Federal Court  Cour fédérale

Date: 20200123

Docket: IMM-2335-19

Citation: 2020 FC 83

Ottawa, Ontario, January 23, 2020

PRESENT: The Honourable Mr. Justice Roy

BETWEEN:

MUHAMMAD KALEEM ULLAH, NABEELA YASMEEN, MUSA KALEEM, MUHAMMAD ABDULLAH, EISA ROOH ULLAH, FATIMA ZAHRA

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] In this judicial review application made pursuant to section 72 of the *Immigration and Refugee Protection Act*, S.C. 2001, c 27 [IRPA], the decision maker, the Refugee Appeal Division (RAD), dismissed the appeal of the decision of the Refugee Protection Division (RPD). The applicants are all nationals of Pakistan and they sought protection as refugees.

I. The facts

[2] The facts of this case are anything but straightforward, if only because the principal applicant has presented a narrative which, over time, evolved considerably. Such "evolution" must be detailed.

[3] The evidence in this case starts with a "First Information Report regarding cognisable offence reported to the police under section 154 of the Criminal Procedure Code". This appears to constitute the complaint that was made to the police in Pakistan, following a tragic incident involving the principal applicant; it is alleged to have occurred on August 8, 2012.

[4] According to the complaint, the principal applicant sent one of his employees to pick up a cheque from someone by the name of Qaiser Butt. Both the principal applicant and Mr. Butt were operating clothing shops at a market. Mr. Butt, according to the complaint, beat up the employee and verbally abused him. Obviously, he never delivered the cheque. Upon the report made by the employee to his boss, the principal applicant went to confront Mr. Butt at his shop. Mr. Butt threatened the principal applicant with "consequences". The principal applicant returned to his shop but, a short time later, Mr. Butt and a number of other men carrying firearms arrived and they immediately began shooting at the people then in the applicant's shop. One of the persons present was killed and five others, including the applicant, were injured. Indeed, the applicant required hospitalization in Lahore as he was hit in the hip joint. The complaint speaks of "(t)he reasons of animosity was financial transaction" (RAD decision, para 10). The same complaint speaks of "(t)he aggressors have caused fear and terror among the masses by resorting

to indiscriminate shooting at the bazaar" (RAD decision, para 10). The complaint was made on the day of the shooting incident by the principal applicant's brother.

[5] The description of the incident changed when presented in the Basis of Claim (BOC) made in Vancouver on November 21, 2016. That was just a few days after the applicant and his family crossed the border into British Columbia, after having spent the preceding months following their arrival from Pakistan, on December 26, 2015, in the United States. In fact, according to the BOC, the applicants spent those months in New York, except for a short trip to Buffalo for "two weeks" where, it appears, they hoped to cross the border into Canada. Instead, eleven months later, the family travelled to Seattle by plane in order to come to Canada. There is no explanation for that state of affairs.

[6] The BOC offers a significantly different narrative of the incident of August 8, 2012. This time, the principal applicant states that his "problem was I was western dress designer" (Certified Tribunal Record (CTR), p. 103). More specifically, the principal applicant claims that he was designing ladies' clothes. He says that "(t)here [*sic*] issue with me was I don't make cultural clothes but rather design and make western clothes due to which women are not wearing traditional dresses and I am spreading vulgarity" (CTR, p. 103). Furthermore, the principal applicant claims that he was faulted for not paying donations to Lashkar Taib. In this narrative, the shooting incident is described as ten terrorists starting to open fire, which resulted in the death of one of the applicant's customers. The principal applicant states that there was no reason for attacking him. In the BOC, the principal applicant says that he did report the attack to the police, as opposed to the complaint having been made by the applicant's brother. For the

principal applicant, it is the First Information Report (FIR), which will get the terrorists to "take any step to kill me and my family" (CTR, p. 104). He says that he changed residence and changed school for his four children. Indeed, he claims that there have been two more shooting incidents, one on February 6, 2015, near Islamabad where someone pointed a firearm at his son. He was not injured. Then, on September 15, 2015, two persons on a motorcycle shot at the car he was in, together with one of his brothers. He did not complain to the police with respect to that incident.

