Federal Court  Cour fédérale

Date: 20200311

Docket: IMM-4222-19

Citation: 2020 FC 350

[UNREVISED CERTIFIED ENGLISH TRANSLATION]

Ottawa, Ontario, March 11, 2020

PRESENT: The Honourable Mr. Justice Gascon

BETWEEN:

MANPREET SINGH

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The applicant, Manpreet Singh, is a Sikh citizen of India from the state of Punjab. He seeks judicial review of a decision of the Refugee Appeal Division [RAD] dated May 28, 2019 [Decision], in which the RAD confirmed the rejection, by the Refugee Protection Division [RPD], of Mr. Singh's refugee protection claim and refusal to grant him refugee or person in

need of protection status under sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. Both the RAD and the RPD rejected Mr. Singh's claim on the grounds that he had a viable internal flight alternative [IFA] in Bangalore or Mumbai.

[2] Mr. Singh alleges that the Decision is unreasonable on two levels. First, he claims that the RAD erred in its assessment of the evidence as a whole, in particular with regard to his specific profile and the objective evidence available in the National Documentation Package on India [NDP]. Second, he submits that the RAD erroneously concluded that he had a viable IFA in Bangalore or Mumbai. Mr. Singh therefore asks the Court to set aside the Decision and to return the matter to the RAD for a new hearing before a differently constituted panel.

[3] The only issue is whether the RAD's findings on Mr. Singh's IFA are reasonable.

[4] For the following reasons, I will dismiss the application for judicial review. In light of the RAD's findings, the evidence presented to it and the applicable law, I see no reason to overturn the Decision. The RAD's reasons have the qualities which make its reasoning logical and coherent with regard to the relevant legal and factual constraints. There are therefore no grounds warranting the Court's intervention.

II. Background

A. *Facts*

[5] In his refugee protection claim, Mr. Singh alleges that he and his brother were members of the Indian National Congress [INC], a political party, and that they held various senior positions in that party.

[6] In 2008, Mr. Singh's brother was reportedly arrested and tortured twice, while police in Punjab, a Sikh-majority state in India, suspected him of having links with drug traffickers and political activists. Immediately after regaining his freedom, Mr. Singh's brother reportedly fled to Australia.

[7] In 2015, after Mr. Singh was appointed secretary general designate of the INC, the police authorities allegedly summoned him to the police station to question him about his brother's ties to the activists. According to Mr. Singh's account, following this arrest, he decided to decrease his involvement in politics, thus following the advice of those around him.

[8] However, in January 2016, a first police operation was allegedly orchestrated at his home, during which he was arrested and tortured, so that he would reveal where his brother was hiding. Police also allegedly accused Mr. Singh of helping activists cross the border between India and Pakistan. After learning that Mr. Singh had consulted a lawyer sometime after the police operation at his home, the police authorities allegedly tried to arrest him again. He claims to have managed to flee to the home of some family members. In April 2016, assisted by an immigration agent, Mr. Singh allegedly left India for Canada.

[9] In October 2017, the RPD rejected Mr. Singh's refugee protection claim on the ground that he had a viable IFA. Mr. Singh appealed the RPD's rejection, but the RAD dismissed his appeal and confirmed the RPD's findings. It is the RAD decision that is the subject of this application for judicial review.

B. *RAD's Decision*

[10] In its Decision, the RAD first established that the determinative issue was the viability of the IFA. After conducting an independent examination of the evidence, including listening to the tape-recording of the hearing before the RPD, the RAD concluded, like the RPD, that Mr. Singh had not established that he risked being exposed to a risk of persecution in Bangalore or Mumbai or that it would be unreasonable for him to settle in one of those two places to continue his life there.

[11] In its analysis, the RAD assessed the two prongs of the test for determining whether a viable IFA exists. The first prong is to ensure that there is no serious possibility, on a balance of probabilities, that the refugee protection claimant will be persecuted in the proposed IFA. If this is the case, then the second requires that the conditions in the proposed IFA be such that it would not be unreasonable, upon consideration of all the circumstances, including of the claimant's personal circumstances, for the claimant to seek refuge there (*Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589 (CA), 109 DLR (4th) 682 [*Thirunavukkarasu*] at para 12; *Rasaratnam v Canada (Minister of Citizenship and*

Immigration), [1992] 1 FC 706 (CA), 140 NR 138 at para 47; *Ndimande v Canada (Citizenship and Immigration)*, 2019 FC 1025 at para 27).

