

Federal Court



Cour fédérale

**Date: 20250919**

**Docket: IMM-15859-24**

**Citation: 2025 FC 1541**

**Toronto, Ontario, September 19, 2025**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**PAKIZE GAMZE BALDUK  
MURAT ARAS BALDUK  
MUSTAFA URAZ BALDUK**

**Applicants**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicants seek judicial review of the Refugee Protection Division (RPD) decision to refuse their claims for protection. They were part of a family group that filed claims alleging fears of persecution in the Republic of Türkiye, and their husband/father was determined to be a Convention refugee. However, the RPD found that the testimony supporting the Applicants' claims was not credible and they faced no risks based on their profiles.

[2] For the reasons that follow, the RPD's decision is reasonable and the application for judicial review is dismissed.

## II. Background

[3] Pakize Gamze Balduk (the Principal Applicant) and her two minor children applied for refugee protection in Canada in claims jointly attached to the claim of her husband, who was accepted as a Convention refugee.

[4] The Applicants are Turkish citizens of Kurdish ethnicity and Alevi faith. The Principal Applicant alleged that as a student she attended a rally in 2015 against Türkiye's political support for Islamic State in Iraq and Syria (ISIS) and she was attacked by nationalists. She later left university through fear of further harm.

[5] The Principal Applicant's husband was threatened by police for his political activities in February of 2023, and shortly afterward the family left Türkiye for Mexico on March 6, 2023. From there they traveled to Canada through the United States.

[6] The RPD's decision consisted of adverse credibility findings which prevented it from concluding that the Principal Applicant had engaged in any political activity since 2015, or alternatively that she engaged in political activities after 2015 that did not come to the attention of the authorities.

[7] The RPD then conducted an assessment of the possible risks faced by the Applicants based on their profiles as Alevis, Kurds, and family members of their husband/father who has a well-founded fear of persecution in Türkiye. Based on the documentary evidence, the RPD concluded that the Applicants' profiles did not give rise to a risk under sections 96 or 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (IRPA).

### III. Issue

[8] The sole issue is whether the RPD's findings based on the Principal Applicant's testimony and the documentary evidence are reasonable. The issue of reasonableness is considered pursuant to the reasonableness standard as set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 (Vavilov), and affirmed in *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21.

### IV. Analysis

[9] The RPD's findings did not misapprehend or fail to account for the Principal Applicant's testimony or the documentary evidence and the decision is reasonable.

A. *The RPD's findings regarding the Principal Applicant's testimony were reasonable.*

[10] The RPD described the following inconsistencies in the Principal Applicant's evidence:

- *Reason for quitting university*: the Principal Applicant stated in oral testimony that she left university due to racism based on her Alevi faith, but it was stated in her

husband's Basis of Claim (BOC) form that she quit university after attending a political protest;

- *Problems after 2015*: the Principal Applicant at first testified that she did not experience problems after 2015, then later changed her testimony to state that she experienced occasional problems which led her to hide her ethnic and religious identities;
- *Level of political activities*: the Principal Applicant's description of her political activities changed from being limited by the need to be in hiding and childcare responsibilities, to distributing *Halkların Demokratik Partisi* (HDP) party brochures and attending HDP party events which led to pressure and verbal altercations from nationalists. The RPD noted that her husband did not describe any of her HDP activities in his BOC.

[11] The Applicants claim that the RPD was overzealous in searching for inconsistencies and failed to appreciate the high-pressure environment of an immigration proceeding. However, these concerns are not reflected in the RPD's reasons, which are clear and connected to references in the evidence.

[12] It is not the Court's role to assess the relative significance of the inconsistencies identified by the RPD, and absent exceptional circumstances, reviewing courts should not interfere with factual findings (*Vavilov* at para 125). The inconsistencies described by the RPD led to the reasonable conclusion that there was no reliable evidence to demonstrate that the Principal Applicant would be at risk based upon her political activity.

B. *The RPD's findings regarding the lack of risk based on the Applicants' profiles were reasonable*

[13] After concluding that the Principal Applicant's testimony regarding her political profile was not credible, the RPD recognized its obligation to assess the Applicants' personal profiles to determine if any risks would arise based on the evidence which the RPD did accept as credible (*Kulasekaram v Canada (Citizenship and Immigration)*, 2013 FC 388 at para 37). The RPD assessed the Applicants' potential risks based on:

- The Applicants' Alevi faith;
- The Applicants' Kurdish ethnicity;
- The Applicants' status as family members of their husband/father, who was found to have a well-founded fear of persecution in Türkiye.

[14] The RPD's assessment of the documentary evidence related to the Applicants' religious and ethnic profiles was thorough and balanced. It noted the restrictions placed on civic life for both Alevis and Kurds but determined that these restrictions did not rise to the level of persecution.

[15] In relation to the Applicants' status as Alevis, the RPD acknowledged evidence demonstrating risks of discrimination and violence for Alevis, but cited other evidence establishing that Alevis could worship and hold ceremonies and festivals freely. The RPD accepted that the Applicants were practising Alevis and that people in their community were aware of their faith. However, the RPD found a lack of evidence, based on the Principal Applicant's testimony and the documentary evidence, that their religious beliefs and practice would expose them to risks that would establish a successful claim under sections 96 or 97 of the *IRPA*. Similar reasoning was

applied to the Applicants' risks as Kurds; the RPD found no serious risks grounded in their personal experience or the documentary evidence.

[16] Regarding the Applicants' family status, the RPD concluded that there was no evidence that Turkish authorities pursue family members of people with the political profile of the Applicants' husband/father. The Applicants' dispute with the RPD's findings on these issues, similar to their dispute with the RPD's credibility issues, amounts to a difference of perspective on the evidence, which is not properly the basis for success in judicial review.

[17] Finally, the Applicants argue that the RPD failed to assess the cumulative grounds of the Applicants' status as Kurdish Alevis who politically support the HDP and/or are related to their husband/father, who was found to be at risk. The Respondent correctly notes that the Applicants never asserted this cumulative basis for their fears.

[18] The RPD did mention that it considered the Applicants' ethnic, religious and political profiles "individually and combined". Given that the RPD did not find risks based on the Applicants' political or family status profiles, it was not unreasonable for the RPD to end its analysis at that point (*Virk v Canada (Citizenship and Immigration)*, 2024 FC 399 at paras 36-39). Moreover, the Applicants have not identified any overlooked evidence supporting their cumulative risk profile.

## V. Conclusion

[19] The RPD's conclusions regarding the credibility of the Applicants' testimony and its

assessment of the documentary evidence was clear and justified, and its decision to reject the claims was reasonable.

[20] The Applicants raised the RPD's duty to give them the benefit of the doubt, but that principle is only engaged when the decision maker is satisfied with a claimant's overall credibility (United Nations High Commissioner for Refugees, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, UN Doc HCR/1P4/ENG/REV.3 at para 204). That was not the case here.

**JUDGMENT in IMM-15859-24**

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

1. The application for judicial review is dismissed.
2. There is no question for certification and no order regarding costs.

**"Michael Battista"**

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**Judge**



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

**DOCKET:** IMM-15859-24

**STYLE OF CAUSE:** PAKIZE GAMZE BALDUK, MURAT ARAS  
BALDUK, MUSTAFA URAZ BALDUK v THE  
MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 16, 2025

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** SEPTEMBER 19, 2025

**APPEARANCES:**

John Cintosun	FOR THE APPLICANTS
Eleanor Elstub	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

John Cintosun Law P.C. Barrister and Solicitor Toronto, Ontario	FOR THE APPLICANTS
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT