Federal Court Cour fédérale

Date: 20220208

Docket: IMM-1413-21

Citation: 2022 FC 159

[ENGLISH TRANSLATION]

Ottawa, Ontario, February 8, 2022

PRESENT: The Honourable Mr. Justice Roy

BETWEEN:

RABAH HAMADOUCHE
YASMINA SOUANE
RAFIK AREZKI HAMADOUCHE

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] This application for judicial review is related to the refusal of the Refugee Protection Division (RPD) to grant the applicants refugee status, a decision confirmed by the Refugee Appeal Division (RAD). Judicial review was requested for this decision under section 72 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA or the Act].

I. Facts

[2] The applicants are a family. They are citizens of Algeria. Rabah Hamadouche married Yasmina Souane in 2014, and one child, Rafik Arezki Hamadouche, was born from this relationship. The dispute that led to the claim for refugee protection arose from the co-applicants' marriage.

[3] The mother and two sisters of the husband, the principal applicant, apparently never accepted the marriage between Mr. Hamadouche, who is of Kabyle (Berber) descent, and his wife, who is of Arab descent. Various rather unpleasant incidents took place during the marriage, eventually leading to the departure from Algeria to Canada. Essentially, the Mr. Hamadouche's mother and sisters threatened to abduct the applicants' son Rafik and stated that they would not leave Ms. Souane alone and would ruin her life. Mr. Hamadouche's role is far from clear, as is how the threats could be serious given that they were made by the principal applicant's mother and sisters. It will not be necessary to outline the events involving Ms. Souane and her husband's mother and sisters because both the RPD and RAD decided the case on the basis that Mr. Hamadouche has no forward-looking risks and that his wife has an internal flight alternative (IFA) in Algeria.

[4] The applicants were assisted by a consultant in their immigration efforts. His name appears as counsel for the refugee protection claimants in the decisions rendered by the RPD and the RAD. The applicants claim before this Court that he is incompetent.

II. Decision under review

[5] The RPD found that Mr. Hamadouche had not been persecuted. He did not believe that he was threatened, and his safety was not jeopardized by his mother and sisters. He instead said he feared for his wife and son. The RPD considered that the harassment suffered lacked the seriousness required to amount to persecution.

[6] However, the RPD believed that there were IFAs in Algeria because Mr. Hamadouche's mother and two sisters lacked the capacity to find the applicants where they could seek refuge.

[7] However, the decision for which judicial review is sought is obviously that of the RAD confirming the RPD's decision. It must be examined more closely.

[8] The applicants first complained that the RPD did not consider the Ms. Souane's forward-looking risk or her credibility, comparing her Basis of Claim Form with the testimony given. The RAD rejected this argument. The RPD made it clear to the applicants at the beginning of the hearing that the determinative issue for Ms. Souane was the IFA. As for Mr. Hamadouche, the determinative issue was the forward-looking risk he was facing. The RPD also indicated that it was interested in the applicants' credibility. In fact, Mr. Hamadouche and Ms. Souane were able to present their case, submit their evidence, answer questions from the panel and their counsel, and share their observations. The RAD noted that there is no breach of procedural fairness if no reasons are set out on the subject of an issue when it is not necessary to decide the claim.

[9] Therefore, in analyzing the IFA directly, it is assumed for the purpose of the analysis that Ms. Souane and her son would face a risk in their region of origin.

[10] According to the RAD, there is indeed an IFA. The test has two prongs. They are described as follows at paragraph 14 of the RAD decision:

> [14] …
>
> (1) Would the female appellant and her son face a serious possibility of persecution or would they be subjected personally to a serious possibility of persecution or to a danger of torture, to a risk to their lives, or to a risk of cruel and unusual treatment or punishment by the country's authorities in ███ [IFA location]?
>
> (2) Considering all the circumstances, is it reasonable for the female appellant and her son to move to the region of the IFA, given their particular circumstances and the situation in ███ [IFA location]?

Although the applicants submitted that the RPD should have considered that Ms. Souane had been threatened, assaulted, and subjected to psychological violence, in addition to threats of abducting her son, the RAD instead decided that the IFA eliminated the serious possibility of persecution or threats to their lives, as well as the risks of cruel and unusual treatment.