[12] In light of the first prong of the test, the RAD concluded that the objective evidence, as a whole, demonstrated that the police authorities would not find Mr. Singh in the locations proposed as an IFA. The RAD acknowledged that there were some inconsistencies in the evidence regarding the exchange of communications within Indian police authorities. However, the RAD stated that it agreed with the RPD's conclusion, based on objective evidence and on a balance of probabilities, that the Punjab police authorities would not be alerted to Mr. Singh's return to the country by the authorities in Bangalore or Mumbai, in the event that the latter verify Mr. Singh's identity.

[13] To support its conclusions, the RAD considered that Mr. Singh would have had difficulty leaving India if he had been wanted by the police, since Indian citizens must undergo a four-step check when they wish to leave the country. Since Mr. Singh did not demonstrate this and alleges that he left India on his own passport, the RAD considered it unlikely that he would be exposed to a risk of persecution in Bangalore or Mumbai. The RAD also noted that Mr. Singh had not been charged with or convicted of any crime. Thus, his name does not appear in a police database or on a list of wanted persons.

[14] The RAD also reviewed information regarding the police computer database known as the Crime and Criminal Tracking Network and Systems [CCTNS], which is used by most Indian police stations. It noted, however, that CCTNS is not yet fully reliable across the country and is

not completely accurate with regard to who is registered in it. Furthermore, the RAD noted that it mainly records heinous crimes such as murder, rape or robbery, for which no notice of criminal offence has been issued against Mr. Singh.

[15] With respect to the second prong, the RAD concluded that the RPD correctly determined that Mr. Singh's personal circumstances—that is, his age, education, language skills in Punjabi, Hindi and English and his job prospects—made it not unreasonable or excessively difficult for him to relocate to any of the locations offered as an IFA. In sum, the RAD was not persuaded that Mr. Singh could be personally at risk by relocating to Bangalore or Mumbai and that it would therefore not be unreasonable for him to do so.

[16] Mr. Singh had the burden of satisfying the RAD that it would be unreasonable or too severe for him to relocate to one of the proposed Indian cities, and the RAD concluded that Mr. Singh had not discharged his burden. Rather, the RAD expressed the view, based on the evidence, that Mr. Singh had the attributes necessary to find employment and adjust to a new living environment. In addition, the identified Indian cities have a large Sikh community, which would facilitate his integration.

C. *Standard of review*

[17] It is well established that the standard of reasonableness must be applied by the Court when it reviews the RAD's findings on an IFA (*Canada (Citizenship and Immigration) v Huruglica*, 2016 FCA 93 at para 35; *Kaisar v Canada (Citizenship and Immigration)*, 2017 FC

789 [*Kaisar*] at para 11; *Deb v Canada (Citizenship and Immigration)*, 2015 FC 1069 [*Deb*] at para 13).

[18] Since the decision of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*], the analytical framework is now based on the presumption that the standard of reasonableness is the applicable standard in all cases. This presumption can only be rebutted in two types of situations. The first is where the legislature has prescribed a standard of review or where it has provided for an appeal from the administrative decision to a court; the second is where the question on review falls into one of the categories of questions that the rule of law requires to be reviewed on a standard of correctness (*Vavilov* at paras 10, 17; *Canada Post Corp. v. Canadian Union of Postal Workers*, 2019 SCC 67 [*Canada Post Corporation*] at para 27).

[19] None of these situations for departing from the presumption of the reasonableness review apply in this case. The RPD's Decision is therefore reviewable on a standard of reasonableness. The parties do not challenge this.