[7] The evolution of the storyline was not complete. An amended BOC narrative was done on January 12, 2017. This time, the narrative begins in early August 2012. It is alleged that members of Jamaat ul Dawa with Qaisar Butt approached him at his shop and asked for a donation of half a million rupees. The donation was meant to be obligatory, yet the principal applicant refused to donate any money. As a result, these persons were upset and stormed out of the shop. The principal applicant declares that Qaisar Butt is a member of Jamaat ul Dawa. The amended BOC narrative then says that "(s)everal days later I received a call from someone identifying himself as Lashker-e-Tayyaba" who complained that "I was designing vulgar dresses for women and facilitating immorality among them". He was said to be an agent of the West who promoted vulgarity and destroyed the culture which was an open war against the religion of Islam (Amended BOC narrative, para 5).

[8] It is only at paragraph 6 that reference is made to the tragic incident of August 8, 2012. However, the story is not the same. It is said this time that "one of my employees was on his way to the bank to deposit cheques in our business account when he was accosted by Qaisar Butt"

(Amended BOC narrative, para 6). The difficulty is that the original First Information Report was speaking in terms of an employee of the principal applicant going to Qaisar Butt's shop in order to retrieve a cheque. In the amended BOC narrative, cheques were to be deposited at a bank and the cheques were stolen by Butt. While the First Information Report spoke of the principal applicant going to Butt's shop to confront him, the amended BOC narrative sends one of the principal applicant's brother (Naeem) and several shop owners to confront Butt at his shop who is said to have been very rude towards them. An hour later, Butt, together with members of the Jamaat ul Dawa attacked the shop.

[9] That is not all; at paragraph 8 of the amended BOC narrative, the principal applicant declares that he was operated on at a hospital in Lahore. Several months later he had to be operated again as he was experiencing excruciating pain. He declares that "I remained bed ridden for two years and was not able to work".

[10] The principal applicant reports that he started receiving threatening phone calls, including calls where he was ordered to withdraw the FIR or else be killed (Amended BOC narrative, para 9). The same callers demanded that he renounce designing western-style women's clothing and make donations for that organisation. He claimed that he was warned that his children would be kidnapped. While he would have been bedridden for two years starting around the fall of 2012, the principal applicant states that he and his family relocated again to Rahwali in November 2013. The decision was made, he says, to wind up his business, which had been flourishing. In early 2014, he received another phone call asking for a donation of one million rupees to Jamaat ul Dawa. That made the bedridden principal applicant to relocate again to a different

neighborhood in April 2014. In December 2014, the principal applicant sold his second business outlet (he had originally three outlets). He relocated again his family, this time to the city of Murree.

[11] The attempt at shooting at his son on February 6, 2015 is somewhat elaborated on in the amended BOC narrative. The reader learns that as they were out to look for rentals in Murree, a "bearded armed man approached us. He shot at my son Musa but my son miraculously escaped harm" (Amended BOC narrative, para 13). As a result, the family relocated in Wazirabad. That is where, on September 15, 2015, "two bearded men on a bike" who were following the applicant and his brother came close by and they started shooting at the car, smashing the window.

[12] As can be readily seen, the narrative evolved and evolved quite significantly. In fact, it evolved one last time when the principal applicant submitted a second amended BOC narrative adding a paragraph 17 to the 16 paragraphs of the first BOC narrative. That paragraph reads as follows:

> 17. In January of 2016 my brother Naeem started receiving anonymous threatening calls warning him to withdraw the FIR that he had lodged on my behalf in August of 2012 and asking about my whereabouts. He continued to receive such threats forcing him to change his residence twice, once in 2015 and once in 2016. He went to the police for help and was ultimately advised by letter from the police to install a gate in front of his business (which is the last remaining outlet of German Suitors) and to get his own gun for personal safety.

It is somewhat surprising that Naeem would have been forced to change his residence twice, once in 2015 and once in 2016 because of a phone call that came in 2016. At any rate, it does not

appear that the applicant's other brother who is operating the store with Naeem ever had to relocate and, indeed, the brothers have continued to operate the store without, seemingly, any particular difficulty. I note that there is on this record no direct evidence coming from Naeem or anyone else. They are referred to by the applicant.

