

Federal Court



Cour fédérale

**Date: 20190712**

**Docket: IMM-4437-18**

**Citation: 2019 FC 922**

**Ottawa, Ontario, July 12, 2019**

**PRESENT: The Honourable Mr. Justice Favel**

**BETWEEN:**

**RONALD RIPON HALDER**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Nature of the Matter

[1] This is an application for judicial review of a decision rendered by the Refugee Appeal Division [RAD] of the Immigration and Refugee Board of Canada dated August 16, 2018. The RAD dismissed the Applicant's appeal of a decision rendered by the Refugee Protection Division [RPD] and confirmed the RPD's 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) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[2] The availability of an internal flight alternative [IFA] was the determinative issue before both panels. After considering the evidence before it, the RAD found that the Applicant had a viable IFA in the city of Khulna, Bangladesh.

[3] For the following reasons, the Court finds that the RAD's decision is reasonable and that the application for judicial review is dismissed.

## II. Facts

[4] The Applicant was born in Dhaka, Bangladesh in 1973. He is a citizen of Bangladesh and no other country. He and his parents were born Baptist Christians and the Applicant has been affiliated with a Dhaka Baptist church since his childhood. In Bangladesh, the Applicant worked as the deputy manager of a textile company.

[5] The Applicant's narrative begins in January 2008 after he and his mother moved to a new address in Dhaka. A group of four Islamic men of the Jamaat-e-Islami [JEI], led by Mr. Mohammed Emdad Hossain [Emdad], visited their home and stated that they would like to convert non-Islamic people to Islam and insulted them and the Christian religion.

[6] In February 2008, Emdad and members of the JEI visited the Applicant's home while he was praying with members of his Christian congregation. Emdad and his associates threatened

the Applicant and his guests and said he would kill them if they repeated such a gathering. Several days later, Emdad and his associates assaulted the Applicant on his way home from work because they discovered that he went to the police.

[7] The Applicant's narrative speaks of many other incidents occurring in Dhaka for which Emdad and members of the JEI harassed the Applicant, attacked him and extorted him for money for several years.

[8] In June 2009, the Applicant married his wife and they later had two daughters together. The Applicant's wife also had encounters with individuals she believed were part of JEI.

[9] In September 2013, the Applicant and his family moved to a rented home in the Savar district of Dhaka. The Applicant's father, who passed away in 2005, had purchased a vacant lot in Savar many years before.

[10] In October 2014, the Applicant found construction materials on the Savar lot. His neighbours told them that they belonged to a man named Mr. Haji Ali Mahmud [Mahmud] who the Applicant did not know. After tracking down Mahmud's home, the Applicant asked him why he left the construction materials there. Mahmud shouted that the land was his and showed the Applicant a fake land transfer document. The Applicant later visited the land registry office and discovered that Mahmud was the registered owner of the lot.

[11] In November 2014, the Applicant and his friend met with Mahmud and showed him a copy of the Applicant's deed to the lot. Mahmud and three associates beat them with sticks while insulting them for being Christian. They threatened to "chop [them] to pieces" if they went to the police. Ultimately, they said they would return the lot to the Applicant for a substantial payment. The Applicant began making instalment payments to Mahmud. In December 2014, Mahmud told him to pay the rest soon or they would kill him or kidnap his daughter. In February 2015, associates of Mahmud told the Applicant's wife that if he did not pay them soon, they would kill him and kidnap her.

[12] In April 2015, associates of Mahmud visited his home again and said "they were in trouble and urgently needed money." One of them held a knife to the Applicant's throat. They ultimately left after the Applicant gave them all the money he had at home. The Applicant then sent his wife, daughter and mother to his father-in-law's house in Brahmanbaria. The Applicant began moving his place of residence by staying at friends and with a maternal uncle. In October 2015, the Applicant's rickshaw was intercepted by Mahmud's associates who beat him with sticks because he "never fulfilled [his] promises about money and the property deed." The Applicant said he would and they let him go.

[13] In May 2016, the Applicant applied for various visas and travelled to a number of countries to develop a travel history. The Applicant sent his family to stay with his uncle in Khulna. In November 2016, the Applicant returned to Bangladesh. Before his return, the Applicant's wife found a letter referring to the Applicant as the "son of an infidel" and threatening to kill him if he did not contact them immediately.

