

Federal Court



Cour fédérale

Date: 20210924

Docket: IMM-4832-20

Citation: 2021 FC 992

St. John's, Newfoundland and Labrador, September 24, 2021

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

PALWINDER SINGH DHILLON

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] Mr. Palwinder Singh Dhillon (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Refugee Appeal Division (the “RAD”). In that decision, the RAD confirmed the decision of the Immigration and Refugee Board, Refugee Protection Division (the “RPD”), finding that the Applicant is neither a Convention refugee nor a person in need of protection, within the meaning of section 96 and subsection 97(1), respectively, of the *Immigration and Refugee Protection Act*, S.C. c. 27 (the “Act”).

[2] The RAD also confirmed the conclusion of the RPD that an Internal Flight Alternative (“IFA”) is available to the Applicant in India, in either Delhi or Mumbai.

[3] The Applicant is a citizen of India. He alleged a fear of persecution on the part of the police and members of the Satkar Committee, in obstructing his access to the Sikh Temple in his village which is located in the Punjab.

[4] The RAD applied the relevant test for an IFA as described in *Rasaratnam v. Canada (Minister of Employment & Immigration)* (1991), [1992] 1 F.C. 706 (Fed. C.A.), at 710-711. The test is two pronged and provides as follows:

- First, the Board must be satisfied that there is no serious possibility of a claimant being persecuted in the IFA; and
- 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.

[5] In order to show that an IFA is unreasonable, an applicant must show that conditions in the proposed IFA would jeopardize life and safety in travelling or relocating to that IFA; see *Thirunavukkarasu v. Canada (Minister of Employment & Immigration)* (1993), [1994] 1 F.C. 589 (Fed. C.A.), at 596-598.

[6] The RAD’s decision is reviewable on the standard of reasonableness, pursuant to the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov* (2019), 441 D.L.R. (4th) 1 (S.C.C).

[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 that decision”; see *Vavilov, supra* at paragraph 99.

[8] Upon considering the record and the submissions of the parties, both written and oral, I see no reviewable error on the part of the RAD, in dismissing the Applicant’s appeal.

[9] The Applicant submitted no new evidence before the RAD to dispute the availability of an IFA in India.

[10] The RAD reasonably applied the applicable test for an IFA. There is no basis for judicial intervention and the application for judicial review will be dismissed. There is no question for certification arising.

JUDGMENT in IMM-4832-20

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question for certification arising.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4832-20

STYLE OF CAUSE: PALWINDER SINGH DHILLON v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY WAY OF VIDEOCONFERENCE
BETWEEN TORONTO, ONTARIO AND ST. JOHN'S,
NEWFOUNDLAND AND LABRADOR

DATE OF HEARING: SEPTEMBER 23, 2021

JUDGMENT AND REASONS: HENEGHAN J.

DATED: SEPTEMBER 24, 2021

APPEARANCES:

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Neeta Logsetty FOR THE RESPONDENT

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