II. RAD decision

[13] The RAD declared that the determinative issue in this appeal is the Internal Flight Alternative (IFA), which exists in this case in Pakistan. There were two issues examined by the RPD. First, it considered that the claim was not credible. The story having evolved over three narratives, the RPD was very much concerned by the allegation that the trouble the principal applicant ran into was because he was a western dress designer. The panel considered that "(t)he questions that arise from this allegation are two-fold: why would the principal claimant have this problem when literally hundreds of other fashion designers in Pakistan clearly do not; and, secondly, why are the claimant's brothers still able to operate their store openly, when the principal claimant could not?" (RPD decision, para 21). As for the refusal to make donations, the RPD noted the evolution from the original BOC narrative where the refusal to pay a donation was barely mentioned. The RPD did not even mention that the original First Information Report did not even allude to a refusal to make a donation or, for that matter, the designer issue, only to state that "(t)he reason of animosity was financial transaction". Indeed, the RPD notes that the emphasis changed again in the two amended BOC narratives to focus on the refusal to make donations. In the end, the RPD found the claim to be defective because of the lack of credibility and concluded that there was an IFA in Pakistan.

[14] It is in that context that the RAD rendered its decision and stated that the determinative issue is the IFA. The parties agree, and the Court concurs, that whether what is considered is the credibility of the claim or the availability of an IFA, the standard of review shall be reasonableness. Accordingly, it is the applicants' burden to establish through a balance of probabilities that the decision on the IFA is not reasonable as the decision is not justified and the process of articulating the reasons does not provide justification, transparency and intelligibility within the decision making process.

[15] The RAD identified the two prong test that must be applied in assessing an IFA. One prong is concerned with the safety of the area where the claimant could find a flight alternative, while the other deals with the conditions in that part of the country that would make the alternative unreasonable. Recently, our Court encapsulated the test in the following fashion in *Photskhverashvili v Canada (Minister of Citizenship and Immigration)*, 2019 CF 415 at paragraph 29:

> [29] To find an IFA, the RAD must be satisfied, on a balance of probabilities, that: (1) there is no serious possibility of an appellant being persecuted in the IFA; and (2) in all the circumstances - including circumstances particular to an appellant - conditions in the IFA are such that it would not be unreasonable to seek refuge there *(Rasaratnam v Canada (Minister of Employment & Immigration)* (1991), [1992] 1 FC 706 at paras 5 and 6).

It has been found by the Federal Court of Appeal in *Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164 [*Ranganathan*], examining one of its prior decisions in *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1

FC 589 [*Thirunavukkarasu*], that there is a high threshold required concerning the second prong of the test:

> [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.
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> [My emphasis.]

The Federal Court of Appeal specifically declined to lower the standard.

[16] For the RAD, whether this constitutes a dispute with a local businessman or there is some risk from terrorist groups, the result is the same. An internal relocation is possible in Pakistan. For so doing, the RAD relies on country documentation from the United Kingdom Home Office where the point is made about the size and the diversity of the population found in Pakistan, such that there are viable relocation options for a member of most ethnic and religious minorities.

[17] The RAD addressed squarely the principal appellant’s contention that it would not be safe for the applicants to return to any location in Pakistan, on the basis that the particular group allegedly involved in the persecution has a very strong network, having the ability to find anyone in Pakistan. For its part, “(t)he RAD finds the Appellant’s testimony about the agent of persecution’s ability to track him down was vague and lacking in specificity” (RAD decision,

para 32). Further, at paragraph 34, one reads: “(t)he RAD finds it reasonable to expect that, if an individual or organization was of sufficient strength and reach to be able to learn of a person’s return to Pakistan or their presence in any city in Pakistan, there would be objective country condition evidence to support this”. No such documentary evidence was submitted by the applicants and the available documentary evidence does not establish that there is the geographic reach capability to trace these applicants in a country like Pakistan.

[18] The RAD quotes at length from the Department of Foreign Affairs and Trade on the conditions in Lahore, Islamabad and Karachi. It concludes that “there is not a serious possibility that the Appellant [the applicant before the Court] would face persecution at the hands of the agents of persecution in Karachi, Lahore and Islamabad” (RAD decision, para 38).

[19] As for the second prong, it is said at paragraph 40 of the decision that “(t)he only issue advanced against relocation within the Appellants’ country is that they are targets of an individual associated with extremist groups and that they will find him anywhere in Pakistan. The RAD has previously concluded the agent of persecution does not have that ability”.

[20] Whether the claim is credible or not becomes a red herring once it has been determined that a flight alternative exists in Pakistan. Nevertheless, the RAD spent some time examining the credibility of the claim. Thus, the RAD noted that the FIR did not mention any association with terrorism or an agent of persecution or that extortion for the benefit of a terrorist organization was at the heart of the tragic incident of August 8, 2012.

