Federal Court Cour fédérale

Date: 20240423

Docket: IMM-1710-23

Citation: 2024 FC 614

Ottawa, Ontario, April 23, 2024

PRESENT: The Honourable Madam Justice Tsimberis

BETWEEN:

JASPAL SINGH

Applicant

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] This is an application for judicial review to set aside a decision [Decision] of the Refugee Appeal Division [RAD] dated January 18, 2023, which rejected the appeal of the Applicant, Jaspal Singh, citizen of India, and confirmed the decision of the Refugee Protection Division [RPD], in which decision the RPD determined that the Applicant was not a Convention refugee, pursuant to s. 96 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*], or

person in need of protection, pursuant to s. 97 of the *IRPA* because an internal flight alternative [IFA] was identified in either Mumbai or Bengaluru.

[2] The Applicant came to Canada in May 2019 and sought refugee protection alleging he is being sought by the Punjab police in India under suspicion that he is associated with "pro-Khalistan" militants after having been arrested without a warrant or charge and upon payment of a bribe was released.

[3] The RPD rejected the Applicant's claim based on identified IFAs outside the Punjab state, namely in Mumbai and Bengaluru in India, which was determinative of his application for refugee protection.

[4] The RAD considered the Applicant's submissions on the reasonableness of the IFA, conducted its own review and a lengthy analysis of the refugee claim and his grounds of appeal, and concluded the Applicant was not a refugee or a person in need of protection because of the viable IFA in Mumbai and Bengaluru.The RAD made findings as follows with respect to the first and second prongs of the IFA test:

> *First prong of the IFA test - motivation*
>
> (1) The Applicant had not provided sufficient credible evidence to establish that the Punjab police have any continuing interest in him;
>
> (2) While the Applicant was detained, he was released upon payment of a bribe, indicating the Punjab police were not really concerned that the Applicant was associated with terrorists or militants;
>
> (3) The Applicant has not provided sufficient credible evidence pertaining to the specific nature of the allegations made against

him by the police, finding the accusations to be vague and generic;

(4) There is no evidence that the Applicant had any involvement in Pro-Khalistan activities or that the police accused him of being "Pro-Khalistan";

(5) There is no evidence that the Applicant's family would be required to hide his whereabouts to keep them safe because the Applicant did not testify that there were threats against his wife by the Punjab police since leaving India;

(6) Police involvement, in and of itself, is not evidence that the IFA is unreasonable and there is no evidence to suggest the police have such a continued interest in the Applicant that they would pursue him in another state or employ inter-state mechanisms to locate him;

First prong of the IFA test - capacity

(7) As the Applicant was never charged with an offence, nor does he have a criminal record, nor is there any evidence that any First Information Report [FIR], complaint, or warrant has been registered against the Applicant, and there is no evidence that there is any official record of extra-judicial arrests in any database, there is no evidence that the Applicant's name or information is captured within any police database such that the police would have the capacity to locate him;

(8) The National Documentation Package [NDP] clearly indicates that, according to its governing legislation, the police cannot gain any legal access to Aadhaar card data such that the Applicant cannot be tracked by obtaining an Aadhaar number;

(9) As with the other databases, there is no evidence that the police would be able to identify and locate the Applicant using the tenant verification system;

Second prong of the IFA test

(10) The proposed IFAs are not objectively unreasonable on the basis that the Applicant's religious background, language abilities, reasonable opportunity to seek employment, and there is no mental health, medical, or other circumstance that would make relocation to the proposed IFAs unreasonable.

[5] The Applicant alleges the RAD erred in the following instances:

A. The RAD microscopically determined that there was insufficient evidence that the Applicant was accused of being a "pro-Khalistan" militant, which the Applicant claims "was absolutely determinative" of their appeal to the RAD;

B. The Decision is unreasonable because the RAD stated previous RAD decisions on similar issues "were not referenced" when they were included in paragraph 14 of the Applicant's Memorandum;

C. The RAD concluded the police visiting the Applicant and his family at their home was not indicative of their motivation to pursue the Applicant because the RAD found he was able to leave India without incident;

D. The RAD dismissed crucial objective documentary evidence at tab 12.8 of the NDP, which suggests the police keep track of Khalistan supporters, because this information does not merely apply to those that actually advocate and support Khalistan, but to those "suspected supporters of Khalistan";