[14] In late November 2016, the Applicant stayed in Khulna. From November 2016 to January 2017, the Applicant stayed in Savar, Dhaka. His family stayed with his in-laws in Brahmanbaria.

[15] The Applicant applied for a Canadian visa in November 2016, which was issued in December 2016. After obtaining money from relatives, the Applicant travelled to Canada and arrived alone on January 29, 2017. The Applicant claimed refugee protection on March 20, 2017, fearing persecution by Islamic extremists because he is Christian.

[16] The RPD held a hearing on June 26, 2017. The Applicant was represented by counsel and a Bengali interpreter. At the outset of the RPD hearing, the panel member stated that credibility and the availability of an IFA would be the determinative issues. At the end of the hearing, the panel stated that it did not have any major credibility concerns.

[17] On July 31, 2017, the RPD dismissed the Applicant's claim for refugee protection, holding that he is not a Convention refugee or a person in need of protection because an IFA is available in the city of Khulna.

[18] The Applicant appealed the RPD's decision to the RAD. The Applicant requested that the RAD admit new evidence under subsection 110(4) of the IRPA but did not ask the RAD to hold an oral hearing under subsection 110(6) of the IRPA. In a decision dated August 16, 2018, the RAD upheld the RPD's decision finding that the Applicant is not a Convention refugee or person in need of protection due to an IFA in the city of Khulna.

[19] The Applicant applied for leave and judicial review of the RAD's decision under subsection 72(1) of the IRPA on September 10, 2018.

### III. RPD Decision

[20] While the RPD accepted that the Applicant established his identity on the balance of probabilities and that "he is Christian, and would be perceived as such, based on his name and several church documents", it found that he is not a Convention refugee or a person in need of protection. Following the two-prong test set forth in *Rasaratnam v Canada (Minister of Employment and Immigration)*, [1992] 1 FC 706 (FCA) [*Rasaratnam*], the RPD held that there is no serious possibility that the Applicant would be persecuted in Khulna City and it would not be unreasonable for him to seek refuge there.

[21] Regarding the first prong, the RPD held that there is no serious possibility that the Applicant would be persecuted in Khulna because Mahmud and his followers would not find him there. The RPD first noted that Bangladesh is a physically large country with a population of approximately 166 million people, and that Khulna has almost 1.8 million inhabitants, and is distant from the Applicant's home in Savar. Bangladesh's poor infrastructure would hamper any search for the Applicant. The RPD rejected the Applicant's argument that Islamists have an "excellent network" and would therefore be able to find him because there was little objective evidence substantiating this claim.

[22] The RPD then remarked that according to the Applicant's Basis of Claim [BOC] narrative, in 2012, after the Applicant faced harassment from the JEI, he and his family relocated

within Dhaka and did not hear from them again. Mahmud did not follow the Applicant's wife, children, and mother to his father-in-law's home in Brahmanbaria (where they currently reside) or to Khulna (where they went in October 2016). Moreover, Mahmud did not find the Applicant in Khulna in November 2016 or at his friend's home in Savar from November 2016 to January 2017.

[23] The RPD further found that the Applicant had not heard from Mahmud since April 2016 other than the letter left at his Savar home, which makes sense given that he had not done anything to recover the land taken from his family. Since Mahmud successfully took the property, on a balance of probabilities, he would have no reason to pursue the Applicant.

[24] The RPD then reviewed the country condition documents and held that the Applicant did not establish more than a mere possibility of persecution in Khulna. The RPD rejected the Applicant's argument that non-Muslim religious minorities are generally persecuted in Bangladesh. The RPD recognized that the country condition documents are "replete" with reports of violence committed by Islamic people against Hindus but found that there was little information about Christians living in Bangladesh. The RPD then remarked that according to the *United Kingdom Home Office* and *France's Office for the Protection of Refugees*, evidence does not support a general finding of persecution or human rights violations among religious minorities in Bangladesh and an absence of any major religious conflict between the various communities in Bangladesh. The RPD then referred to a 2015 RAD decision holding that a Hindu woman with children had a viable IFA in Bangladesh.