[21] With respect to another shooting incident, what was referred to as a police report by counsel at the hearing of this case is in fact a letter concerning the shooting incident of September 15, 2015 by the principal applicant's brother. It is unclear whether it was ever sent to, or received by, the police authorities. As with the FIR, little weight is put on this letter. Finally, the RAD finds that there is evidence that the two brothers who are operating the remaining store are still able to live and conduct business in Pakistan.

III. Arguments and analysis

[22] As already noted, the standard of review in this case is reasonableness. In my view, the applicants have failed to show that the conclusion reached by the RAD (and also the RPD), and how it was reached, that there exists an IFA in some of the large cities in Pakistan is not reasonable.

[23] It seems to me that it is often too easily forgotten what the rationale is for the IFA. In *Rasaratnam v Canada (Minister of Employment and Immigration)*, [1992] 1 FC 706, the Federal Court of Appeal reminded what the origin of the concept is:

> … since by definition a Convention refugee must be a refugee from a country, not from some subdivision or region of a country, a claimant cannot be a Convention refugee if there is an IFA. It follows that the determination of whether or not there is an IFA is integral to the determination whether or not a claimant is a Convention refugee. I see no justification for departing from the norms established by the legislation and jurisprudence and treating an IFA question as though it were a cessation of or exclusion from Convention refugee status.
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> (p. 710)

Basically, before seeking refuge abroad, one must seek an alternative in one's country of origin (*Thirunavukkarasu, supra*, p. 599). The claimant must show, on a balance of probabilities, that she is a refugee, which includes that there is a serious possibility of persecution in the area which is alleged to afford an alternative.

[24] The words of Linden J.A. in *Thirunavukkarasu, supra*, in 1994, were specifically endorsed in *Ranganathan, supra*. They serve as a reminder of what is expected from a claimant:

> Thus, IFA must be sought, if it is not unreasonable to do so, in the circumstances of the individual claimant. This test is a flexible one, that takes into account the particular situation of the claimant and the particular country involved. This is an objective test and the onus of proof rests on the claimant on this issue, just as it does with all the other aspects of a refugee claim. Consequently, if there is a safe haven for claimants in their own country, where they would be free of persecution, they are expected to avail themselves of it unless they can show that it is objectively unreasonable for them to do so.
>
> 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?
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> An IFA cannot be speculative or theoretical only; it must be a realistic, attainable option. Essentially, this means that the alternative place of safety must be realistically accessible to the claimant. Any barriers to getting there should be reasonably surmountable. The claimant cannot be required to encounter great physical danger or to undergo undue hardship in travelling there or in staying there. For example, claimants should not be required to

> cross battle lines where fighting is going on at great risk to their lives in order to reach a place of safety. Similarly, claimants should not be compelled to hide out in an isolated region of their country, like a cave in the mountains, or in a desert or a jungle, if those are the only areas of internal safety available. But neither is it enough for refugee claimants to say that they do not like the weather in a safe area, or that they have no friends or relatives there, or that they may not be able to find suitable work there. If it is objectively reasonable in these latter cases to live in these places, without fear of persecution, then IFA exists and the claimant is not a refugee.
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> In conclusion, it is not a matter of a claimant's convenience or the attractiveness of the IFA, but whether one should be expected to make do in that location, before travelling half-way around the world to seek a safe haven, in another country. Thus, the objective standard of reasonableness which I have suggested for an IFA is the one that best conforms to the definition of Convention refugee. That definition requires claimants to be unable or unwilling by reason of fear of persecution to claim the protection of their home country in any part of that country. The prerequisites of that definition can only be met if it is not reasonable for the claimant to seek and obtain safety from persecution elsewhere in the country.
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> (pages 597-598-599)
> [My emphasis.]

[25] In *Kanthasamy v Canada (Citizenship and Immigration)*, 2015 SCC 61, 2015 SCR 909, the Supreme Court commented that relief on humanitarian and compassionate grounds is not intended to be an alternative immigration scheme. The same can be said of the refugee protection which is offered. A person who has an IFA is not a refugee and the preference for staying in Canada does not suffice.

[26] The case for the applicants never rises beyond a disagreement with the RAD about evidence offered by the principal applicant. I have reviewed the transcript of the hearing before the RPD on February 15, 2018. While the principal applicant relies on his more detailed

testimony, that testimony was less than enlightening. Indeed, the evolution of the story, which started with the FIR, continued before the RPD.

