, the RAD first noted the many contradictions raised by the RPD and concluded that it did not address them and was insufficient to offset Mr. Cherif's credibility issues with respect to his membership in the Charity. Thus, the RAD was of the view that there was no reasonable probability that the RPD would have reached a different conclusion if the former counsel had been competent (*Tapia Fernandez v Canada (Citizenship and Immigration)*, 2020 FC 889).

[22] Finally, with respect to the statements of Mr. Cherif's brother and uncle, the RAD noted Mr. Cherif's statement that his former counsel did not ask him for them, but that he could have had them. The RAD also noted that counsel for Mr. Cherif before the RAD never asked his former counsel whether they had suggested that Mr. Cherif obtain corroborating evidence, nor did she mention it or the uncle's and brother's affidavits. It therefore considered that the former counsel had not had the opportunity to respond to Mr. Cherif's allegations. The RAD therefore concluded that reasonable notice had not been given to one of the former counsel and that, in any

event, Mr. Cherif had not established that there was a reasonable probability that this had an impact on the outcome of his refugee protection claim before the RPD.

[23] The RAD finally reviewed the rest of the work of the former counsel before the RPD with respect to the evidence as a whole, including the 2019 BOC Form, the 2021 BOC Form, the documentary evidence and Mr. Cherif's testimony at the hearing, and the RAD concluded that the evidence on the record showed that Mr. Cherif had adequately prepared for the hearing with his former counsel prior to the hearing. The RAD noted in particular that the RPD had specifically asked Mr. Cherif whether he had any evidence corroborating his fraud complaint to the gendarmerie, and that Mr. Cherif had confirmed that he had not brought this evidence with him because he had lost it, not because he did not know he could file evidence to corroborate his allegations. Ultimately, the RAD concluded that the evidence showed that Mr. Cherif had prepared for the hearing with his former counsel prior to the hearing and that Mr. Cherif had not established his incompetence.

[24] The RAD therefore considered the new evidence filed by Mr. Cherif and was not satisfied that it meets the admissibility requirements set out in subsection 110(4) of the Immigration Act. The RAD considered that this evidence was reasonably available to Mr. Cherif prior to the date of the RPD decision, that Mr. Cherif had not submitted any reason that would have prevented him from obtaining the documents, and that there was nothing in the record to that effect. The RAD noted that in his affidavit, Mr. Cherif alleges only the incompetence of his former counsel for this failure to file the exhibits, an argument that the RAD did not accept.

[25] As to the merits of the case, the RAD decided that the RPD had not erred in assessing the evidence before it and found that the evidence contained significant contradictions undermining Mr. Cherif's credibility. The RAD considered Mr. Cherif's involvement with the Charity; the report of fraud to the gendarmerie, noting that the RPD's finding was not contested before it; and the failure to note the temporary refuge he took in Algiers. The RAD thus determined that Mr. Cherif had not established that he was a member of the Charity or that he had filed a complaint with the gendarmerie in connection with a fraud, two elements central to his refugee protection claim. The RAD added that the fact that Mr. Cherif had not filed any evidence from judicial authorities to corroborate the complaint was an important factor in its decision.

[26] The RAD confirmed the RPD's decision and concluded that Mr. Cherif had not established that he would face a serious possibility of persecution and, on a balance of probabilities, that he would be subjected to a risk to his life, a danger of torture or a risk of cruel and unusual punishment if he were to return to Algeria.

IV. Issues before Court and applicable standard of review

[27] Before the Court, Mr. Cherif is challenging the RAD's conclusions with respect to the alleged incompetence, the admissibility of the new evidence and the credibility assessment. Mr. Cherif is asking the Court to allow his application for judicial review, set aside the RAD's decision and refer the case back to a differently constituted panel for a hearing *de novo*.

[28] The Court must therefore confirm the applicable standard of review and, in light of the arguments raised, determine whether the RAD erred in concluding that incompetence was not demonstrated, rejecting the new evidence on the record and confirming the RPD's conclusions.