[25] The RPD acknowledged that country condition documents show that some Christians face a serious possibility of persecution in Bangladesh: low-income Christians face discrimination and are targeted by human traffickers, ethnically indigenous Christians are vulnerable, Christian children may risk forced conversion, Christians in remote or rural areas face attacks, and converts from Islam and proselytizers face particular danger. The RPD further recognized that Christians risk “land-grabbing” but noted that the Applicant no longer has land to steal. The RPD then remarked that the Applicant is not vulnerable because he is relatively wealthy, is Bengali, is a grown man, Khulna is a major urban area, and he was born Christian.

[26] The RPD then held that Khulna has a relatively high concentration of Christians which provides additional security in numbers and stated that it did not find any evidence of attacks in Khulna in the documentary evidence. Moreover, the Applicant’s wife and her Christian family have apparently not suffered harassment in Bangladesh due to their religion and a letter from the Applicant’s church in Dhaka does not describe harassment.

[27] Finally, the RPD held that it would be reasonable for the Applicant to seek refuge in Khulna: the law in Bangladesh provides for freedom of movement and the Applicant is relatively well-educated as he has a Master’s degree. Moreover, the Applicant’s employment history is significant and he would more likely than not survive financially in Khulna. His in-laws would provide him with support to get established in Khulna, he speaks the dialect of Bangladesh, and Khulna is a centre of Christianity, and he has previously lived in Khulna.



#### IV. Decision under Review

[28] The RAD began by addressing the Applicant's new evidence under subsection 110(4) of the IRPA. First, the RAD held that it would not admit the *Bangladesh 2016 International Religious Freedom Report* [the Report]. While published after the RPD dismissed the refugee claim, the information contained in the Report is not new evidence because it describes the situation in Bangladesh before the Applicant's claim was dismissed. Moreover, the information contained in the Report is reflected in the other country condition evidence contained in the National Documentation Package [NDP].

[29] The RAD dismissed the *Population of Cities in Bangladesh 2017* article because it did not have a publication date. It is impossible to assess if the article arose after the claim was rejected in July 2017.

[30] The RAD also refused to admit two decisions respectively rendered by a panel of the RPD and RAD. The RPD decision was not relevant because it was purely submitted to show that the panel member applied a different standard of proof. If it was submitted as jurisprudence, it is non-binding and there is sufficient higher court jurisprudence on the issue at hand. The RAD decision filed as new evidence was rendered in 2016 and predates the RPD's decision of July 2017 and the Applicant could have been expected to provide it before the RPD because IFA was already clearly identified as an issue before the RPD.

[31] The RAD admitted a *Daily Star* article, a *Government of Canada Travel Advisory*, a *Dhaka Tribune* article, and a *New Age* article. They all postdate the RPD decision and contain new information.

[32] The RAD then addressed the Applicant's argument that the RPD applied the wrong standard of proof and thereby required him to prove a higher degree of risk in the IFA than the law requires. The RAD held that one must not confuse the "standard of proof" and the "legal test to be met" (citing *Li v Canada (Minister of Citizenship and Immigration)*, 2005 FCA 1). The RAD found that the persecutors' inability to find the Applicant in Khulna was a factual finding and the RPD did not use the wrong test, as this finding led to the RPD's conclusion that there is not a serious possibility of persecution in Khulna. Even if the RPD's wording was not correct, this was not fatal because the RAD can conduct its own assessment of the evidence and make the appropriate findings using the appropriate wording.

[33] The RAD then addressed the Applicant's argument that the RPD erred in assessing the country condition documents because these establish widespread persecution of religious minorities, including Christians, and that there was no evidentiary basis on which to distinguish urban and rural areas.

[34] The RAD agreed with the RPD that much of the documents regarding religious minorities do not refer to Christians. The RAD then remarked that much of the documents mentioning Christians specifically related to the 2014 election in which multiple attacks were committed against Christians and other minorities. The RAD further noted that the *Christian*

*Freedom* article indicates that most attacks against Christians occur in rural areas and that more Muslims are converting to Christianity, which may account for increases in persecution. The RAD then acknowledged specific incidents of attacks against Christians described in the Applicant's evidence. The RAD cited the *UK Report on Religious Minorities* and repeated the RPD's conclusion that the country condition evidence does not support a finding that Christians or other religious minorities face a general risk of persecution in Bangladesh; rather, each case must be assessed on its own merits.

[35] The RAD further noted that while the evidence speaks of attacks against religious minorities in 2014, there is no mention of attacks in Khulna in the evidence before the RPD or the new evidence admitted before the RAD. The RAD then held that it agreed with the RPD that there is no indication that there has been any persecution of Christians or any other religious minority in the city of Khulna.