E. The RAD had a microscopic mindset, failing to "draw the most transparent conclusion" that the Applicant's complaint against the police further motivated the police to pursue him;

F. The RAD microscopically determined that the entrenched legal principle from *Ali v Canada (Citizenship and Immigration)*, 2020 FC 93 [*Ali*] did not apply to the Applicant's circumstances; and,

G. The RAD erroneously required corroborative evidence to support the Applicant's evidence in the BOC that his wife was sexually assaulted by the police in 2019 contrary to the legal principle in *Amarapala v Canada (Minister of Citizenship and Immigration)*, 2004 FC 12 [*Amarapala*].

[6] The Applicant has not challenged the second prong of the IFA analysis before the RAD and it is consequently not before the Court. The Court reviewed the Applicant's Record and Certified Tribunal Record and determines that this application should be dismissed for the reasons set out below

[7] The parties agree that the RAD identified and applied the correct legal test for the finding of a viable IFA. The test for finding a viable IFA was set out by the Federal Court of Appeal in *Rasaratnam v Canada (Citizenship and Immigration),* 1991 CanLII 13517 (FCA), [1992] 1 FC 706 (CA) [*Rasaratnam*] and *Thirunavukkarasu v Canada (Citizenship and Immigration)*, 1993 CanLII 3011 (FCA), [1994] 1 FC 589 at 597 [*Thirunavukkarasu*]. This test requires a claimant to satisfy the Board of a well-founded fear of persecution in their part of the country, and, in finding the IFA, the Board must be satisfied, on a balance of probabilities, of two things:

> There is no serious possibility of the claimant being persecuted or subject to a section 97 danger or risk in the part of the country to which it finds an IFA exists; and,
>
> Conditions in that part of the country must be such that it would not be unreasonable, in all the circumstances including circumstances particular to him, for the claimant to seek refuge there.
>
> *Rasaratnam* at 709-711, *Thirunavukkarasu* at 592.

[8] The key element of the first prong of the IFA test, a serious possibility of persecution or risk, can only be found if it is demonstrated that the agents of persecution have the probable means and motivation to search for an applicant in the suggested IFA (*Saliu v Canada (Citizenship and Immigration)*, 2021 FC 167 at para 46, citing *Feboke v Canada (Citizenship and Immigration)*, 2020 FC 155 at para 43).

[9] The Applicant bears the onus of refuting the reasonability of the IFA, taking into account their particular situation and the country involved (*Thirunavukkarasu* at 597). The RAD raised no credibility issues with respect to the Applicant's evidence.

[10] The errors alleged to have been committed by the RAD are reviewable on a standard of reasonableness (*Valencia v Canada (Citizenship and Immigration)*, 2022 FC 386 at para 19; *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 23).

[11] The Applicant has alleged seven (7) errors in the RAD's Decision relating to the analysis of the first prong of the IFA test, which have been reproduced above and will be treated below as errors A through G. The Respondent's Memorandum of Argument does not deal directly with the alleged errors presented by the Applicant, except for the errors F and G.

[12] The alleged errors A, B, and D relate to the accusations made against the Applicant. The alleged errors E and C similarly relate to police visiting the Applicant's family to show that police are motivated to find the Applicant. The alleged errors F and G relate to the threats to the

Applicant's family that would force the Applicant into hiding. For judicial efficiency, the alleged errors will be grouped and treated accordingly.

II. Threats to Applicant's family that would force the Applicant into hiding

[13] The alleged errors F & G relate to the RAD's finding that the Applicant will not have to be in hiding in the proposed IFAs, which is the crux of their case. The Applicant relies on this Court's decisions in *Ali* at paragraphs 49-50, *AB v Canada (Citizenship and Immigration),* 2020 FC 915 at paragraphs 20-24, and *Zamora Huerta v Canada (Citizenship and Immigration)*, 2008 FC 586 [*Zamora Huerta*] at paragraph 29. The Applicant challenges the proposed IFAs as unreasonable because his wife and family members would have to place their own lives in danger by denying knowledge of the Applicant's whereabouts or by misleading the police.

