Federal Court  Cour fédérale

Date: 20220928

Docket: IMM-2951-21

Citation: 2022 FC 1350

Ottawa, Ontario, September 28, 2022

PRESENT: The Honourable Mr. Justice Roy

BETWEEN:

PATMANI METSKHVARISHVILI
DAVIT METSKHVARISHVILI

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] This concerns a judicial review application made pursuant to section 72 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [the Act]. The Applicants are wife and husband, with Mrs. Patmani Metskhvarishvili being the Principal Applicant in view of the fact that the reasons invoked to seek asylum in Canada are in relation to her activities as a political activist.

[2] The Applicants are both citizens of Georgia and they are seeking refugee protection based on an alleged fear of persecution for political opinion, as well as a risk of harm at the hands of a member of the Georgian military by the name of Shota Tavartkiladze (Shota).

[3] The Refugee Protection Division (RPD) dismissed the claim on July 8, 2020. The determinative issue was the credibility of the Applicants. The RPD found that there were inconsistencies and contradictions between the Applicants' basis of claim, the Applicants' explanations and the documentary evidence in the National Documentation Package (NDP). The RPD decision was appealed to the Refugee Appeal Division (RAD). Before the RAD the determinative issue was the possibility of an internal flight alternative (IFA) in two cities in Georgia. Notice advising the Applicants that the RAD wished to consider whether there exists in this case a viable internal flight alternative to two cities was delivered to the Applicants through their counsel. The said notice is dated March 26, 2021; it is stated that submissions were to be received by April 9, 2021. These dates, as we shall see, have some relevance. In fact, new evidence was submitted on behalf of the Applicants following the notice of March 26, 2021.

[4] In my view, the judicial review application must be dismissed for the reasons that follow.

I. The facts

[5] The Applicants alleged fear of political persecution in their country of origin based on the Principal Applicant's involvement with the United National Movement Party (UNM) which appears to be a party contending for power in Georgia. The Applicants also fear harm from a member of the Georgian military named Shota Tavartkiladze. It appears that Shota had a

vendetta against the Applicants' son, Nika, for his involvement with Shota's wife. Nika left Georgia in 2017 and eventually received refugee status in Canada.

[6] The Principal Applicant joined the UNM in 2004 and has supported the party as a coordinator, campaigner and election observer over the years. In 2018, the Principal Applicant supported the UNM during the Presidential campaign in her hometown of Sachkere. During this time, she claimed receiving threatening anonymous phone calls. The Georgian Dream Party, the other political party vying for the presidency of Georgia, won the presidential election and assumed power in November 2018.

[7] In January 2019, the Principal Applicant organized a protest outside of the Sachkere city hall over issues of a purely local nature. The following day, on January 26, 2019, two men grabbed the Principal Applicant and punched her in the eye. The two men who assaulted her near her home told her that she had to stop agitating people against the Georgian Dream Party. The Principal Applicant went to the hospital and was released the following day.

[8] It seems that the Principal Applicant hid at her aunt's house thereafter, before hiring an agent to have her and her husband leave Georgia. In fact, they arrived in Canada on May 20, 2019, and a basis of claim bears the Immigration and Refugee Board of Canada's stamp dated June 25, 2019.

[9] In addition to the allegation of violence against the Principal Applicant at the hands of the persons alleged to be related to the Georgian Dream Party, the Applicants are also alleging that

their son was involved with the wife of a Georgian military officer, which resulted with the son taking refuge in Canada. The Applicants allege that after their son, Nika, left Georgia, the said military officer, Shota, came to their house looking for Nika on three occasions. The last time was in August 2018 when three men and Shota searched the Applicants' house looking for him. When the Principal Applicant's husband sought to intervene, he was pushed to the ground and, indeed, was injured. The Applicants claim fear of Shota.

II. The RAD decision

[10] As is well known, it is the decision of the RAD which can be made the subject of a judicial review application. In this case, the RAD notified the Applicants that they may offer submissions concerning the availability of an internal flight alternative in two cities. Thus, it is not surprising that the RAD decision is based on the determinative issue being the availability of two cities in Georgia as IFAs.

[11] An issue was raised by the RAD before reaching the merits of the appeal. The preliminary issue was whether new evidence proffered by the Applicants is to be admissible before the RAD. It appears that this new evidence was simply appended to the submissions on the availability of an IFA offered on April 9, 2021. As indicated earlier, the notice given to the Applicants seeking submissions concerning a possible IFA is dated March 26, 2021.