[36] The RAD then acknowledged that while the evidence suggests that most attacks against Christians occur in rural areas, it agrees with the Applicant that this does not preclude persecution of Christians in urban areas and that the documentary evidence noted by the RPD is specific to targeting by traffickers.

[37] Ultimately, the RAD found that there is no indication in the NDP or the Applicant's evidence that Christians or other religious minorities have experienced harm in Khulna because of their religion. The RAD further agreed with the RPD that there is not a serious possibility that the Applicant would be harmed by his persecutors in Khulna for the same reasons provided by

the RPD and also agreed with the RPD's reasons regarding the Applicant's profile and personal vulnerability. The RAD further agreed with the RPD's reasons that Khulna is a reasonable IFA.

V. Issues

[38] The Applicant raises three issues in this application:

- A. *Did the RAD incorrectly state the test for a well-founded fear of persecution in the IFA location under assessment, Khulna?*
- B. *Was the RAD's treatment of evidence relating to the Applicant's profile and the treatment of Christians in Bangladesh unreasonable?*
- C. *Did the RAD commit a reviewable error by refusing to admit the Bangladesh 2016 International Religious Freedom Report as new evidence?*

VI. Standard of Review

[39] Review of the legal tests selected by the RAD shall be conducted on a correctness standard (*Kapuuo v Canada (Citizenship and Immigration)*, 2018 FC 1107 at para 6). Moreover, the RAD's IFA findings are reviewable on a reasonableness standard as this is a fact-driven analysis (*Barkat v Canada (Citizenship and Immigration)*, 2019 FC 211 at para 7). The RAD's refusal to admit new evidence under subsection 110(4) of the IRPA shall also be reviewed on a reasonableness standard (*Denis v Canada (Citizenship and Immigration)*, 2018 FC 1182 at para 5; *Canada (Citizenship and Immigration) v Singh*, 2016 FCA 96 at paras 22-30 [*Singh*]).

VII. Analysis

A. *Did the RAD incorrectly state the test for a well-founded fear of persecution in the IFA location under assessment, Khulna?*

[40] The Applicant submits that after responding to his argument that the RPD applied the incorrect legal test to assess his fear in Khulna, and the RAD itself misstated that test by holding that the Applicant “has not provided any submissions in regard to whether he would be found by his persecutors in Khulna City”.

[41] In the Applicant’s view, the RAD failed to consider the cases he cited or to construe them correctly (*Ghose v Canada (Citizenship and Immigration)*, 2007 FC 343 paras 18-24 [*Ghose*]). Essentially, the Applicant argues that the RAD’s use of the language “would be found by his persecutors in Khulna” entails a misstatement of the legal test for a well-founded fear of persecution by requiring the Applicant to demonstrate a probability of persecution in the IFA location. The Applicant further submits that even though the RAD and RPD stated the correct test in some passages, this does not remove doubt as to whether the RAD understood the applicable test when making factual findings about the possibility that the Applicant’s persecutors might locate him in Khulna and ultimately whether or not his fear is well-founded.

[42] The Respondent submits that the RAD expressly stated the correct test of no “serious possibility” of harm in the same sentence in which it agreed with the RPD’s findings for concluding that there is no serious possibility of harm in Khulna. In the Respondent’s view, the RAD’s agreement with the RPD’s factual reasons for finding no serious possibility of harm does

not amount to stating a legal test. When the RPD uses the words balance of probabilities to refer to its assessment of the facts, this is not the application of the test for persecution (*Ye v Canada (Citizenship and Immigration)*, 2014 FC 1221 at paras 15, 21).

[43] The Court notes that at paragraph 16 of its reasons, the RAD held as follows in responding to the Applicant's argument that the RPD applied the wrong test:

[16] The RAD has considered the jurisprudence and finds that the inability of the persecutors to find the Appellant in the proposed IFA was a factual finding, and that the RPD did not use the wrong test given that this finding of fact led to its ultimate finding that there is not a serious possibility of persecution in the IFA location. However, even if the wording used by the RPD was not correct, this is not fatal to the claim, as the RAD is able to conduct its own assessment of the evidence and make the appropriate findings using the appropriate wording.