[14] The Applicant advances error F by claiming the RAD microscopically determined that the entrenched legal principle from *Ali* did not apply to the Applicant's circumstances because, at paragraph 31 of the Decision, "he did not testify that there were threats of violence or actual violence against the Appellant's wife by the Punjab police since he left India". The Applicant argues that this is unreasonable given the RAD's acceptance of the evidence on record that the Applicant and his family continue to be visited on a regular basis by the police in search of him.

[15] I disagree with the Applicant, and find that the RAD's assessment of the evidence and its application of the jurisprudence of this Court to this particular case was reasonable. The Applicant's situation and the evidence in this case is considerably different than the one outlined in *Ali* or similar cases. There is no evidence that the Applicant's family or his wife's life was in

danger by denying knowledge of the Applicant's whereabouts or concealing his location from his family as was the case in *Ali.* Despite the police visits on a regular basis 2-3 times per year, there is no evidence the Applicant's wife has received any threats or any violence against her by the police for approximately 3 years since the Applicant left India, which is different from *Ali* that held "The [Agent of Persecution] has made it clear that the Applicants will be killed if they return to Pakistan", at paragraph 49 *in fine*.

[16] The Applicant argues that it was unreasonable for the RAD to only consider the period "since he left India" and ignore the previous beating of his wife by the police in 2019 prior to the Applicant's departure from India. The Decision begs to differ, the RAD's finding is reasonable, and the RAD did not err for two reasons. First, the Applicant has cherry-picked from the Decision in a manner that undermines their framing of this error. Second, the Applicant is mistaken on the law surrounding *Ali*. The surrounding reasons for this four-word quote in paragraph 31 of the Decision are as follows:

> In the present case, **there is no evidence that the Appellant's family is required to hide the Appellant's whereabouts to keep them safe** as the Appellant did not testify that there were threats of violence or actual violence against the Appellant's wife by the Punjab police since he left India. Although the police occasionally seek information from the Appellant's wife, **there is no evidence that she is in danger of withholding information. I recognize that the Appellant's narrative states that his wife was assaulted in 2019**, the Appellant testified that the police visited her, and that "of course she felt threatened." I note that the Appellant's wife did not provide any evidence by way of a letter or affidavit and hence, there is little detailed information concerning more specifically what the police are asking and the context of their visits.
>
> [Emphasis added].

[17] From these reasons, it is clear that the RAD did not ignore the Applicant's wife's alleged beating. The RAD was objectively correct in stating that the Applicant did not testify to any threats or actual violence against his wife by the police *since he left India* because the record shows he did not, and it is his own evidence that this alleged beating took place *before he left India*. The Applicant has not alleged either in his Basis of Claim [BOC], narrative, or his testimony that his wife was in danger or received threats or injury during the police visits after he left India, nor did he establish in his narrative, BOC, testimony, or any documentary evidence that there were any threats of violence or actual violence related to the Applicant's whereabouts. The evidence shows that, since the Applicant's departure in May 2019, the police actions were *only* to inquire about the Applicant's whereabouts with his wife 2-3 times a year. In either case, the RAD was clearly looking for any evidence of threats or actual violence, *either* before *or* after leaving India, to determine whether it was necessary for the Applicant's family to hide his whereabouts to keep him safe. This is the first reason that the Applicant has not raised in its error F a reviewable error in the RAD's analysis.

[18] The second reason that the Applicant has not raised in its error F a reviewable error in the RAD's analysis is that the Applicant is mistaken on the law surrounding *Ali*. My review of the jurisprudence surrounding *Ali* suggests that it is not any danger that will suffice. The dangers posed which make relocating to an IFA tantamount to going into hiding by requiring the Applicant to hide from and cut off communications with family members and friends are dangers posed by knowledge of the claimant's whereabouts, or even of their return to their country of origin (*Zamora Huerta* at para 29; *Ali* at para 50; *Singh v Canada (Citizenship and Immigration)*,

2023 FC 851 [*Singh 851*] at paras 15-16; *Shakil Ali v Canada (Citizenship and Immigration)*, 2023 FC 156 at para 12).

[19] With this in mind, an IFA may be unreasonable following *Ali* if, based on the facts found by the RAD, the claimant would be exposed to danger and forced into hiding in the proposed IFA by either having to conceal their location from their family or exposing their family to danger by asking them not to share the location with the agent of persecution (*Pastrana Acosta v Canada (Citizenship and Immigration)*, 2023 FC 139 at paras 6-9; *Singh 851* at paras 23-24; *Ali* at paras 44-46). This is not an instance where the bar set by previous jurisprudence is being raised incrementally. The facts and evidence of the Applicant's case before the RAD differ markedly from those in *Ali,* where the Court found that the applicants would have to hide from family members should they be required to return to Pakistan "[g]iven the dangers posed by knowledge of their whereabouts, or even their return to Pakistan". Based on this summary and my understanding of the relevant law, it is clear the Applicant misconstrues how this argument works.

