

Federal Court



Cour fédérale

**Date: 20241011**

**Docket: IMM-4979-23**

**Citation: 2024 FC 1618**

**Ottawa, Ontario, October 11, 2024**

**PRESENT: Madam Justice Sadrehashemi**

**BETWEEN:**

**RANDHIR**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Randhir, applied for refugee protection in Canada. He alleged that the Indian police in Haryana and Delhi suspected him of being associated with a gang. The Refugee Protection Division (“RPD”) dismissed his claim, finding that he could reasonably and safely relocate in Mumbai. The Applicant appealed this decision and attempted to file new evidence. The Refugee Appeal Division (“RAD”) did not admit the new evidence because it found it lacked credibility. The RAD dismissed the appeal, confirming the RPD’s determination that the

Applicant had a viable internal flight alternative (“IFA”) in Mumbai. I dismiss this application for judicial review for the following reasons.

[2] The parties agree, as do I, that I should review the RAD decision on the basis of a reasonableness standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*] at paras 12-13, 84). The starting point for a review on a reasonableness standard is a decision-maker’s reasons (*Vavilov* at para 13). The Applicant’s written materials and submissions at the judicial review hearing did not engage with the RAD’s reasons. The majority of the written submissions consist of a summary of case law under various general headings, such as: credibility, internal flight alternative, objective/subjective fear, etc. Counsel relied on these summaries at the judicial review hearing. There was no clear explanation of the connection between these cases and the RAD’s reasons in the Applicant’s case.

[3] At the judicial review hearing, Applicant’s counsel attempted to challenge the RAD’s decision to not admit new evidence because of credibility concerns. This new argument was not raised in the written material. In any case, counsel failed to clearly articulate or engage with the RAD’s reasons to explain on what basis these findings were being challenged, other than a general assertion that these credibility findings ought not to have been made.

[4] The availability of an IFA was the other issue raised at the judicial review hearing. Applicant’s Counsel argued that the RAD ignored relevant factors concerning the ability of police to track individuals throughout India because of: i) the communication between police throughout the country; and ii) the requirement that tenants register themselves with the

authorities. Applicant's counsel did not engage in either written or oral submissions with the RAD's reasons on these very issues. The RAD found the Applicant's encounters with the police would not have likely been recorded in the Crime and Criminal Tracking Network and Systems ("CCTNS") and that the tenant verification system is "extremely limited" particularly in a large city like Mumbai. Applicant's counsel also did not point the Court to any material in the record that the RAD overlooked on this issue.

[5] The Supreme Court of Canada in *Vavilov* explained that the "burden is on the party challenging the decision to show that it is unreasonable" and that a decision can only be set aside where the reviewing court is "satisfied that there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (*Vavilov* at para 100). The Applicant's arguments do not address the RAD's reasons or articulate a basis for finding them unreasonable. The application for judicial review is therefore dismissed.

**JUDGMENT in IMM-4979-23**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed; and
2. No serious question of general importance is certified.

"Lobat Sadrehashemi"

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Judge

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

**DOCKET:** IMM-4979-23

**STYLE OF CAUSE:** RANDHIR v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** OCTOBER 2, 2024

**JUDGMENT AND REASONS:** SADREHASHEMI J.

**DATED:** OCTOBER 11, 2024

**APPEARANCES:**

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