[Emphasis added]

[44] The passages of the RPD decision that the RAD refers to read as follows:

[9] I find that there is no serious possibility that the Claimant will be persecuted in Khulna City because:

a) more likely than not [Mahmud] and his followers would not find the Claimant in the IFA, and

b) there is no serious possibility of the Claimant being persecuted there

[12] Moreover, the available evidence militates against finding that [Mahmud] could track [the Applicant] down, on a balance of probabilities.

[45] Here, the RPD's statement essentially concerns the Applicant's ground for claiming protection, namely, whether or not the Islamic extremists and their followers who persecuted him

in the past, would find him and persecute him in Khulna, a potential IFA. Therefore, the underlying facts to be proven on a balance of probabilities would be the Applicant's status as a Christian, his narrative about past persecution committed by this group, and his evidence about where in Bangladesh he was and was not targeted. Those facts would all go towards determining if the Applicant's fear as a Convention refugee is well-founded. Therefore, the panels had to determine if, even in the potential of IFA of Khulna, there is a serious possibility that the Applicant would suffer persecution based on those facts to be proven on a balance of probabilities.

[46] The Court agrees that it was not correct for the RPD to state that the Applicant must prove that his past persecutors *would find him* in Khulna in the future on a balance of probabilities. Requiring proof of that outcome on a balance of probabilities amounts to requiring the Applicant to prove future risk of persecution on a Convention ground itself on a balance of probabilities (*Ramanathy v Canada (Citizenship and Immigration)*, 2014 FC 511 at paras 14-23; *Alam v Canada (Minister of Citizenship and Immigration)*, 2005 FC 4 at paras 4-8 [*Alam*]). Again, the Applicant must only show that there is a serious possibility that he would face this risk, in Khulna, in the future.

[47] Having made these remarks, in the particular context of this decision, the Court does not find that this statement of the applicable standard of proof *by the RPD*, which the RAD did not outright condemn in paragraph 16 of its reasons, suffices to warrant this Court's intervention. In making this finding, the Court finds the RAD's remarks at the conclusion of its decision are of particular importance:

[30] The RAD further agrees with the RPD that there is not a serious possibility that the Appellant will suffer harm at the hands of his persecutors in Khulna City for the same reasons provided by the RPD. The Appellant has not provided any submissions in regard to whether he would be found by his persecutors in Khulna city other than the standard of proof argument noted earlier.

[Emphasis added]

[48] Before going further in this analysis, the Court notes that this Court has held that different formulations of the legal test to be met are acceptable so long as the RAD's reasons, taken as a whole, demonstrate that the applicant was not put to an unduly onerous burden of proof (*Thiyagarasa v Canada (Citizenship and Immigration)*, 2016 FC 48 at para 24 [*Thiyagarasa*]; *Pararajasingham v Canada (Citizenship and Immigration)*, 2012 FC 1416 at paras 46-47; *Alam* at paras 7-8). Moreover, the reviewing Court should not fixate on semantics without considering the decision as a whole in addition to the context in which the impugned words appear (*Thiyagarasa* at para 25; *Nageem v Canada (Citizenship and Immigration)*, 2012 FC 867 at para 27; *Mutangadura v Canada (Citizenship and Immigration)*, 2007 FC 298 at para 9).

[49] At paragraph 30 of its reasons, the RAD stated the correct legal test at the outset of this paragraph that the Applicant did not meet the threshold of "serious possibility" that his persecutors would harm him in Khulna. Moreover, the Court is not persuaded by the argument of the Applicant that the RAD's statement at the end of the paragraph amounts to suggesting that the Applicant failed to establish, on a balance of probabilities, that he would be subject to persecution in Khulna. Rather, this statement that the Applicant "has not provided any submissions in regard to whether he would be found by his persecutors in Khulna" refers to an absence of evidence or submissions tendered to establish his fear of persecution on the



previously stated “serious possibility” standard [Emphasis added]. There is a distinction between imposing a balance of probabilities standard on an applicant and noting an absence of reliable evidence to establish a “serious possibility” of a fear (ie. that the agent of persecution will/would find the claimant) (*Huerta Morales v Canada (Citizenship and Immigration)*, 2009 FC 216 at paras 11-15). The RAD therefore did not err in this regard.

