

Federal Court



Cour fédérale

Date: 20221220

Docket: IMM-269-22

Citation: 2022 FC 1775

Ottawa, Ontario, December 20, 2022

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

**SYEDA ALEENA HAIDER
IMTAZ HAIDER SYED
SYED TAYYAB HAIDER**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION CANADA**

Respondent

JUDGMENT AND REASONS

(Delivered from the bench at Ottawa, Ontario on December 20, 2022)

[1] The applicants are citizens of Pakistan. Mr. and Ms. Haider are spouses, and Mr. Syed is Mr. Haider's father. They claimed refugee status because they fear religious persecution in Pakistan.

[2] The main basis for their fear is the murder of Ms. Haider's brother, in 2009. The applicants, who are Sunni Muslims, allege that Shia extremists murdered the brother and threatened them personally since the murder.

[3] Their claim was rejected by the Refugee Protection Division and the Refugee Appeal Division [RAD] of the Immigration and Refugee Board. The RAD found that there was no evidence that religious extremists murdered the brother. It reviewed a police report and a newspaper article, which did not mention any religious basis for the murder. It noted the applicants' admission that they do not know who murdered the brother, and that their allegation that religious extremists are responsible for it is merely an assumption. Moreover, the RAD assessed the applicants' forward-looking risk and found that all the incidents of threats or violence they reported took place in Gujrat District. In particular, Mr. Syed was not the subject of any threat while he was living in Lahore. On that basis, the RAD found that the applicants had an internal flight alternative [IFA] in Lahore.

[4] The applicants now seek judicial review of the RAD's decision. I am dismissing their application for the following reasons.

[5] The applicants assert that the RAD overlooked the evidence that an extremist religious group was responsible for the brother's murder. I recognize that the applicants subjectively believed that this is so. However, the RAD reviewed the evidence, including a police report and a newspaper article, and found no objective indication that the murder was religiously motivated.

The applicants are essentially asking me to reweigh the evidence in this regard, which is not my role on judicial review.

[6] The applicants argue that it was unreasonable for the RAD to focus on the fact that the identity of those who murdered the brother is unknown. Based on *Diaz v Canada (Citizenship and Immigration)*, 2010 FC 797 at paragraph 22, they say that one may be a refugee even if the identity of the agent of persecution is unknown. This may be true in theory, but it is difficult to assess an agent of persecution's motivation and means if we have no idea of who they are. By noting this issue, the RAD did not ignore the evidence nor engage in illogical reasoning.

[7] The applicants also argue that the RAD should have engaged in a review of the national documentation package [NDP] for Pakistan to gain a better understanding of the Shia-Sunni religious conflict. I disagree. For such matters to be relevant, there has to be evidence that the brother's murder was religiously motivated in the first place. General discussions of religious conflict cannot make up for the lack of particularized evidence.

[8] Nor did the RAD ignore evidence of other threats or attacks against the applicants. It reasonably noted that these threats or attacks were limited to Gujrat District, and that when Mr. Syed lived in Lahore, nothing happened to him. In the absence of evidence of the identity of the authors of these threats or attacks, it was reasonable for the RAD to find that the applicants would not be at risk in Lahore.

[9] For these reasons, the application for judicial review is dismissed.

JUDGMENT in IMM-269-22

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No question is certified.

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-269-22

STYLE OF CAUSE: SYEDA ALEENA HAIDER, IMTAZ HAIDER SYED,
SYED TAYYAB HAIDER v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION CANADA

PLACE OF HEARING: HELD BY VIDEOCONFERENCE

DATE OF HEARING DECEMBER 20, 2022

JUDGMENT AND REASONS: GRAMMOND J.

DATED: DECEMBER 20, 2022

APPEARANCES:

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