[12] The RAD notes that the Applicants, through their counsel, did not make any submissions as to the admissibility of the proposed new evidence. That, contends the RAD, would be enough

to deny admissibility. Be that as it may, the RAD considers the admissibility issue notwithstanding failure to make the appropriate submissions.

[13] The news articles, submitted as new evidence on behalf of the Applicants, as to the general political situation in Georgia at the time of the submissions are ruled admissible.

[14] However, such is not the case with respect to a letter written by the Principal Applicant's sister. The letter is dated April 6, 2021, and relates a number of interactions between the Principal Applicant's sister and Shota in March 2021. The letter states that it was written after the Principal Applicant called her sister, on March 30, 2021, asking her to get information about the whereabouts of Shota as it was needed for court. The sister then says that she realized that events having taken place in early March could be important.

[15] The letter concerns the Applicants' other son, Dato, who suffered a terrible car accident on January 3, 2021. The letter states that he was in a coma for three weeks. While at the hospital, the Principal Applicant's sister appears to have been visiting Dato every day, including on March 4, 5, 6 and 7, 2021. On March 4, she met Shota, whom she did not know, at the hospital; he asked if the Principal Applicant was there. He indicated that he was a friend of Patmani (the Principal Applicant) and had heard about the accident to Dato. He asked if Nika was coming to the hospital. Being rather suspicious, the Principal Applicant's sister asked the person visiting his name and that person gave a name that did not correspond to "Shota". The aunt saw Shota smoking outside the hospital on March 5 and 6.

[16] On March 7, as the Principal Applicant's sister was leaving the hospital, she was stopped by Shota and asked where was Nika. That is when she claims to have confronted Shota by asking his name. She then told him to leave her and her family alone. He swore at her, telling her that Nika is a "bastard" and she should be ashamed to defend him. Shota's friends who were with him on that day took him aside: according to the translation of the letter of April 6, they told Shota that "Nika is not here, it's a false alarm, let's just go". Obviously, the two sisters did not talk about these incidents before the Principal Applicant called her sister more than three weeks later, on March 30.

[17] The letter was found to be inadmissible by the RAD based on the case law on admissibility of new evidence (*Canada (Citizenship and Immigration) v Singh*, 2016 FCA 96, [2016] 4 FCR 230 [*Singh*]; *Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385, 289 DLR (4th) 675 [*Raza*]). At paragraph 10, the RAD quoted from *Raza*, at para 13, that "the Federal Court of Appeal defined the question to be asked regarding the credibility of proposed new evidence as '(i)s the evidence credible, considering its source and the circumstances in which it came into existence? If not, the evidence need not be considered'".

[18] At paragraph 11 of the decision, the RAD gives a full explanation for its decision to declare inadmissible the letter dated April 6, 2021. Given the importance that the letter has taken in this matter, I reproduce in its entirety paragraph 11:

> [11] In certain circumstances, evidence that is the result of a "suspiciously convenient" "extraordinary coincidence" may be found to be implausible. [*Meng v. Canada (Citizenship and Immigration)*, 2015 FC 365 at para 22] While I am mindful that implausibility findings are to be reserved for the clearest of cases, I must also consider whether new evidence is credible, considering

> its source and the circumstances in which it came into existence. In my view, the letter from Ms. Metskhvarishvili's sister is inadmissible on the basis that it lacks credibility given the circumstances in which it came into existence. In this case, the Metskhvarishvilis alleged that their last interaction with Shota before they left Georgia was in August 2018. It strains credulity that there would be no other interaction between Shota and the Metskhvarishvilis or their family for over two and a half years and that he would suddenly show up again a few weeks before I sent out a notice asking for submissions on the IFA issue in this case. I find that the information from Ms. Metskhvarishvili's sister about these sudden interactions with Shota lacks credibility. In my view, her letter was clearly designed as an attempt to bolster the Metskhvarishvilis' case in relation to the IFA issue. Due to this lack of credibility, the evidence is inadmissible. As I explain below, even if I had found the letter admissible, I would have granted it no weight in terms of establishing that Shota would have the means to track the Metskhvarishvilis down and persecute or harm them in either of the IFA cities.

[19] The Applicants also submitted a medical report to show that Dato was hospitalized. The report was found to be inadmissible. It does not speak about the alleged interactions between the sister and Shota and, as such, the Report is not relevant to establish any risk the Metskhvarishvilis would face at the hands of Shota in either of the IFA cities.