[27] Contrary to what was contended by the applicants, the RAD followed, in my view, scrupulously the test for establishing an IFA. The principal applicant never discharged his burden of establishing that he is a refugee.

[28] The applicants claimed that the RAD expected that was to be established "how someone would be able to locate him among millions of people in Pakistan", as if this were a higher threshold than what could be reasonable, where it referred, at paragraph 31, to the contention that the applicant could not be safe anywhere in Pakistan because he could be tracked down. When read in context, that is not the construction that can be put on those words. In support of his argument that he could be tracked down, the applicant suggested before the RPD that someone attacked him while he was looking for a home to rent, away from where he had lived previously (in Muree, near Islamabad). Paragraph 31 of the RAD decision dealt in its first half with how the applicant knew that the person who tried to attack his son was a terrorist, the "bearded men"; the applicant had only to offer that that person was bearded and had long clothes. Then, the RPD added that "(w)hen asked if he could provide any additional evidence on this issue or how someone would be able to locate him among millions of people in Pakistan, the Appellant replied that he did not know". This does not constitute a requirement of higher standard. It is merely a quip by the RPD: how can it be reasonably argued that the applicant can be located among millions of Pakistanis? It refers rather to the population of cities like Karachi, Lahore or Islamabad; it is a way of expressing that there is no serious possibility of the claimant being

persecuted in cities like these three. The RAD took issue with the vagueness of the testimony and its lack of specificity (RAD decision, para 32) about how he could be tracked down.

[29] Fundamentally, the applicants suggest that a standard of certainty of persecution is imported by the RAD in its decision. On the contrary, the RAD concluded that the principal applicant's testimony about the ability to track him down was vague and lacking in specificity. The applicant's contention boiled down to saying, simply, that "(t)hey have very strong network, they have that ability to find me. Nothing in Pakistan is hidden from them" (RAD decision, para 32). It can hardly be argued that not being satisfied with that evidence is setting a standard of certainty of persecution.

[30] The IFA being the determinative issue, the judicial review application must be dismissed. But there is more. The issues raised by the applicants concerning the credibility of the claim are red herrings. There was, in my view, ample evidence to conclude this claim lacks credibility. From the FIR to the first BOC and the amended BOC narratives, to the testimony of the principal applicant before the RPD, there was such an evolution in the story that it became impossible to know what the true story is. The FIR is about a financial transaction. It is only much later that it is portrayed as being attempts by terrorists to extort money from the principal applicant. The credibility of this claim was from the very beginning an issue. There was nothing new with the difficulty of understanding the applicant's story by the time it reached the RAD. In fact, the RPD noted specifically that the "principal claimant's story evolved over his three narratives" (RPD decision, para 21).

[31] It is quite clear that the RPD did not believe the story as told because, largely, the story "evolves" so much. The RAD did not disagree. I fail to see how the RAD was misguided.

[32] The applicant submits that the reference by the RAD to the FIR constitutes a violation of procedural fairness as the document has not been referred to by the RPD. The claim is that the applicant ought to have been allowed to make submissions. I do not share this point of view.

[33] As was found by the RPD, the principal applicant's narrative evolved considerably over time. That, in and of itself, is problematic when credibility is an issue, as was declared to be the case early on. As the Court points out in *Koffi v Canada (Citizenship and Immigration)*, 2016 FC 4, the RAD did not ignore contradictory evidence on the record and make additional findings on issues unknown to the applicant (para 38). In fact, the "evolution" appeared on the face of the FIR which was in evidence. There was nothing new. It was well known that credibility was at the heart of this case, together with the IFA. In effect, there was no new question and new argument raised (*Ching v Canada (Citizenship and Immigration)*, 2015 FC 725) which would require that be allowed some submission. As in *Sary v Canada (Citizenship and Immigration)*, 2016 FC 178, the FIR is nothing more than "another piece of evidence in the tribunal's file which supported the RPD's findings on Mr. Sary's lack of credibility… This is not a situation where the decision maker considered extrinsic evidence without giving Mr. Sary the opportunity to review it. On the contrary, Mr. Sary's credibility constituted the very basis of the RPD's decision and the appeal filed by Mr. Sary" (para 30). That applies equally in this case.