[20] As for the content itself of the reasonableness standard, the Minister submits that *Vavilov* is part of the framework for the application of this standard, set out in *Dunsmuir v New Brunswick*, 2008 SCC 9 [*Dunsmuir*] and those that followed it. I generally agree with this statement. Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on "an internally coherent and rational chain of analysis" and is

"justified in relation to the facts and law that constrain the decision maker" (*Vavilov* at para 85; *Canada Post Corporation* at paras 2, 31). The reviewing court must therefore ask whether the "decision bears the hallmarks of reasonableness—justification, transparency and intelligibility" (*Vavilov* at para 99, citing *Dunsmuir* at paras 47, 74 and *Catalyst Paper Corp. v North Cowichan (District)*, 2012 SCC 2 at para 13).

[21] It is not enough for the outcome of a decision to be justifiable. Where reasons for a decision are required, the administrative decision maker "must also be *justified*, by way of those reasons . . . to those to whom the decision applies" (in italics in the original) (*Vavilov* at para 86). Thus, review according to the reasonableness standard is concerned with both the outcome of the decision and the reasoning process followed (*Vavilov* at para 87).

[22] Review according to the reasonableness standard must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must begin its inquiry into the reasonableness of a decision by examining the reasons provided with "respectful attention", and seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (*Vavilov* at para 84). The reviewing court must adopt an attitude of restraint and intervene "only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process" (*Vavilov* at para 13). It is important to remember that review according to the standard of reasonableness always finds its starting point in the principle of judicial restraint and must demonstrate respect for the distinct role conferred on administrative decision makers (*Vavilov* at paras 13, 75). The presumption of reasonableness review is based on "respect for the legislature's institutional

design choice, according to which the authority to make a decision is vested in an administrative decision maker rather than in a court" (*Vavilov* at para 46).

[23] In doing so, the reviewing court will only intervene with respect to the administrative decision maker's findings of fact in "exceptional circumstances", where the decision maker "has fundamentally misapprehended or failed to account for the evidence before it" (*Vavilov* at paras 125–26).

III. Analysis

[24] Mr. Singh contends that the RAD erred in failing to consider his particular situation as a public figure and in ignoring certain elements of the available objective documentary evidence contained in the NDP. According to Mr. Singh, this evidence is nuanced and reveals that the Indian authorities are not only looking for high-level criminals. Mr. Singh criticizes the RAD for ignoring the inconsistencies in the NDP regarding communications between police departments and the tenant registration system in India. According to Mr. Singh, the objective evidence should have led the RAD to conclude that an influential person close to the authorities would be able to find him elsewhere in India, even in densely populated cities like Bangalore or Mumbai, and that a viable IFA was illusory in his case. According to Mr. Singh, despite the shortcomings of the CCTNS, the evidence in the NDP shows that the tenant registration system is indeed in force in India and that the data is now centralized there.

[25] I do not agree with the arguments put forth by Mr. Singh and his counsel, and I am rather of the opinion that by proceeding as it did, the RAD made no error justifying the intervention of the Court.

[26] As I indicated in *Deb* and *Kaisar*, the analysis of an IFA is based on the principle that international protection can only be offered to refugee protection claimants in cases where the country of origin is unable to provide to the person requesting refugee protection adequate protection everywhere within their territory. It is well established that international protection is a measure of last resort; a refugee protection claimant must first try to obtain protection from their own country and, if necessary, relocate within their country before applying for refugee protection from a third country. The onus is on the claimant to prove, on a balance of probabilities, that there is a serious risk of persecution throughout their home country and that it is unreasonable to settle in an IFA (*Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164, 266 NR 380 [*Ranganathan*] at para 13; *Thirunavukkarasu* at para 2). In the Decision, the RAD expressly refers to the well-established test for determining the viability of an IFA, and it therefore cannot be criticized for the legal criterion used for its analysis.

A. *RAD reasonable in concluding no serious possibility of persecution in suggested IFA*

[27] In the first prong of its analysis, the RAD determined that Mr. Singh was not seriously at risk of persecution in Bangalore or Mumbai, and that there was no real and concrete evidence of serious risk preventing him from relocating there. In particular, the RAD conducted an in-depth, detailed and comprehensive analysis of the voluminous documentary evidence available. In light

of this evidence cited extensively in the reasons for the Decision, the RAD's finding that Mr. Singh can find refuge in Bangalore or Mumbai without serious possibility of being persecuted seem reasonable to me. In other words, Mr. Singh failed to demonstrate that either of the two identified IFAs would not be a safe place for him.