[20] Given that the determinative issue is the availability of an internal flight alternative, the RAD states that it does not have to delve into any of the credibility findings that were the determinative issues before the RPD.

[21] The RAD then proceeds to apply the two-prong test to establish an IFA. In so doing, applying the Federal Court of Appeal case law (*Rasaratnam v Canada (Minister of Employment and Immigration)*, [1992] 1 FC 706; *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589 [*Thirunavukkarasu*]; *Ranganathan v Canada (Minister of*

Citizenship and Immigration), [2001] 2 FC 164), the test to be applied is presented in the following fashion, at paragraph 14 of the RAD decision:

> 1) The decision maker must be satisfied on the balance of probabilities that the appellants would not face a serious possibility of persecution in the internal flight alternative location or a likelihood that they would be subjected personally to one of the types of harm that would make them persons in need of protection there.
>
> 2) The conditions in the part of the country under consideration must be such that it would not be unreasonable, in all the circumstances, for the appellant to seek refuge there. The threshold for unreasonableness is a very high one and requires nothing less than the existence of conditions that would jeopardize the life and safety of a claimant.

[22] The RAD was satisfied that the first prong of the test was met. It is for the Applicants to establish, on the balance of probabilities that they would face a serious possibility of persecution (or likelihood of serious harm) if they were to relocate in either one of the two cities identified by the RAD. They failed.

[23] The Applicants' contention was that the NDP shows evidence that opponents of the government in place, such as UNM members, are targets of persecution in Georgia. Furthermore, the Applicants offered news articles as new evidence to argue that there have been recent protests all over the country, in the months of February and March 2021, where arrests have taken place. Providing its assessment of the evidence in the NDP, the RAD concludes that incidents of violence in Georgia between members of the two parties have taken place around election time. These incidents, says the RAD, are relatively isolated and are elections related. There have also been prosecutions of UNM members, primarily based on allegations of corruption. However, these involve high-level UNM officials or former cabinet members. The

Principal Applicant is considered by the RAD as being a relatively low-level coordinator, campaigner and election observer. In the view of the RAD, there is no evidence that it would be the *modus operandi* of the Georgian Dream Party, or the Georgian government, to take steps to persecute a relatively low-level individual like Mrs. Metskhvarishvili (Decision of the RAD, para 18).

[24] As for the media articles, they indicate widespread protests in Georgia due to a political crisis sparked by the parliamentary election of October/November 2020 about which there were allegations of irregularities. Some articles reported on the UNM headquarters being raided to arrest the leader of the UNM Party in connection with a June 2019 protest. For the RAD, the articles "do not establish that a relatively low-level coordinator, campaigner, and election observer like Ms. Metskhvarishvili would face a serious possibility of persecution if she returns to Georgia" (Decision of the RAD, para 19).

[25] The RAD reports that the Applicants sought to characterise the Principal Applicant as not only fearing because of her political opinion, but also as being an advocate, more specifically on behalf of the residents of Sachkere. The RAD says that it is unclear as to what of the two prongs of the test the argument is offered. It might be to argue that the agent of persecution within the Georgian Dream Party would have the motivation to track down the Applicants if they relocated to one of the IFA cities, as well as being unreasonable to advocate for the residents of Sachkere, her hometown, from the IFA. The RAD notes that there is no evidence to support an argument. Furthermore, and more significantly, there is not even an argument that the agents of persecution would be able to track them down. In other words, motivation is one thing. Having the means to

track them down is quite another. That was for the Applicants to demonstrate and they failed. It follows that it would not be unreasonable either to relocate because of a lack of evidence and cogent argument.

[26] As for the threat posed by Shota, the RAD contends that counsel for the Applicants did not make any "specific arguments about any risk that the Metskhvarishvilis would face at the hands of Shota in either of the IFA cities" (Decision of the RAD, para 22). In fact, the only thing that the Applicants seemed to rely on is the new evidence of the Principal Applicant's sister's letter. The RAD had already pointed out that the letter had not been properly submitted as new evidence; it was already decided that the evidence is inadmissible as lacking credibility. At any rate, the letter did not carry probative value and would receive no weight if it were presented: the Applicants would not face a serious possibility of persecution or the likelihood of serious harm at the hands of Shota. The RAD found that counsel made no submissions as to any means and motivation that the said Shota would have to track the Applicants in either of the IFA cities. For the RAD, "there is simply no evidence, or argument, as to how Shota would know that the Metskhvarishvilis have relocated to either of the IFA cities and how he would be able to track them down there" (Decision of the RAD, para 22).