[29] The applicable standard of review is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]), particularly with respect to the incompetence of his former counsel and the admissibility of new evidence before the RAD under subsection 110(4) of the Immigration Act.

[30] Where the applicable standard of review is that of reasonableness, the role of the Court is to consider the reasons given by the decision maker and to determine whether the decision is based on “an internally coherent and rational chain of analysis” and whether it is “justified in relation to the facts and law that constrain the decision maker” (*Vavilov* at para 85). The Court must consider the “outcome of the administrative decision in light of its underlying rationale in order to ensure that the decision as a whole is transparent, intelligible and justified” (*Vavilov* at para 15). The Court must also consider “whether the decision 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” (*Vavilov* at para 99, citing *Dunsmuir v New Brunswick*, 2008 SCC 9 at paras 47, 74, and *Catalyst Paper Corp v North Cowichan (District)*, 2012 SCC 2 at para 13).

[31] With respect to the credibility assessment by the RAD, I note Justice Gascon comments in *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 at paragraph 15:

This deferential approach is particularly required when, as in this case, the impugned findings relate to the credibility and plausibility of a refugee claimant's story. It is well established that RPD's conclusions in that regard command a high degree of judicial deference upon judicial review, considering the role of trier of fact conferred to the administrative tribunal (*Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 [*Khosa*] at paras 59, 89; *Lawal v Canada (Citizenship and Immigration)*, 2015 FC 155 at para 9). Credibility findings go to the very core of the RPD's expertise and have indeed been described as the "heartland" of the RPD's jurisdiction (*Siad v Canada (Secretary of State)*, 1996 CanLII 4099 (FCA), [1997] 1 FC 608 (FCA) at para 24; *Gomez Florez* at para 19; *Soorasingam* at para 16; *Lubana v Canada (Minister of Citizenship and Immigration)*, 2003 FCT 116 [*Lubana*] at paras 7–8). The RPD is better placed to assess the credibility of a refugee claimant as the panel members see the witness at the hearing, observe the witness's demeanour and hear his or her testimony. The panel members thus have the opportunity and ability to assess the witness in respect of frankness, readiness to answer, coherence and consistency of oral testimony before them (*Navaratnam v Canada (Citizenship and Immigration)*, 2011 FC 856 at para 23). In addition, the RPD benefits from the specialized knowledge of its members to assess evidence relating to facts stemming from their field of expertise (*El-Khatib v Canada (Citizenship and Immigration)*, 2016 FC 471 at para 6).

[32] It is from this perspective that the Court must review the RAD's decision.

V. Parties' positions and analysis

A. *Incompetence of former counsel and new evidence*

(1) Parties' positions

[33] Mr. Cherif does not dispute the RAD's conclusion regarding the refusal to accept as evidence the work certificate and the provisional certificate of qualification in carpentry.

However, he alleges that the RAD erred in rejecting his allegations as to the poor representation of his former counsel and that, as a result, the membership certificate and the statements of the

brother and uncle submitted to the RAD are admissible under subsection 110(4) of the *Immigration Act*.

[34] First, he submits that, contrary to the RAD's conclusions, the evidence on the record shows that the former counsel had the opportunity to respond to the allegations but chose not to do so. Indeed, as set out in the practice notice, the two former counsel received a copy of the appellant's record twice (emails at pages 81–85 of the Applicant's Record). He adds that this evidence was credible and relevant to the case. Finally, considering that the lack of documentation clearly played a role in the RPD's assessment of Mr. Cherif's credibility and that this was one of the main reasons for the rejection of the claim, he submits that the RAD erred and that there is a reasonable probability that this had an impact on the outcome of his refugee protection claim before the RPD.