[11] According to the RAD, the evidence showed that the agents of harm have neither the capacity nor the motivation to find the applicants, who were concerned for their safety but did not sever all contact with Mr. Hamadouche's family. It would be unrealistic to ask them to cut off all ties. Essentially, Mr. Hamadouche's mother and two sisters do not fit the profile of people who would search for the applicants everywhere in Algeria. The RAD expressed the opinion that Mr. Hamadouche's mother and two sisters have a limited capacity to find the applicants. The following is written at paragraph 37 of the RAD decision:

> [37] The appellants have not established that the in-laws have the ability or the motivation to find them … . My conclusion is supported by the fact that for one year the female appellant was able to hide from her in-laws without suffering harm, and there is

> no indication in the evidence that it would be different if she were to return to Algeria more than two years later. If the in-laws were truly motivated or capable, they had a year to carry out their threats, which they did not do. The appellants have not established that the brother-in-law has the ability to find their new contact information, nor that the agents of harm would contact companies looking for the female appellant. They did not produce any evidence on the possibility of acquiring personal information through corruption or any other means in Algeria.

This settles the first prong of the IFA test.

[12] The second prong entails asking ourselves whether, in light of the particular circumstances of Ms. Souane and her son, the contemplated IFA would be unreasonable. This standard is said to be very high. The RAD referred to paragraph 15 of the Federal Court of Appeal's decision in *Ranganathan v Canada (Minister of Citizenship and Immigration) (CA)*, [2001] 2 FC 164:

> [1] We read the decision of Linden J.A. for this Court as setting up a very high threshold for the unreasonableness test. It requires nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area. In addition, it requires actual and concrete evidence of such conditions. The absence of relatives in a safe place, whether taken alone or in conjunction with other factors, can only amount to such condition if it meets that threshold, that is to say if it establishes that, as a result, a claimant's life or safety would be jeopardized. This is in sharp contrast with undue hardship resulting from loss of employment, loss of status, reduction in quality of life, loss of aspirations, loss of beloved ones and frustration of one's wishes and expectations.

[13] Such conditions are absent from the places where there an IFA is claimed to exist. In fact, the conditions described in these IFAs appear favourable. Moreover, the RAD noted that "[a]t the hearing, they testified that they have no specific reason that would prevent them from moving

to these cities" (RAD decision at para 44). This led the RAD to conclude that the applicants did not establish that the conditions at the IFA locations would be unreasonable or that Ms. Souane and her son would be in danger at these locations. The applicants had to establish these conditions through actual and concrete evidence.

[14] As for Mr. Hamadouche, it has not been established that he could face any forward-looking risk. According to the applicants, the principal applicant had testified credibly before the RPD. The RPD allegedly erred in not finding that the psychological harassment and verbal and physical violence violated his fundamental rights to the point of being considered persecution. This argument was rejected because it was not demonstrated that sections 96 and 97 of the Act would be violated in case of a return to Algeria.

[15] Credibility, which was not questioned by the RPD, is very different from forward-looking risk. The principal applicant's life is not threatened, and his fear of being harmed by his mother and sisters has not been established either. Mr. Hamadouche instead said he fears for his wife and his son. In fact, Mr. Hamadouche will be able to live with his family in Algeria at the IFA location. Therefore, he did not establish a serious possibility of persecution on Convention grounds, or a risk to his life or a risk of cruel and unusual treatment. This resulted in a dismissal of the appeal.

III. Arguments and analysis

[16] The applicants are raising before this Court some issues that were decided by the RAD and one that is new: the regulated Canadian immigration consultant was supposedly incompetent in fulfilling his mandate.

[17] Essentially, the applicants' argument relies on two premises. First, an error was allegedly committed by not accepting the claim that Ms. Souane's forward-looking risk should decide the claim for refugee protection in Canada. The principal applicant's forward-looking risk, or rather his lack of forward-looking risk, was determinative in his case, while the forward-looking risk if Ms. Souane returned to Algeria was not even mentioned in the RPD decision and was wrongly upheld by the RAD. Then, the administrative decision-makers erred in designating the Mr. Hamadouche as the principal applicant, instead of his wife, who was the one targeted by his relatives.