[50] It is also worth repeating that at paragraph 16 of its reasons, the RAD acknowledged that even if the RPD’s wording was inappropriate, the RAD could conduct the assessment *de novo* and make its own findings by following the appropriate standard. The Court notes that, notwithstanding the RPD’s error, this is exactly what the RAD did. The Court therefore finds that the RAD applied the correct legal test to determine if the Applicant has a serious possibility of persecution in Khulna.

*B. Was the RAD’s decision, and treatment of the evidence before it with respect to the Applicant’s fears of persecution in Khulna, otherwise unreasonable?*

[51] The Applicant submits that the RAD committed a reviewable error by misconstruing evidence related to the Applicant’s profile and the treatment of Christians in Bangladesh. By holding that the Applicant did not make any particular arguments regarding his profile or personal vulnerability, the RAD overlooked his statement that he was relying on his written submissions to the RPD without repeating them in his RAD.

[52] The Applicant remarks that, before the RPD, he made extensive submissions about his experience of persecution in Dhaka at the hands of the JEI and Mahmud. Moreover, the

Applicant stressed before the RPD that he could easily be identified as a Christian due to his church attendance and his Christian name and so his persecutors could easily find him. However, the RAD restricted its analysis to general country condition information. The Applicant further submits that according to country condition documents mentioned in his memorandum before the RAD, there is widespread persecution of Christians in urban and rural areas of Bangladesh.

[53] The Applicant submits that the RAD further erred by concluding that economic vulnerability of Christians in the documents refers to targeting by traffickers. The RPD accepted, and the RAD did not dispute, that Christians are “economically vulnerable” to “land grabs” by Islamic extremists. While the RAD made no findings in this regard, when the RPD concluded that the Applicant had nothing to fear because he already gave up his land, it ignored the fact that his persecutors continued to assault him, and demand that he pay the “ransom”, after he had given up the land.

[54] The Respondent submits that the Applicant is essentially asking the Court to re-weigh the documentary evidence regarding country conditions in Bangladesh and that it is not this Court’s role to do so. The Respondent endorses the RAD’s finding that the Applicant had an IFA in Khulna and submits that this finding is reasonable. In support of this argument, the Respondent points to several paragraphs of the RAD decision.

[55] It is worth repeating that the two-pronged test to determine if there is a viable IFA entails the following considerations (*Rasaratnam; Tagne v Canada (Citizenship and Immigration)*, 2019 FC 273 at para 20):

1. The RAD must be satisfied that there is no serious possibility of the Applicant being persecuted in the proposed IFA;
2. Conditions in the part of the country proposed as an IFA must be such that it would not be unreasonable, in all the circumstances, including those particular to the Applicant, to seek refuge there.

[56] A refugee claimant therefore bears the onus of establishing with objective evidence, that there is a serious possibility of being persecuted in the proposed IFA or that the conditions of that IFA would make it unreasonable to relocate there, in consideration of all circumstances including their personal circumstances (*Adebayo v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 330 at para 53). This is a high threshold which essentially requires proof of conditions which would jeopardize the life and safety of the claimant (*Ranganathan* at para 15).

[57] With respect to this first prong, once the RPD warned the Applicant that an IFA was to be raised, it was the Applicant's onus to establish a serious possibility of persecution throughout Bangladesh, including the area which was alleged to afford an IFA, in this case, Khulna (*Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589, (FCA) [*Thirunavukkarasu*]). While a claimant "may not have any personal knowledge of other areas of the country" and there is no obligation for refugee claimants to actually try living in the proposed IFA to demonstrate that they face persecution in that part of the country, documentary evidence may be relied on to establish a serious possibility of persecution in the IFA (*Thirunavukkarasu; Ramirez Martinez v Canada (Citizenship and Immigration)*, 2010 FC 600 at para 7; *Juhasz v Canada (Citizenship and Immigration)*, 2015 FC 300 at para 49).

[58] With these principles in mind, the Court finds that the RAD's treatment of the Applicant's evidence concerning Khulna as an IFA was reasonable. As the RAD found, the country condition documents that the Applicant referred to speak of difficulties faced by religious minorities in Bangladesh, including Christians, primarily in Dhaka and some other parts of Bangladesh. However, the RAD properly construed the country condition evidence by holding that it does not explicitly refer to difficulties faced by religious minorities, or Christians specifically, in Khulna.