[20] It is not enough to render an IFA unreasonable if a member of their family is or has been generally exposed to danger by an agent of persecution. If the Applicant asserts a danger as in *Ali* to render an IFA unreasonable, the danger must be posed by knowledge of their whereabouts should they return to India. It was therefore neither unreasonable nor a reviewable error for the RAD to note that the Applicant did not testify to any threats or actual violence since leaving India because, not only did he not actually do so, when reading the RAD's reasoning holistically, it is clear they were focusing on whether any dangers posed by knowledge of the Applicant's

whereabouts in the proposed IFA would force him to go into hiding in Mumbai and Bengaluru as he alleged.

[21] The Applicant alleges the police's assault of his wife and the RAD's ignoring his wife's assault after he relocated to New Delhi is akin to *Zamora Huerta* where that applicant's mother was assaulted by their common-law spouse (a trained police interrogator) and forced to disclose that applicant's new location after the wife had relocated to a different region of the same country (*Zamora Huerta* at para 29). While at face value I understand the thrust of the Applicant's argument, the difference here is not legal but evidentiary. In *Zamora Huerta*, the RAD accepted evidence that, after the applicant relocated from Mexico City to Queretaro (approximately 220 km away), her common-law spouse assaulted her mother to acquire information on her new location, but merely found it unlikely on a balance of probabilities for this to occur again provided she took reasonable precautions and not reveal her new location to relatives and friends and it was on that basis that Justice Blanchard allowed the judicial review (*Zamora Huerta* at paras 4, 12, 29). To contrast, in this case, the Applicant only led evidence that his wife was assaulted by police following his complaint against them and subsequent to his departure for New Delhi. However, the evidence before the RAD also indicates that in the three years following the Applicant's arrival in Canada, with his wife having knowledge of his whereabouts in Canada, the police have not harmed or threatened to harm his wife to ascertain his whereabouts. The RAD's findings that "[a]lthough the police occasionally seek information from the Appellant's wife, there is no evidence that she is in danger of withholding information." are, on the evidence, not unreasonable.

[22] As its error G, the Applicant alleges that the RAD committed an error by requiring corroborative evidence to support the Applicant’s evidence in the BOC “that his wife was sexually assaulted by the police in 2019” contrary to the legal principle in *Amarapala*:

> It is well established that a panel cannot make negative inferences solely from the fact that a refugee claimant failed to produce any extrinsic documents to corroborate a claim. But where there are valid reasons to doubt a claimant's credibility, a failure to provide corroborating documentation is a proper consideration for a panel if the Board does not accept the applicant's explanation for failing to produce that evidence.
>
> (*Amarapala* at para 10).

[23] The RAD’s actual finding at paragraph 31 is “the [Applicant]’s wife did not provide any evidence by way of a letter or affidavit and hence, there is little detailed information concerning more specifically what the police are asking and the context of their visits.” What the Applicant alleged in his BOC narrative was that the “police beaten my wife”. First, nowhere in the evidence, including the BOC, its attached narrative, the Applicant’s testimony, nor the documentary evidence was there any mention of a sexual assault, and this statement in the BOC narrative is the only evidence of this assault. Second, the RAD did not require corroborative evidence on the assault on his wife, nor did they make any negative inferences, but the onus rests with the Applicant if he relies upon facts related to the assault in connection with his claim. If the Applicant intended as they did to rely upon his wife’s beating to prove he and his wife would have to be in hiding and mount an argument under *Ali*, it is he who must prove such threats or actual violence was posed by knowledge of his whereabouts. There is nothing in the evidence to connect the alleged beating with the police’s motivation to locate the Applicant, and that is the Applicant’s onus, not a reviewable error of the RAD.

[24] The RAD was reasonable in finding that there is not enough evidence to sustain that the Applicant (or his family) will have to be in hiding in the proposed IFA if he is returned to India.