[18] The key point in this case is the mother and two sisters' attitude toward the principal applicant's marriage to a woman from a different ethnic background. It is no exaggeration to speak of a family matter that caused resentment to the point that the applicants left their country to seek refugee protection in Canada. The question is whether the husband was being persecuted. If that is not the case, there is no need to find an IFA for him. He is neither a refugee nor a person in need of protection within the meaning of sections 96 and 97 of the Act. With respect to Yasmina Souane and the couple's son, an IFA is considered if it can be said that both of them could be refugees or persons in need of protection. In such a case, a claimant may have to demonstrate that there are no IFAs in their own country.

[19] The spouses are from different ethnic backgrounds: Mr. Hamadouche is of Kabyle descent, while Ms. Souane is of Arab descent. She was never accepted by her husband's mother and two sisters, leading to the departure from Algeria to Canada on November 30, 2018. The applicants highlight the treatment Ms. Souane was allegedly subjected to, in their Memorandum of Fact and Law:

- The new spouses, after they married, stayed with the husband's parents, in accordance with Muslim tradition. Ms. Souane was apparently mistreated there. No details were provided.
- Four months later (February 28, 2015), they moved. It is alleged that the applicants were harassed not only by telephone, but also during visits to the husband's family. No details were provided.
- In July 2015, they moved again, to Algiers. The harassment continued, in the form of insults and humiliation. No details were provided.
- Following the birth of Rafik Arezki, a third party informed Ms. Souane that they had learned that Ms. Souane's in-laws had visited the clinic. They allegedly stated that the child should not be raised by an Arab. The mother and sisters reportedly would not hesitate to abduct the child.
- According to Kabyle tradition, the birth of a first-born son is cause for celebration, but a big party was not organized.
- A week after the birth, Ms. Souane and her son went to live with her parents for four months, during which time she was not troubled. Ms. Souane returned to live with her husband in Algiers in January 2016.
- During a visit with the in-laws in January 2016, they expressed their dissatisfaction with Ms. Souane and her son. Afterward, and until June 2016, no incidents were reported.
- In late June 2016, the applicants visited the in-laws' home, where an argument broke out with Mr. Hamadouche's mother and two sisters. Ms. Souane was insulted and threatened with having her son abducted. The sisters allegedly told Ms. Souane that they wanted to [TRANSLATION] "ruin" her life. Ms. Souane claims that one of the sisters-in-law threatened her with a cake knife. The Memorandum of Fact and Law is silent about the husband's role and attitude but indicates that the three applicants left the scene together.
- Two months later, one of Mr. Hamadouche's great aunts said that the in-laws were looking for their address and that of the nursery Rafik Arezki attended. The applicants then drove their child to the home of Ms. Souane's parents, where he stayed for a month.
- In September 2016, the in-laws invited Mr. Hamadouche and his son to celebrate the child's birthday, but without his mother. The celebration did not take place.

- A few days later, a daycare worker at the nursery attended by the child reported that a woman had stopped by to pick up the child. The daycare worker asked to see the woman's ID, and she left.
- Ms. Souane then chose to return to live with her family, far from Algiers. There, she received only one anonymous call, during which the caller said he knew her whereabouts. The telephone number was changed, and she was no longer troubled.
- The applicants visited Canada from May to September 2018. When they returned, Mr. Hamadouche's mother confirmed to him that she did not want Ms. Souane or her son Rafik in the family. The applicants left for Canada on November 30, 2018.

[20] The applicants also submit that the RAD erred in considering that the RPD had complied with procedural fairness. It erred in not identifying the consultant's error, due to incompetence, of failing to identify Ms. Souane as the "principal applicant" instead of Mr. Hamadouche. The RAD should have conducted the review of Ms. Souane's forward-looking risk upon her return to Algeria, especially since she could not have expressed herself [TRANSLATION] "satisfactorily" in this regard. Finally, suggesting that they could live in peace in Algeria while exercising "some caution" is an error.

[21] As indicated above, the argument relies on two premises: the allegation that it was necessary to analyze Ms. Souane's forward-looking risk, and the assertion that the consultant selected by the applicants was incompetent.

A. *Analysis of Ms. Souane's forward-looking risk*

[22] The applicants claim that the consultant they selected was incompetent because Mr. Hamadouche was identified as the "principal applicant". However, despite the Court's repeated requests at the hearing, the applicants were never able to identify how naming the husband as the principal applicant could constitute incompetence. Had Ms. Souane been

prevented from testifying, this would deserve attention. But this allegation was not made. We instead learn that during her testimony, Ms. Souane was not prevented from testifying about the risk she was facing, but rather that [TRANSLATION] “the Member who conducted the examination did not seem to place any importance on it” (Memorandum of Fact and Law at para 117). The applicants complain of a hearing only two hours long during which the threats and the risk of the child being abducting apparently did not receive the hoped-for attention from the administrative decision-maker.