[59] The RAD reasonably weighed the country condition evidence, notably reviewing reports about attacks against specific Christian individuals, and persecution of Christians and other minorities relating to the elections of 2014. However, it also referred to country condition documents suggesting that religious minorities, including Christians, do not generally face the risk of persecution in Bangladesh and that each case must be assessed on its individual merits (*UK Report on Religious Minorities; United States Commission on International Religious Freedom Annual Report 2016; UN Report of the Special Rapporteur on Freedom of Religion or Belief*).

[60] Given that none of the country condition evidence specifically describes persecution suffered by Christians or religious minorities in Khulna, it was open to the RAD to conclude that the Applicant did not fulfill his onus of demonstrating a "serious possibility" of persecution in Khulna.

[61] With respect to the second prong, the Court finds that it was reasonable for the RAD to accept the RPD's findings with respect to the Applicant's personal vulnerability in Khulna based on the circumstances particular to him. The Court recognizes that the Applicant's BOC raised two consecutive periods of persecution committed by two different Islamic extremist groups, respectively the JEI and the unaffiliated group led by Mahmud. However, all of these incidents occurred in the city of Dhaka, including the Savar district of Dhaka. Moreover, as the RPD concluded, according to the Applicant's evidence, the JEI members stopped pursuing the Applicant in 2011 and the last he had heard from the second group of extremists was in a threatening letter sent in November 2016. Moreover, as the RPD pointed out, the Applicant's evidence did not mention any difficulties faced by himself or his family when thereafter staying in Khulna and Brahmanbaria. It was open to the RAD to accept these factual findings made by the RPD.

[62] While it was not incumbent on the Applicant to test Khulna or other potential IFAs in Bangladesh, the absence of any indication in the country condition documents that Khulna is unsafe for Christians or religious minorities, and the apparent lack of difficulties faced by the Applicant and his family outside of Dhaka support reasoned findings that there is no serious possibility that the Applicant would be persecuted in Khulna and that it would therefore be reasonable for him to relocate there (*Lebedeva v Canada (Citizenship and Immigration)*, 2011 FC 1165 at paras 42-43).

C. *Did the RAD commit a reviewable error by refusing to admit the Bangladesh 2016 International Religious Freedom Report as new evidence?*

[63] The Applicant argues that the RAD committed a reviewable error by refusing to admit the Report as new evidence because its content “was already reflected” in other country condition documents. The Applicant relied on the Report to demonstrate that religious persecution took place in cities throughout Bangladesh in addition to Dhaka, yet the RAD found that most persecution took place in rural areas. The RAD could not reasonably find that the Report repeated information contained in other country condition documents and proceed to make findings contradicted by the Report.

[64] The Respondent did not make written submissions on this point.

[65] The Court finds that the RAD’s decision not to admit the Report was reasonable. The Report is consistent with the evidence before the RAD in that its comments about the persecution faced by Christians in Bangladesh mostly relate to Dhaka and do not specifically refer to any incidents in Khulna. Moreover, the Court is not persuaded by the Applicant’s submissions about the RAD’s findings on the specific risks faced by Christians in urban areas. First, some of the documents submitted by the Applicant did suggest that Christians are at greater risk in rural areas than urban areas (like Khulna). Moreover, the RAD explicitly addressed the RPD’s findings on this point and itself concluded that “[higher risk in rural areas] does not preclude persecution in urban areas”.

[66] The Applicant has not shown how the Report met any of the conditions of subsection 110(4) of the IRPA or the jurisprudence such that the RAD's decision not to admit the Report consists of a reviewable error (*Singh; Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385 at para 13).

#### VIII. Conclusions

[67] For these reasons, the Court finds that the RAD's decision is reasonable. The Application for judicial review is dismissed. There is no question of general importance for certification and none arises.

**JUDGMENT in IMM-4437-18**

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

There is no question of general importance for certification. There is no order as to costs.

“Paul Favel”

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Judge



**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-4437-18

**STYLE OF CAUSE:** RONALD RIPON HALDER v THE MINISTER OF  
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**APPEARANCES:**

Maureen Silcoff

FOR THE APPLICANT

Asha Gafar

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

D. Clifford Luyt  
Barrister and Solicitor  
Toronto, Ontario

FOR THE APPLICANT

Attorney General of Canada  
Toronto, Ontario

FOR THE RESPONDENT