[35] The respondent replies that Mr. Cherif did not meet his heavy burden of demonstrating the incompetence of his former counsel. The respondent submits that, while it was true that the former counsel had the opportunity to respond to the allegations, Mr. Cherif did not demonstrate that there is a reasonable likelihood that the outcome of the initial hearing would have been different if the evidence had been submitted to the RPD. Thus, the respondent submits that the RAD could validly refuse to admit the documents submitted by Mr. Cherif because they do not meet the criteria of subsection 110(4) of the *Immigration Act* and the principles established by the case law.

(2) Analysis

[36] The Court has stated that in applications under the Immigration Act, a counsel's incompetence would only constitute a breach of natural justice in "the most extraordinary case" (*Memari v Canada (Citizenship and Immigration)*, 2010 FC 1196 at para 36 [*Memari*]). To demonstrate that this incompetence resulted in a breach of procedural fairness, the applicant must establish each of the three prongs of the test, namely that (i) the acts or omissions of the former counsel constituted incompetence; (ii) there was a miscarriage of justice in the sense that, but for the alleged conduct, there is a reasonable probability that the result would have been different; and (iii) counsel had a reasonable opportunity to respond to the allegations (*Guadron v Canada (Citizenship and Immigration)*, 2014 FC 1092 at para 11; *Rendon Segovia v Canada (Citizenship and Immigration)*, 2020 FC 99).

[37] Thus, the incompetence of one's counsel, or lawyer, will constitute a breach of the principles of natural justice only in the most extraordinary cases; their incompetence or negligence must be sufficiently specific and requires a high evidentiary threshold (*Memari* at para 3).

[38] The burden was on Mr. Cherif to prove each element of the incompetent or negligent representation test with respect to his former counsel before the RAD. The threshold for establishing breach of procedural fairness on the basis of incompetent counsel is very high (*Galyas v Canada (Citizenship and Immigration)*, 2013 FC 250 at para 83) and, for the following reasons, I conclude that Mr. Cherif did not demonstrate that it was unreasonable for the RAD to conclude that he did not discharge his burden.

[39] Thus, ultimately, and regardless of the conclusions on the other elements of the test, Mr. Cherif did not demonstrate that the RAD erred when it concluded that there was a reasonable possibility that the documents would not impact the outcome of his refugee protection claim.

[40] First, the RAD reasonably concluded that the membership certificate was insufficient to offset the credibility issues regarding Mr. Cherif's involvement in the Charity. Indeed, the contradictions identified by the RPD included the start and end dates of Mr. Cherif's involvement, his level of involvement and the alleged closure of the Charity after Mr. Cherif filed a complaint with the gendarmerie. However, the membership certificate only shows the date on which it was issued and the fact that Mr. Cherif is apparently a member. It was reasonable for the RAD to conclude that this limited information in the membership certificate did not overcome the many contradictions it noted. Furthermore, Mr. Cherif also has not explained to the Court how this new evidence could remedy the said credibility findings, which are central to his refugee protection claim.

[41] Second, Mr. Cherif also has not demonstrated that the RAD was wrong in concluding that he had not established that there was a reasonable probability that his brother's and uncle's statements would have affected the outcome of his refugee protection claim. Again, Mr. Cherif did not explain how the statements remedy the contradictions and omissions identified by the RPD so as to allow it to find that he was not credible. Furthermore, Mr. Cherif has not demonstrated how these statements constitute objective evidence that can be seen as independent proof of his account so as to offset the RPD's negative findings on his credibility (*Devundarage v Canada (Department of Citizenship and Immigration)*, 2005 FC 245 at paras 12–13).

[42] On the basis of the evidence on the record, the RAD reasonably concluded that Mr. Cherif had not established that a miscarriage of justice had occurred, in that, had it not been for the alleged conduct, there was a reasonable chance that the outcome would have been different.

[43] Finally, the RAD's refusal to admit the documents submitted by Mr. Cherif because they do not meet the criteria of subsection 110(4) of the Immigration Act, and those set out in *Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385 and *Canada (Citizenship and Immigration) v Singh*, 2016 FCA 96 of the Federal Court of Appeal, is also reasonable.