[23] The respondent is right to note that there is no evidence that Ms. Souane was prevented from testifying. This whole question of Ms. Souane’s forward-looking risk is a kind of red herring. This forward-looking risk is no longer relevant when an IFA is being considered.

[24] As explained in *Sivaganthan Rasaratnam v Minister of Employment and Immigration*, [1992] 1 FC 706, the concept of an IFA is inherent in the definition of a refugee. The Federal Court of Appeal has noted that claimants not wanting to return to their country of nationality or habitual residence must establish that they are at serious risk of being persecuted in the part of the country where it has been alleged that they could find refuge. It is no longer a question of the risk where they resided at the time of the incidents giving rise to the refugee protection claim. It is, rather, the fear at the location of the IFA that matters when an IFA has been raised.

[25] In a case that has become a landmark decision in the matter, the Federal Court of Appeal elaborated on the legal framework of the IFA in *Thirunavukkarasu v Canada (Minister of Employment and Immigration) (CA)*, [1994] 1 FC 589 [*Thirunavukkarasu*]. Thus, the inherent

nature of the IFA in a refugee protection claim was revisited. It is not a legal defence, nor is it a legal theory. This definition of the concept "requires that claimants have a well-founded fear of persecution which renders them unable or unwilling to return to their home country" (page 593). However, according to the Court of Appeal, this fear of persecution must be present throughout the country, not only in their corner of the country. One is a refugee from a country, not from part of a country or a region. Since the IFA is inherent in the concept of a refugee, the burden is on the refugee protection claimant to demonstrate, on a balance of probabilities, that the proposed IFA is inadequate throughout the country, including the part of the country allegedly offering an IFA. The proposal is summarized in a few words on page 595, where it is written that "[i]f the possibility of an IFA is raised, the claimant must demonstrate on a balance of probabilities that there is a serious possibility of persecution in the area alleged to constitute an IFA". The mechanism is particularly well explained in the following passage, again from *Thirunavukkarasu*:

> On the one hand, in order to prove a claim to Convention refugee status, as I have indicated above, claimants must prove on a balance of probabilities that there is a serious possibility that they will be subject to persecution in their country. If the possibility of an IFA is raised, the claimant must demonstrate on a balance of probabilities that there is a serious possibility of persecution in the area alleged to constitute an IFA. I recognize that, in some cases the claimant may not have any personal knowledge of other areas of the country, but, in all likelihood, there is documentary evidence available and, in addition, the Minister will normally offer some evidence supporting the IFA if the issue is raised at the hearing.

[26] An IFA in another part of the country "merely is a convenient, short-hand way of describing a fact situation in which a person may be in danger of persecution in one part of a country but not in another" (*Thirunavukkarasu*, p 592). Before seeking refuge internationally, one must look at home (*Canada (Attorney General) v Ward,* [1993] 2 SCR 689).

[27] For Mr. Hamadouche, there is no need to go to an IFA because there is no risk of persecution if he were to return to his part of the country. He himself confirmed it. His fear was for his wife. Since there was no risk, he could not be a refugee or a person in need of protection. Moreover, the issue of Mr. Hamadouche's status, from the point of view of the RPD and the RAD, was not challenged. However, it is not the same for Ms. Souane. That is why, taking into account Ms. Souane's forward-looking risk, the administrative tribunals in our case considered whether there was an IFA within Algeria itself.

[28] The IFA test has two prongs, as noted above (para 10). A refugee protection claimant will not have an IFA if they can avail themselves of either prong. As seen, Ms. Souane could have tried to refute that an IFA exists at the proposed location. This was not done.

