

Federal Court



Cour fédérale

Date: 20231206

Docket: IMM-11810-22

Citation: 2023 FC 1645

Montréal, Quebec, December 6, 2023

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

**KAMALJEET SINGH GILL
PARMINDER KAUR GILL**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(Delivered from the Bench at Montréal, Quebec, on December 6, 2023)

[1] Mr. and Ms. Gill seek judicial review of the denial of their refugee claim. They assert that they were arrested, falsely accused and tortured by the police in Punjab because they switched their support from the Congress Party to the Aam Aadmi Party. The Refugee Appeal Division [RAD] denied their claim, mainly because they have an internal flight alternative [IFA] in New Delhi. In extensive reasons, the RAD dealt with the two prongs of the IFA test and found that the

Applicants would be safe in New Delhi and that it would be reasonable for them to relocate there.

[2] On judicial review, it is not sufficient to simply reassert factual arguments made before the RAD. The applicant has the burden of showing why the RAD's decision is unreasonable. On factual issues, the Court will not intervene unless there is a fundamental misapprehension of the evidence. Mr. and Ms. Gill have failed to demonstrate this.

[3] The RAD concluded that (1) it is unclear that the agents of persecution have any continuing interest in the applicants; (2) the agents of persecution do not have the motivation or means to track the applicants in New Delhi; (3) the applicants would not need to cut off contacts with family and friends in order to be safe in New Delhi; (4) the fact that they are Sikh does not make it unreasonable for them to relocate to New Delhi.

[4] While the applicants challenge these findings on judicial review, they have not demonstrated that they are unreasonable. I would add that there is no evidence that anyone in India seriously considers them as having any part to play in international terrorism.

[5] For these reasons, the application for judicial review will be dismissed.

JUDGMENT

THIS COURT'S JUDGMENT is that

1. The application for judicial review is dismissed.
2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-11810-22

STYLE OF CAUSE: KAMALJEET SINGH GILL, PARMINDER KAUR
GILL v THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

PLACE OF HEARING: MONTRÉAL, QUEBEC

DATE OF HEARING: DECEMBER 6, 2023

JUDGMENT AND REASONS: GRAMMOND J.

DATED: DECEMBER 6, 2023

APPEARANCES:

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