[27] As for the second prong of the IFA test, the only argument made relates to the Principal Applicant's political opinion which would include a commitment to the people of Sachkere. As the argument goes, it is not appropriate to force her to abandon her activities on behalf of the people of her hometown.

[28] The opinion is expressed that the Principal Applicant would still be able to advocate on behalf of residents of that city from either of the IFA cities, should she decide to do so eventually. On this record, the RAD considers that there is insufficient evidence to support the claim that the Georgian Dream Party members would have the means to track the Principal Applicant down and persecute her in the IFA cities. The RAD insists that "there is insufficient evidence to support any claim that the Georgian Dream members that Ms. Metskhvarishvili fears would have the means to track her down and persecute her in either of the IFA cities whether she was advocating on behalf of the UNM, or the residents of Sachkere, from there" (Decision of the RAD, para 26).

[29] The RAD concludes that there is a viable IFA in Georgia.

III. Arguments and Analysis

[30] The issue before the Court concerns the existence of an internal flight alternative for the Applicants who essentially argue that their claim to refugee protection is based on some threatening phone calls and an attack on the Principal Applicant on January 26, 2019 by two men who uttered a threat about the Principal Applicant's activism and who punched her in the eye, after a demonstration the day before in front of the city hall of her hometown. She and her husband went into hiding; they arrived in Canada in May 2019. The other element in their claim for refugee protection was that a military man, who is alleged to pursue the Applicants' son, now in Canada, threatened Davit Metskhvarishvili, the Principal Applicant's husband, when the military man and three acolytes came to search the Applicants' house to locate the son and he sought to stop them. That was in August 2018.

[31] No one disputes that the standard of review is reasonableness. Thus, the Applicants have the burden to show that the decision under review does not bear the hallmarks of reasonableness, that is justification, transparency and intelligibility. Furthermore, the decision must be "justified in relation to the relevant factual and legal constraints that bear on the decision" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, [2019] 4 SCR 653 at para 99).

[32] The reviewing court has as a starting point the principle of judicial restraint and takes a posture of respect towards the administrative tribunal. That translates into deference as the reviewing court cannot turn the review for reasonableness into a disagreement on the merits of a decision.

[33] The Respondent invites the Court to avoid the traps of turning reasonableness into correctness review. Counsel refers to the Federal Court of Appeal decision in *Canada (Citizenship and Immigration) v Mason*, 2021 FCA 156 [*Mason*]:

> [36] In order to interfere, a reviewing court needs to find a "fundamental gap" in express or implied reasoning, a "fail[ure] to reveal a rational chain of analysis", a "flawed basis", a finding that the "decision is based on an unreasonable chain of analysis" or "an irrational chain of analysis", unintelligibility in the sense that "the reasons read in conjunction with the record do not make it possible to understand the decision maker's reasoning on a critical point" or "clear logical fallacies, such as circular reasoning, false dilemmas, unfounded generalizations or an absurd premise": *Vavilov* at paras. 96 and 103-104. These problems must be on a key point, "sufficiently central" or "significant" such that they point to "sufficiently serious shortcomings in the decision": *Vavilov* at para. 100. They must be "more than merely superficial or peripheral to the merits of the decision": *Vavilov* at para. 100.
>
> [37] In *Vavilov*, the Supreme Court tells us that we should not be too hasty to find these sorts of flaws. *Vavilov*'s requirement of a

> reasoned explanation cannot be applied in a way that transforms reasonableness review into correctness review. If reviewing courts are too fussy and adopt the attitude of a literary critic all too willing to find shortcomings, they will be conducting correctness review, not reasonableness review. That would return us to the bad old days in the 1960's and 1970's when reviewing courts would come up with any old excuse to strike down decisions they disliked—and often did: see *Canadian Copyright Licensing Agency (Access Copyright) v. Canada*, 2018 FCA 58, 422 D.L.R. (4th) 112 at paras. 61-65.

[34] The point is well taken (leave to appeal to the Supreme Court of Canada has been granted in the *Mason* case): I have reviewed the decision under review on a number of times. I have not found the type of shortcomings that could justify an intervention in this case in spite of the valiant efforts of counsel for the Applicants.

