

Federal Court



Cour fédérale

**Date: 20230920**

**Docket: IMM-7420-22**

**Citation: 2023 FC 1264**

**Ottawa, Ontario, September 20, 2023**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**JEEWAN SINGH BUTTAR, TIRATH KAUR  
BUTTAR, JASPREET KAUR BUTTAR and  
NISHANDEEP SINGH BUTTAR BY HIS  
LITIGATION GUARDIAN JEEWAN SINGH  
BUTTAR**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Mr. Jeewan Singh Buttar (the “Principal Applicant”), his wife Mrs. Tirath Kaur Buttar, his adult daughter Ms. Jaspreet Kaur Buttar and his minor son Nishandeep Singh Buttar (collectively “the Applicants”) seek judicial review of the decision of the Immigration and

Refugee Board, Refugee Appeal Division (the “RAD”). In the decision, the RAD dismissed the Applicants’ appeal from the decision of the Immigration and Refugee Board, Refugee Protection Division (the “RPD”), denying their claim for protection.

[2] The Applicants are citizens of India, residing in Bulloval village, Jalandar district, Punjab province. They sought protection in Canada on the basis of their fear of local officials of the Congress Party. The Applicants supported the opposing Shiromani Akali Dal (SAD) Bedal Party and refused to support the Congress Party candidate in the local village election in 2018.

[3] The RPD found that an Internal Flight Alternative (“IFA”) was available to the Applicants in New Delhi. The RAD confirmed this finding.

[4] The Applicants argue that the RAD did not fairly consider the evidence and made an unreasonable IFA finding.

[5] The Minister of Citizenship and Immigration (the “Respondent”) submits that the Applicants did not squarely challenge the IFA finding and in any event, that conclusion is reasonable.

[6] According to the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 (S.C.C.), the merits of the decision are reviewable on the standard of reasonableness.

[7] 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.

[8] The two-part 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.):

- 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.

[9] In order to show that an IFA is unreasonable, an applicant must show that conditions in the proposed IFA would jeopardize his or her 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.).

[10] Upon reviewing the Certified Tribunal Record, the application record and considering the submission of the parties, I am not persuaded that the decision of the RAD is unreasonable.

[11] The RAD addressed the two elements of the IFA test. It found that the agents of persecution would not find the Applicants in the proposed IFA. It also found that the Applicants had failed to show that their relocation would be unreasonable.

[12] In the result, there is no basis for judicial intervention and the application for judicial review will be dismissed. There is no question for certification.

**JUDGMENT IN IMM-7420-22**

**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-7420-22

**STYLE OF CAUSE:** JEEWAN BUTTAR ET AL. V. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY WAY OF VIDEO CONFERENCE

**DATE OF HEARING:** SEPTEMBER 11, 2023

**JUDGMENT AND REASONS:** HENEGHAN J.

**DATED:** SEPTEMBER 20, 2023

**APPEARANCES:**

Tahir Majeed FOR THE APPLICANTS

Jazmeen Fix FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

TM Law Professional Corporation FOR THE APPLICANTS  
Brampton, Ontario

Attorney General of Canada FOR THE RESPONDENT  
Toronto, Ontario