[28] Contrary to what Mr. Singh claims, I am satisfied that the RAD considered the risk alleged by Mr. Singh of being found by the police due to the registration of his place of residence as well as the fact that he left his country with the help of an immigration agent. However, in light of all the evidence, the RAD was not persuaded by Mr. Singh's submissions. The RAD considered the documentary evidence as a whole and devoted several paragraphs to it in the Decision. In an exercise that was convincing, meticulous and most effective, the Minister's counsel skillfully worked through the RAD decision during the hearing before the Court to illustrate the extent of the evidence on which the RAD relied.

[29] In its decision, the RAD made direct reference to and cited a wealth of documents establishing that tenant registration existed in India, but observed that efforts to locate a person of interest were focused on cases involving serious crimes. It noted that Mr. Singh had come to Canada on an Indian passport and was able to leave India easily, without a hitch and without pre-boarding checks revealing that he was in a police database or on a wanted persons site. It noted that Mr. Singh had not been charged with a crime, that there was no First Information Report [FIR] about him, and that his name was not included in a police database or on a list of wanted persons. It also indicated that, based on the documentary evidence, the Indian police force does not have sufficient resources or personnel to carry out all of the checks that may be required. The

exchange of information between police forces remains limited and ineffective, and if it is done at all, it is usually only for the most serious cases; furthermore, a police force is not required to inform the others of the movements of persons of interest. The documentary evidence is full of examples that reflect the limitations of the system, its delays, and the fact that it does not cover the entire country.

[30] A careful reading of the relevant excerpts from the NDP also makes it possible to conclude that the tenant registry, in which landlords are required to register their tenants under penalty of reprisals, is generally not consulted beyond the state in which the tenant resides. Mr. Singh's claims that CCTNS, the tenant registration system and any classified system containing a list of individuals of interest to a given police force would be effective and all linked in some way or another do not find support in the objective documentary evidence.

[31] All in all, Mr. Singh did not have the profile of a person wanted for serious crimes who could justify a state in India searching for him in another state of the country. Rather, the documentary evidence establishes, like many other Court decisions, that the state-to-state police communication system in India is deeply flawed and that, if a search is done, it will focus on a certain profile of persons of interest, which is not the case for Mr. Singh, who did not demonstrate that he is wanted by the authorities of his country (*Singh Sidhu v Canada (Citizenship and Immigration)*, 2020 FC 191 at paras 19–23; *Singh v Canada* (*Citizenship and Immigration*), 2017 FC 719 at paras 13–18; *Singh v Canada* (*Citizenship and Immigration*), 2014 FC 269 at paras 12–15).

[32] The RAD's conclusions on the existence of an IFA are essentially factual: they are based on ample documentary evidence, and they go to the very heart of its expertise in matters of immigration and refugee protection. It is well established that the RAD takes advantage of the specialized knowledge of its members to assess evidence relating to facts that fall within its area of expertise. In such circumstances, the standard of reasonableness requires the Court to show great deference to the RAD's findings. It is not the task of a reviewing court to reweigh the evidence on the record, or to reassess the RAD's findings of fact and substitute its own (*Canada Post Corporation* at para 61; *Canada (Canadian Human Rights Commission v Canada (Attorney General)*, 2018 SCC 31 at para 55). Rather, it must consider the reasons as a whole, together with the record (*Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 at para 53; *Dunsmuir* at para 47), and limit itself to determining whether the conclusions are irrational or arbitrary.

[33] The RAD specifically considered Mr. Singh's particular situation and analyzed his claims and fears. On the basis of the evidence before it, the RAD could properly conclude that Mr. Singh had not shown, on a balance of probabilities, that his persecuting agents (the police) would still wish to pursue him in Bangalore or Mumbai. In its analysis of the IFA, the RAD specifically addressed the specific risk that Mr. Singh stated he feared, and determined that there was none in the IFAs identified. The RAD also recognized that the objective evidence concerning communications within the police, the police databases and the lists of wanted persons was not a model of consistency and that the NDP did indeed contain contradictory elements. However, it did take into account Mr. Singh's particular circumstances, including the ease with which he was able to leave the airport in India, and in the circumstances, it was not

unreasonable for the RAD to find that Mr. Singh was not among the people likely to be targeted and searched for.