[34] In this case, the applicants themselves referred to the FIR in their submissions before the RAD. It is said at paragraph 6 of the factum before the RAD that "(t)he incident [of August 8, 2012] was reported to the police and an FIR was lodged but nothing ever came of it" (para 6). The story reported in the preceding paragraphs of the factum did not correspond to the narrative in the FIR. It is a bit rich to then argue that "(t)he RPD's credibility assessment was extremely brief and superficial" (factum before the RAD, para 17). In fact, the applicants argue that the FIR constituted corroborative evidence (factum before the RAD, para 31). The RAD merely noted that the FIR did not refer to the incident as being in association with terrorist related activities, the very issue put into play by the applicants in their factum before it. There is no new question or new argument. The RAD did not raise questions that were not advanced by the applicants, but merely addresses issues brought up by the applicants (*Kwakwa v Canada (Citizenship and Immigration)*, 2016 FC 600). There was no violation of the principles of procedural fairness.

[35] The same must be said of a "police report" concerning the alleged attack of September 15, 2015. As I understand it, the argument is that the RAD assessed the authenticity of the "police report" without raising the issue with the applicants. The trouble with the argument is that its premise is not established. All that the RAD found is that counsel for the applicants, at the hearing before the RPD, referred to the said document as being a FIR, which it cannot be, to, then, later, describe it as a "police report". On its face, the document cannot be a "police report" as it takes the form of a letter from someone who identifies himself as the principal applicant's brother and who reports on the September 15 incident. The RAD finds that this is not a "police report", but rather a simple letter about which there is no documentation to indicate that it was even received. The RAD concludes that there is little weight that can be attributed to the

document. This goes to the sufficiency of the evidence; there was no violation of a principle of procedural fairness (*Farooq v Canada (Citizenship and Immigration),* 2013 FC 164; *Procedural Fairness Where Credibility is an Issue*, by Steven Meurrens, meurrensonimmigration.com).

[36] The other arguments raised by the applicants are also without merit. They are no more than a disagreement with the assessment made by the RAD (the principal applicant's brothers who have continued to operate the store) and the reasons being allegedly defective. They are not. When read in light of the record, they amply allow the reviewing court to understand the basis of the decision.

[37] The Supreme Court has on more than one occasion agreed with this passage taken from *Komolafe v Canada (Citizenship and Immigration),* 2013 FC 431:

> [11] *Newfoundland Nurses* is not an open invitation to the Court to provide reasons that were not given, nor is it licence to guess what findings might have been made or to speculate as to what the tribunal might have been thinking. This is particularly so where the reasons are silent on a critical issue. It is ironic that *Newfoundland Nurses*, a case which at its core is about deference and standard of review, is urged as authority for the supervisory court to do the task that the decision maker did not do, to supply the reasons that might have been given and make findings of fact that were not made. This is to turn the jurisprudence on its head. *Newfoundland Nurses* allows reviewing courts to connect the dots on the page where the lines, and the direction they are headed, may be readily drawn. Here, there were no dots on the page.
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> [My emphasis.]

It was referred to in *Williams Lake Indian Band v Canada (Aboriginal Affairs and Northern Development),* 2018 SCC 4, [2018] 1 SCR 83 at paragraph 154. Similarly, the same paragraph was quoted at length in *Canada (Minister of Citizenship and Immigration) v Vavilov,* 2019 SCC

65, at paragraph 97. The reasons in this case are much more than dots on a page. For those who disagree with reasons, they will always be deficient. I have not been convinced that there is any deficiency of any magnitude in this case.

[38] To the extent the existence of an IFA exists, as found by the RAD, this constitutes the complete disposition concerning the reasonableness of the claim. There is no need to consider the credibility of the claim, but the finding concerning the credibility of the claim is amply supported and is therefore reasonable. As for transgressions of procedural fairness, the allegations concerning errors by the RAD have not been made out; they are no more than a disagreement with the findings of the RAD dressed up as some failure to engage in a dialogue. It is worth repeating: the determinative issue was the presence of an alternative location in Pakistan where the principal applicant would feel safe.

[39] The parties are in agreement that there is no question to be certified in accordance with section 74 of IRPA.

JUDGMENT in IMM-2335-19

THIS COURT'S JUDGMENT is that:

1. The judicial review application is dismissed.

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

"Yvan Roy"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	IMM-2335-19
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