B. *Credibility*

(1) Parties' positions

[44] Mr. Cherif submits that the RAD overlooked his testimony about his activities in the Charity and his involvement. He submits that the RAD could not reject this entire part of the testimony and find that his involvement was not credible because of a single issue with dates. Indeed, he states that it is well recognized that the testimony of a refugee protection claimant should not be a memory test (*Sivaraja v Canada (Citizenship and Immigration)*, 2015 FC 732) and that all relevant factors must be considered in the credibility assessment (*Magonza v Canada (Citizenship and Immigration)*, 2019 FC 14 at para 19).

[45] Similarly, Mr. Cherif submits that the RAD is criticizing him for not stating, in his port of entry forms, the date as of which he hid at his uncle's home. However, as he stated in his

submissions to the RAD, Mr. Cherif again submits that this it is a fairly common error for refugee protection claimants to enter only their permanent addresses. Further, Mr. Cherif notes that this stay was confirmed by the uncle's statement that was submitted in the appeal record to the RAD, but the filing of the statement was rejected by the RAD.

[46] With respect to his reporting the fraud, Mr. Cherif notes that the RAD considered that he had not made any submissions on the RPD's conclusions. However, Mr. Cherif submits that in the appellant's record, he submitted that he did not give confused testimony as to the different events and the sequence, but only on certain dates, which could not justify a finding of non-credibility.

[47] The respondent replied that the RAD could validly find that Mr. Cherif was not credible given the accumulation of contradictions, inconsistencies and omissions regarding critical elements of his refugee protection claim, and that the RAD could also confirm the RPD's determination that he had not established the essential elements of his refugee protection claim.

(2) Analysis

[48] The RAD's finding as to Mr. Cherif's credibility is reasonable and justified given the evidence on the record.

[49] I note that Mr. Cherif is making the same arguments before the Court that he made before the RAD in relation to this element. He does not demonstrate how the RAD's finding as to his credibility is unreasonable. However, a judicial review is not a trial *de novo*.

[50] The RAD considered the arguments raised before it. However, it noted the cumulative contradictions, inconsistencies and omissions between the 2019 BOC Form, form No. IMM5669, the 2021 BOC Form and the testimony at the hearing, which are documented in the record and relate to elements central to Mr. Cherif's refugee protection claim. In fact, his participation as a member of the Charity and his complaint to the gendarmerie in connection with the fraud are the basis of his refugee protection claim.

[51] Furthermore, and contrary to Mr. Cherif's allegations, there is no evidence that the RAD failed to consider any relevant evidence, including his 2021 BOC Form, his testimony about his activities in the Charity and his involvement.

[52] The RAD provided detailed and thoughtful reasons and explained why Mr. Cherif was found not to be credible. As discussed in the previous section, the Court must show deference with respect to credibility. In fact, "[i]t is well established that the Court owes significant deference to assessments of refugee protection claimants' credibility made by the RPD and the RAD since questions of credibility are at the very heart of their jurisdiction" (*Khelili v Canada (Public Safety and Emergency Preparedness)*, 2022 FC 188 at para 25). The Court cannot reassess the evidence and substitute its decision for that of the RAD unless it finds errors that would lead it to conclude that the credibility finding was unreasonable (*Jules v Canada (Citizenship and Immigration)*, 2022 FC 882 at para 79). However, Mr. Cherif could not identify any such errors.

[53] Mr. Cherif has not met his burden of demonstrating that the RAD erred and that its decision is unreasonable.

VI. Conclusion

[54] Therefore, for these reasons, the application for judicial review will be dismissed.

JUDGMENT in IMM-4592-22

THIS COURT ORDERS as follows:

1. The application for judicial review is dismissed.
2. No questions are certified.
3. No costs are awarded.

“Martine St-Louis”

Judge

Certified true translation
Michael Palles

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: NO. IMM-4592-22

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