I. Applicant's *being* a pro-Khalistan militant as opposed to *associated* with pro-Khalistan militant

A. *Error A*

[25] The RAD found at paragraph 26 that the Applicant "has not provided any specific evidence, whether in his testimony or documentary evidence, that he was accused of being a pro-Khalistan militant". The Applicant agrees, yet argues that while they were accused of being associated with pro-Khalistan militants, the "pro-Khalistan" nature would not appear in the evidence as per item 12.8 of the NDP. As with the foregoing errors, the Applicant appears to misinterpret or mischaracterise the RAD's Decision. First, the RAD did not accept that the accusation of associating with militants constituted a "major crime" such that the Punjab police would have the motivation to pursue him in any of the proposed IFAs and use inter-state resources to track him down or that the Applicant would appear in a database. Second, the RAD's alleged focus on the Applicant "being a pro-Khalistan militant" was in answer to the Applicant citing objective evidence that the Punjab police remains interested in pro-Khalistan supporters, even if no FIR is filed.

[26] The RAD's focus on the Applicant being a pro-Khalistan militant was an analysis from paragraphs 26-30 of the Decision, and was unrelated to the accusation of associating with pro-Khalistan militants. The RAD did not err in this analysis because the only way the Applicant's allegations about the police's motivation and capacity to locate him would be true is

if he was accused of a major crime, like *being* a militant. The Applicant's own testimony indicates that he was not a militant and only associated to pro-Khalistan militants through his son's friend, which is why he was not charged, there was no warrant, and there is no FIR. The only way the Applicant's allegations that the police were sufficiently motivated to track him using inter-state resources and criminal databases could be true is if he was accused of a major crime. After acknowledging at paragraph 25 of its Decision that the Applicant was not accused of a major crime, the RAD properly proceeded at paragraphs 26-30 to assess whether the police would be sufficiently motivated that the Applicant might be tracked using inter-state resources or criminal databases.

[27] Similarly, the RAD did not hold the Applicant to some impossible standard in trying to determine whether he was accused of being a, or associating with, *pro-Khalistan* militant. Their alleged focus was in answer to the Applicant's own references to the NDP discussing people who were identified by police as *pro-Khalistan*. It therefore stands to reason that the RAD would take this lens after being directed to it by the Applicant.

B. *Error B*

[28] At paragraph 27 of its Decision, the RAD found that "[t]he [Applicant] states that the 'RAD decisions have confirmed this finding' although it is unclear what finding he is referring to and the RAD decisions are not referenced." While the Applicant may have "referenced" the RAD decisions by case reference number to the RAD in its Appellant's memorandum, this is not a material error as the RAD is not bound by its prior RAD decisions and so it does not matter, and at any rate these RAD decisions were not part of the Court record.

C. *Error D*

[29] The RAD's finding at paragraph 30 of its Decision was that, after a review of the NDP:

> …the sources are directed to political activists or those that participated in pro-Khalistan activities, while in the present appeal, there is no evidence that the [Applicant] had any involved in such activities and there is no evidence that the Punjab police even accused the [Applicant] of being "pro-Khalistan." The [Applicant] testified that he has not been involved in any political activities while in India…

[30] The Applicant alleges this was an error because the sources also apply to *suspected* supporters of Khalistan, the Applicant argues is the Applicant's circumstances. With respect, not only are the Applicant's submissions on this error seemingly contrary to their previous arguments under alleged error A (that it was an error to look for evidence that they were *accused of being pro-Khalistan*), but it is also contrary to the Applicant's testimony at page 7 of the RPD transcript that he was not involved in any political activities, and contrary to the Applicant's evidence that he was only associated through his son's friend who was pro-Khalistan. As already discussed above for error A, the RAD found and I agree that it was a reasonable finding that there is no evidence in the record to suggest the Applicant is a pro-Khalistan militant, and it was his own evidence that the police only made vague accusations of association with militants. It was his own evidence that led to the RAD's finding. There is no reviewable error in the RAD's above-referenced finding, and it is reasonable.