[29] She could also have demonstrated that it would be unreasonable for her to seek refugee there. In the case at hand, the second prong was not even explored. As the Court itself said in *Thirunavukkarasu*, this prong imposes a heavy burden:

> Let me elaborate. It is not a question of whether in normal times the refugee claimant would, on balance, choose to move to a different, safer part of the country after balancing the pros and cons of such a move to see if it is reasonable. Nor is it a matter of whether the other, safer part of the country is more or less appealing to the claimant than a new country. Rather, the question is whether, given the persecution in the claimant's part of the country, it is objectively reasonable to expect him or her to seek safety in a different part of that country before seeking a haven in Canada or elsewhere. Stated another way for clarity, the question to be answered is, would it be unduly harsh to expect this person, who is being persecuted in one part of his country, to move to another less hostile part of the country before seeking refugee status abroad?
>
> (*Thirunavukkarasu*, p 590)

[30] In fact, the Federal Court of Appeal again specified how heavy the burden is, or how high the bar is set in *Ranganathan v Canada (Minister of Citizenship and Immigration) (CA)*, [2001] 2 FC 164:

> [15] We read the decision of Linden J.A. for this Court as setting up a very high threshold for the unreasonableness test. It requires nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area. In addition, it requires actual and concrete evidence of such conditions. The absence of relatives in a safe place, whether taken alone or in conjunction with other factors, can only amount to such condition if it meets that threshold, that is to say if it establishes that, as a result, a claimant's life or safety would be jeopardized. This is in sharp contrast with undue hardship resulting from loss of employment, loss of status, reduction in quality of life, loss of aspirations, loss of beloved ones and frustration of one's wishes and expectations.
>
> [Emphasis added.]

[31] In the case before the Court, Ms. Souane's insistence on her forward-looking risk of return is misplaced. This question is no longer asked when we have reached the IFA stage. Attention should not be focused on what Ms. Souane was allegedly subjected to when she was in contact with her in-laws, but rather on the risk that she would be found elsewhere in the country where she could have an IFA. This was never done. The focus should have been on the IFA because the part regarding persecution by the in-laws was not contested.

B. *The consultant's incompetence*

[32] The applicants alleged that their regulated Canadian immigration consultant was incompetent. While claiming that such incompetence can lead to a breach of natural justice, they

also admit that the threshold for demonstrating such a breach is very high (*Galyas v Canada (Citizenship and Immigration)*, 2013 FC 250 at paras 83 and 84).

[33] The only indication of incompetence that was raised was the fact that Mr. Hamadouche was designated as "principal applicant" rather than Ms. Souane. By way of explanation, the applicants claim that the identification of the "principal applicant" is [TRANSLATION] "determinative, with respect to the assessment of forward-looking risk that the Member must perform" (Memorandum of Fact and Law at para 96). They state that this determinative error compromised the outcome of their appeal before the RAD. If we try to understand what the argument consists of, the applicants bring everything back to the failure to demonstrate Ms. Souane's risk of persecution.

[34] The criteria that must be met to satisfy a court of the incompetence of counsel or a consultant are well known. A recent decision of this Court set them out as follows, in *Ibrahim v Canada (Citizenship and Immigration)*, 2020 FC 1148 [*Ibrahim*]:

> [29] In order to establish a breach of procedural fairness resulting from incompetent representation, an applicant must meet the requirements of the following tripartite test *(Yang v Canada (Citizenship and Immigration)*, 2015 FC 1189 at para 16; *Abuzeid* at para 21):
>
> 1. The representative's alleged acts or omissions constituted incompetence;
>
> 2. There was a miscarriage of justice in the sense that, but for the alleged conduct, there is a reasonable probability that the result of the original hearing would have been different; and
>
> 3. The representative was given notice and a reasonable opportunity to respond.

> [30] The party making the allegation of incompetence must show substantial prejudice flowing from the actions or inaction of the incompetent counsel and a reasonable probability that, but for the counsel's unprofessional errors, the result of the proceeding would be different: *Jeffrey v Canada (Minister of Citizenship and Immigration)*, 2006 FC 605 at para 9.

All three criteria must be met to find incompetence leading to a breach of procedural fairness. The applicants satisfied the third criterion by giving notice to the consultant, which gave him an opportunity to respond, but the consultant ignored the notice. In my view, the two other criteria were not met.

[35] As for the third criterion, the applicants go a bit too far when they claim that the consultant's silence, when he was given the opportunity to respond to the allegation, corroborates their allegation (Memorandum of Fact and Law at para 94). The applicants failed to explain how silence is a form of corroboration, that is to say, independent evidence that confirms other evidence. However, evidence is required (The Law of Evidence, D.M. Paciocco and L. Stuesser, 7th Edition, Irwin Law; The Law of Evidence in Canada, A.W. Bryant, S. Lederman, M.K. Fuerst, 3rd Edition, LexisNexis, c 17). Silence would not corroborate an allegation of incompetence: it is not acquiescence to anything. It is certainly not in the nature of evidence supporting such an allegation. The criterion serves to allow the person against whom the allegation is made to respond to it if they so wish.