[35] The narrow issue before the Court is whether the RAD decision to find an IFA was reasonable. The test for the first prong puts the onus of proof on the claimant who must "show, on a balance of probabilities, that there is a serious possibility of persecution throughout the country, including the area which is alleged to afford an IFA" (*Thirunavukkarasu*, at p 594). The Applicants did not discharge their burden. Given the facts of this case, it can hardly be disputed that the Principal Applicant is a relatively low-level coordinator, campaigner and election observer of the United National Movement Party. There must be evidence to show that there exists a serious possibility of persecution at the IFA. The lack of evidence was noted by the RAD, and it is fatal to the contention that the first prong of the test has been satisfied. It bears repeating that it is not sufficient to state that the administrative tribunal "erred"; the burden is rather that the decision was unreasonable. It remains that the evidence is limited to an assault of the Principal Applicant the day after a demonstration in her hometown about purely local issues.

It was open to the RAD not to be satisfied, on a balance of probabilities, of the serious possibility of persecution.

[36] In an attempt to bolster evidence of disruption of public events involving the UNM, the Applicants refer to events which were 6 to 9 years old at the time of the RAD decision. Not only are those incidents dated, but the comment made by the panel that the incidents appear to be relatively isolated and related to elections has not been shown as being unreasonable, especially in view of the Principal Applicant's profile. The Court fails to see how this evidence adds to the possibility of persecution, enough to make it "serious".

[37] I add that the RAD found that there was no evidence to support the suggestion made before it by the Applicants that members of the Georgian Dream Party would have the motivation to track them down if they relocated somewhere else in Georgia. Indeed there is no evidence that they would have the means to track them down, let alone the motivation.

[38] The Applicants also attempted to make hay out of a fear of a military man known as "Shota". The Applicants sought to submit a letter from the Principal Applicant's sister, written a few days after the RAD signified that it would be considering the possibility of an IFA in Georgia. As noted by the Respondent, it is unclear how such a letter could have a serious impact on the issue of the existence of an IFA.

[39] At any rate, the RAD made two findings. First, the letter is inadmissible because it lacks credibility. Second, even if ruled admissible, the RAD would give it no weight "in terms of

establishing that Shota would have the means to track the Metskhvarishvilis down and persecute them in either of the IFA cities" (Decision of the RAD, para 11). The RAD found at paragraph 22 that the letter carries no weight since there is in this case neither evidence nor argument as to how Shota would know of the Applicants' relocation and how he would be able to track them down. The absence is fatal, and the issue was not even challenged.

[40] Moreover, the RAD explained that the circumstances surrounding the creation of the letter were suspect. We read at paragraph 11 of the decision: "It strains credibility that there would be no other interaction between Shota and the Metskhvarishvilis or their family for over two and a half years and that he would suddenly show up again a few weeks before I sent out a notice asking for submissions on the IFA issue in this case. I find that the information from Mrs. Metskhvarishvili's sister about these sudden interactions with Shota lacks credibility". The RAD, finding support on *Raza*, concludes that the evidence need not be considered if it is not credible, considering its sources and circumstances in which it came into existence.

[41] Again, it is difficult to fault the RAD. The Applicants contend that they should have been given an opportunity to address concerns about the letter. I do not agree. The opportunity existed. This letter is not extrinsic evidence. It is a letter that comes from the Applicants who helped generate it. Under the *Refugee Appeal Division Rules*, SOR/2012-257, the new evidence must satisfy the requirement for relevance and whether it carries probative value. It is for the person who appeals to satisfy those requirements. Moreover, as already noted, the RAD found that the letter was appended to submissions without more. There is no doubt that the admissibility of new evidence, pursuant to section 110(4) of the Act, includes the Common Law criteria of *Raza*

(*Singh*, at para 49). The Applicants had to make their representations as to the admissibility of their new evidence, including credibility, relevance, newness and materiality. The opportunity to address credibility, for instance, was there. The opportunity was not seized by the Applicants.