II. Police visiting the Applicant's family to show that police are motivated to find Applicant

A. *Error C*

[31] The Applicant's submissions on this error are premised on the false assumption that a vague accusation of associating with militants, even if released after payment of a bribe, will get you into the Crime and Criminal Tracking Network and Systems [CCTNS] database. Based on this false assumption, they insist the RAD erred in finding that the Applicant's ability to leave India without incident was dispositive of the police's motivation to pursue him. This argument is not persuasive for two reasons. First, the aforementioned false assumption. Second, the Applicant has quoted the final line of a lengthy section of the Decision summarizing all the reasons the RAD did not find the police were motivated to pursue him, and asserts that this final line is the entire basis of the RAD's reasoning while ignoring the remainder of the Decision.

[32] As previously discussed, the RAD rightly pointed out that only those accused of a major crime would be likely to have a file within a criminal database such that the police could track them using the CCTNS or tenant verification system. This Court has previously held that the evidence must establish that a claimant has been charged with, or has an outstanding warrant for, a major crime in order to establish a likelihood that the claimant may appear in the CCTNS or similar databases (see for example *Kumar v Canada (Citizenship and Immigration)*, 2024 FC 288 at para 37; *Singh v Canada (Citizenship and Immigration)*, 2023 FC 1758 at para 30; *Sandhu v Canada (Citizenship and Immigration)*, 2024 FC 262 at para 21). Whether or not the Applicant was able to leave India without incident is immaterial to the alleged error because the Applicant's basis for alleging the police's motivation in tracking them (that they would be found in the CCTNS, which is not shared with airport authorities) is fundamentally incorrect on the

evidence before the RAD (e.g. no evidence the Applicant was charged, has a warrant, or that an FIR was issued).

[33] Likewise, as previously mentioned, the Applicant quotes from this sentence of the Decision: "[f]urther, the Appellant testified he was able to leave India without incident with the help of an agent." The Applicant alleges this was "baseless, unreasonable, and contrary to the objective documentary" and renders the Decision unreasonable. To illustrate how the Applicant mischaracterises the Decision, I reproduce the whole paragraph:

> Second, the Appellant was detained once, but released with a bribe, and was told by the police to periodically report back them. It is not reasonable that, if the Punjab police really were concerned that the Appellant was associating with terrorist and militants, he would be released with a bribe. From the Appellant's Basis of Claim (BOC), the last visit from the police that caused the Appellant to flee to New Delhi was because he complained about the police to the district commissioner, as opposed to being connected to any militant group. **Further, the Appellant testified he was able to leave India without incident with the help of an agent**.
>
> (Emphasis added).

[34] Error C is not a reviewable error. The RAD's statement that the Applicant was able to leave without incident was not, in and of itself, dispositive of the police's motivation. The RAD listed myriad reasons in its Decision that were dispositive of the police's motivation, the one the Applicant relies upon as an error is merely the last one listed.

[35] Error E is likewise predicated on a false assumption: that the police were motivated to pursue the Applicant in the first place. The Applicant alleges the RAD erred in finding the police's last visit was not indicative of their motivation because his complaint about the police

provided *further* motivation to pursue him. The evidence is that the local police seemed to try and bully him and his family after the complaint was made. The police's motivation to *pursue* the Applicant was undermined by myriad reasons, only one of which was the Applicant's own evidence that he fled to New Delhi after the police's last visit because of his complaint. The RAD did not commit a reviewable error and its finding is reasonable, as the Applicant simply ignored their other reasons.

[36] Given the record and the evidence before the RAD in this case, the RAD's Decision bears the hallmarks of reasonableness, justification, transparency and intelligibility. For the foregoing reasons, I am unable to conclude that the RAD's Decision on the IFA issue was unreasonable and this application for judicial review is dismissed.

JUDGMENT in file IMM-1710-23

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and

2. No question of general importance is certified.

"Ekaterina Tsimberis"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-1710-23
STYLE OF CAUSE:	JASPAL SINGH v MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	MONTRÉAL, QUEBEC
DATE OF HEARING:	APRIL 10, 2024
JUDGMENT AND REASONS:	TSIMBERIS J.
DATED:	APRIL 23, 2024

APPEARANCES:

Jonathan Gruszczynski	FOR THE APPLICANT
Larissa Foucault	FOR THE RESPONDENT

SOLICITORS OF RECORD:

CANADA IMMIGRATION TEAM Barristers and Solicitors Westmount, Quebec	FOR THE APPLICANT
Attorney General of Canada Montréal, Quebec	FOR THE RESPONDENT