

Federal Court



Cour fédérale

**Date: 20240925**

**Docket: IMM-10191-23**

**Citation: 2024 FC 1508**

**Montréal, Quebec, September 25, 2024**

**PRESENT: Mr. Justice Sébastien Grammond**

**BETWEEN:**

**PAWANDEEP KAUR**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Delivered from the Bench by videoconference, on September 25, 2024)**

[1] Ms. Kaur is seeking judicial review of the denial of her application for a pre-removal risk assessment [PRRA].

[2] Ms. Kaur is a citizen of India. Her claim for refugee protection was dismissed by the Refugee Protection Division and the Refugee Appeal Division of the Immigration and Refugee Board. The risks alleged in her refugee claim are no longer relevant to her PRRA application.

Rather, she now alleges that she fears persecution upon returning to India because she participated in the referendum in favour of an independent Khalistan held in Brampton, Ontario, in September 2022, and she posted pictures showing her participation in this event on the social media formerly known as Twitter.

[3] In her PRRA application, Ms. Kaur submitted that simply supporting an independent Khalistan is sufficient to justify refugee status, in light of the country condition evidence. However, the officer found that there was no evidence that Ms. Kaur was known to Indian authorities or that the social media posts came to their attention. Hence, the officer found that she would not be exposed to the kind of risks mentioned in the country condition evidence and that there was no objective basis for Ms. Kaur's alleged fear.

[4] Ms. Kaur now argues that the PRRA decision is unreasonable.

[5] In a nutshell, she argues that the officer unreasonably required her to prove that she was known to Indian authorities. I disagree. It is trite law that it is not sufficient to point to country condition evidence to establish a risk of persecution. Applicants must show that they are personally affected by the situation described in that evidence. In the present context, this means at least that the person's support for an independent Khalistan must have come to the attention of Indian authorities. This is what the PRRA officer was looking for.

[6] Here, it was reasonable to conclude that mere participation in a pro-Khalistan referendum held in Canada is not likely to trigger any particular interest from Indian authorities. Likewise, it

was reasonable to conclude that posting pictures of the event on Twitter will not expose Ms. Kaur to any risk. In other words, she simply failed to bring any evidence that she has the kind of profile that would attract the attention of Indian authorities and that would expose her to a risk of persecution. Thus, there was nothing unreasonable in the officer's findings, which pertained to the weighing of the evidence.

[7] Ms. Kaur takes issue with the PRRA officer's statements that she was "not named" in the country condition evidence or the newspaper articles she submitted. I agree that these statements could have been better worded. However, perfection in the drafting of reasons is not required. It is obvious to me that the officer meant that Ms. Kaur did not have the profile of certain leaders of the pro-Khalistan movement who were named in these articles. The officer did not apply the wrong test by doing so.

[8] Ms. Kaur also alleges that the PRRA officer erred when noting the coincidence in time between the referendum and the coming into effect of her removal order. Again, the decision could have been better drafted. Nevertheless, the impugned remarks do not affect the officer's main conclusion and were not determinative of the outcome.

[9] For these reasons, Ms. Kaur's 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"

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-10191-23

**STYLE OF CAUSE:** PAWANDEEP KAUR v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** HELD BY ZOOM VIDEOCONFERENCE

**DATE OF HEARING:** SEPTEMBER 25, 2024

**JUDGMENT AND REASONS:** GRAMMOND J.

**DATED:** SEPTEMBER 25, 2024

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