[42] Furthermore, in *Moïse v Canada (Citizenship and Immigration)*, 2019 FC 93, Justice René LeBlanc, then of this Court, wrote:

> [7] As I indicated right from the outset, the applicant maintains, first and foremost, that the RPD breached the rules of procedural fairness because he was not given an opportunity to respond to a concern about his credibility referenced in the RPD's decision, but which was not raised during the hearing. This concern relates to the probative value of a medical certificate produced by the applicant in relation to the alleged attack against him in January 2006. The applicant alleges that the assault took place on January 6, 2006, while the medical certificate indicates that it took place on January 8. In light of this contradiction, the RPD did not give any weight to this medical certificate. The applicant claims that the RPD could not make such a decision without first confronting him with this contradiction.
>
> [8] It is well established that questions of procedural fairness are reviewed on a standard of correctness: *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 43). In the case at bar, the respondent claims that the rules of procedural fairness do not require the RPD to confront a refugee claimant about contradictions arising from documents provided by that very claimant, and that the applicant's argument concerning procedural fairness must therefore be rejected.
>
> [9] The respondent is correct. <u>The case law of this Court is unambiguous: the rules of procedural fairness do not require refugee claimants to be confronted about information that they are aware of and which they have, in addition, provided themselves</u> (*Gu v Canada (Citizenship and Immigration)*, 2017 FC 543 at para 29; *Aguilar v Canada (Citizenship and Immigration)*, 2012 FC 150 at para 31; *Mohamed Mahdoon v Canada (Citizenship and Immigration)*, 2011 FC 284 at para 22; *Lawal v Canada (Citizenship and Immigration)*, 2010 FC 558 at para 17; *Azali v Canada (Citizenship and Immigration)*, 2008 FC 517 at para 26).

> [10] It is an entirely different situation when extrinsic evidence is used against the refugee claimant and the claimant is not confronted about this information. That is not the case here. The medical certificate at issue was included with the documentation submitted by the applicant in support of his claim for refugee protection. Therefore, we cannot reproach the RPD for failing to confront him about the discrepancy revealed by this medical certificate, concerning the exact date on which he claims to have been attacked in January 2006.
>
> [Emphasis added.]

[43] Here, this new letter emanates from the Applicants themselves. Indeed, the evidence is that the Principal Applicant sought that letter from her sister in circumstances which were bound to raise questions. The concerns expressed by the RAD were in my estimation eminently reasonable. The Applicants had to put their best foot forward. They cannot complain now.

[44] I cannot find any reviewable error in the treatment given to the sister's letter, whether it be about its admissibility or probative value. Either way, the letter is of no assistance to the Applicants.

[45] Finally, the Applicants contend that the medical report on their son (left in Georgia) who was in the hospital for many weeks following a serious accident constitutes corroboration. According to the evidence, the Principal Applicant telephoned her sister on March 30 and found out about Shota's presence at the hospital, early in March, for the first time some three weeks after the events. The issue before the RAD was the existence of an IFA and the medical certificate as corroboration was certainly of dubious value in the circumstances. It does not establish the presence of Shota on the premises or the alleged encounter between Shota and the Principal Applicant's sister. As is well known, the trier of fact applies common sense and human

experience to decide on the credibility and reliability of evidence (see *The Law of Evidence*, by David M. Paciocco and Lee Stuesser, Irwin Law, 2nd Ed, pp 566 to 573). It is difficult to see how that certificate constitutes independent evidence confirming other evidence so that the evidence can be relied on. The certificate merely confirms that the Applicants' other son was in the hospital. One cannot find the nexus between the son being in the hospital and Shota. That does not help establish that Shota was even on the premises, let alone that he had some animus towards the Applicants. The RAD ruled it inadmissible and it has not been shown that this is unreasonable in view of the lack of relevance and materiality. Even if admitted, it would not have had any impact on the decision.

IV. Conclusion

[46] *Vavilov* confirms the case law according to which reviewing courts do not embark on a "line-by-line treasure hunt for error" (at para 102). What is required for intervention is for the Court to "be 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" (at para 100). A disagreement with the assessment made of the evidence before an administrative tribunal will not generally suffice to satisfy the requirement that the decision is not reasonable.

[47] The Court has not found in the decision under review these kinds of shortcomings. As a result, the judicial review application is dismissed. The parties agree that there is no question to be certified pursuant to section 74 of the Act. This is a viewpoint the Court shares.

JUDGMENT in IMM-2951-21

THIS COURT'S JUDGMENT is that:

1. The judicial review application is dismissed.

2. There is no serious question of general importance to certify.

"Yvan Roy"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-2951-21
STYLE OF CAUSE:	PATMANI METSKHVARISHVILI and DAVIT METSKHVARISHVILI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	HELD BY VIDEOCONFERENCE
DATE OF HEARING:	JANUARY 19, 2022
JUDGMENT AND REASONS:	ROY J.
DATED:	SEPTEMBER 28, 2022

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