[36] The first and second criteria were not met. Regarding the first criterion, the applicants would have had to establish incompetence. As the sole allegation in this regard, the applicants state that it is the fact that the husband was designated as the "principal applicant", instead of

Ms. Souane, that constitutes incompetence. It is unclear why. Both applicants were able to testify. They offer no explanation of how this designation would provide any advantage. It is important to remember that the spouses had different difficulties to overcome: Mr. Hamadouche had to establish a forward-looking risk even though he had no fear, while his wife could have this forward-looking risk that her husband did not have (by his own admission). That is why the issue of an IFA could not apply to him; he did not qualify as a refugee or person in need of protection. This was not the case for Ms. Souane, who had to establish on the basis of the two prongs discussed above that the IFA could not apply to her. The applicants, who had the burden of demonstrating their consultant's incompetence, failed. Not being designated as the "principal applicant" was inconsequential, in light of the only item of evidence submitted.

[37] There was a time when the second criterion was worded as if it were necessary to establish with certainty that the outcome would have been different if there had been no incompetence. The wording of this in *Ibrahim*, cited above, no longer refers to certainty, but rather "reasonable probability that the result of the original hearing would have been different" (para 29). It appears that reasonableness has therefore replaced certainty.

[38] Moreover, it is still necessary to establish that the harm stemming from the alleged incompetence is significant. Here, even if there had been incompetence in allowing the RPD to designate the husband as the "principal applicant", it was by no means proved that this had any impact on the outcome. The forward-looking risk that Ms. Souane wanted to establish, and about which she testified, was assumed, given that the RPD, and the RAD, instead wanted the applicants to benefit from an IFA in their country of nationality if there was a forward-looking

risk before trying to claim refugee protection abroad. The status of “principal applicant” was not demonstrated as providing any advantage, and in any case, the demonstration of forward-looking risk would not meet the applicants’ burden of establishing that there was no IFA.

[39] This means that the breach of procedural fairness, because the consultant selected by the applicants was allegedly incompetent, was not established.

[40] Finally, the applicants complained that the RAD recommended that the applicants exercise caution once at their IFA’s location. The RPD had spoken of cutting off all contact with Mr. Hamadouche’s family, but the RAD considered this comment to be unrealistic. It noted, rather, that in the past, Mr. Hamadouche may have inadvertently disclosed information that could expose them to unwelcome interference. In its decision, the RAD referred to past disclosures related to their living environment.

[41] The applicants talked about the RAD’s contradictions in its reasoning [TRANSLATION] “because writing, on the one hand, that caution is required and that, on the other hand, the applicants can live in peace in Algeria, means recognizing, to a certain extent, that the risk exists”. I do not share this opinion. First, the RAD did not speak of caution as being required; it instead spoke in terms of “some caution in disclosing their new home to others, as they likely did when the female appellant was living with her parents in Saïda, since no one found her for one year” (RAD decision at para 29). This recommendation for caution appears to me to be obvious. If you need to seek refuge from what are called agents of harm in some circles, taking elementary precautions to avoid disclosing what has to remain confidential or anonymous is

basic. The risk can never be completely eliminated. Like the administrative tribunals, I do not believe that the agents of harm fit the profile of people who would look for the applicants everywhere in Algeria, a country of 40 million people, or around the world. However, if that was the case, the agents of harm could look for the applicants in Quebec. In either case, it would be appropriate to be cautious when disclosing the new living environment. There is no contradiction, as alleged by the applicants.

IV. Conclusion

[42] The application for judicial review must therefore be dismissed. No serious question of general importance is certified.

JUDGMENT in IMM-1413-21

THE COURT'S JUDGMENT is as follows:

1. The application for judicial review is dismissed.

2. There is no serious question of general importance to be certified.

"Yvan Roy"
Judge

Certified true translation
Michael Palles

FEDEERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-1413-21
STYLE OF CAUSE:	RABAH HAMADOUCHE, YASMINA SOUANE and RAFIK AREZKI HAMADOUCHE v MINISTER OF CITIZENSHIP AND IMMIGRATION
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