[34] By concluding that in the absence of official charges, a search warrant or an arrest warrant against Mr. Singh, and despite the fact that his name can be entered in the register of tenants kept by the police of Bangalore or Mumbai, Mr. Singh did not have the required profile for the Punjab police to search for him and find him in Bangalore or Mumbai, or for the police of these two cities to report him to the Punjab police; the RAD did not, in my opinion, commit an error militating in favour of an intervention by the Court.

[35] At the hearing, counsel for Mr. Singh stressed that the RAD should have found a higher risk of being persecuted in the event of return to the places proposed as an IFA, relative to other Indian nationals, given Mr. Singh's status as a public figure in his district. According to Mr. Singh, this status, coupled with the fact that his family in India continues to be bothered by the police, demonstrated a serious risk of persecution in the event of a possible return to his country of origin.

[36] Again, I do not share Mr. Singh's opinion. In my view, the RAD examined Mr. Singh's personal situation, and there was nothing in the evidence to conclude that his status as a public figure put him at risk of persecution. In other words, Mr. Singh has not demonstrated how his being a public figure or his profile could have led to his being searched for and found despite all the flaws and shortcomings of police communication systems in India. In the circumstances, I am satisfied that the RAD took into account the documentary evidence available to it and reasonably

concluded that Mr. Singh would not be at risk of persecution if he returned to India in one of the proposed cities.

[37] The RAD may not have referred to certain evidence as clearly as Mr. Singh would have liked, but this is not sufficient reason to authorize the intervention of the Court. Furthermore, judicial review is not a "line-by-line treasure hunt for errors" (C*ommunications, Energy and Paperworkers Union of Canada, Local 30 v Irving Pulp & Paper*, Ltd., 2013 SCC 34 at para 54; *Vavilov* at para 102). The Court should instead approach the reasons with a view to "understanding, not to puzzling over every possible inconsistency, ambiguity or infelicity of expression" (*Canada (Minister of Citizenship and Immigration) v Ragupathy*, 2006 FCA 151 at para 15). I am mindful of the fact that "[r]easons may not include all the arguments, statutory provisions, jurisprudence or other details the reviewing judge would have preferred, but that does not impugn the validity of either the reasons or the result under a reasonableness analysis" (*Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board*) [*Newfoundland Nurses*], 2011 SCC 62 at para 16). An administrative decision maker need not make an explicit finding on each constituent element leading to its final conclusion.

[38] It is well established that an administrative decision maker is presumed to have weighed and considered all of the evidence presented to it, unless the contrary is established (*Kanagendren v Canada (Citizenship and Immigration)*, 2015 FCA 86 at para 36; *Florea v Canada (Minister of Employment and Immigration),* [1993] FCJ No. 598 (FCA) (QL) at para 1). Failure to mention a particular piece of evidence does not mean that it was ignored or excluded (*Newfoundland Nurses* at para 16), and a decision maker is not required to refer to all of the evidence that supports its conclusions. It is only when an administrative tribunal overlooks

evidence which clearly contradicts its conclusions that the Court can intervene and infer that the tribunal did not examine the contradictory evidence to reach its conclusion of fact *(Ozdemir v Canada (Minister of citizenship and immigration),* 2001 FCA 331 at paras 9–10; *Cepeda-Gutierrez v Canada (Minister of citizenship and immigration),* [1998] FCJ No 1425 (QL) at paras 16–17). That is not the case here.

[39] In fact, the arguments put forward by Mr. Singh simply express his disagreement with the RAD's assessment of the evidence on the IFA and invite the Court to prefer his assessment and reading to that of the administrative decision maker. However, this is not the role of the Court on judicial review (*Kanthasamy v Canada (Citizenship and Immigration)*, 2014 FCA 113 at para 99). In the context of a judicial review, the Court is not authorized to reassess the evidence or to substitute its own assessment for that of the administrative decision maker. Deference to an administrative decision maker includes deferring to its findings and assessment of the evidence (*Canada Post Corporation* at para 61). The reviewing court must in fact avoid "reweighing and reassessing the evidence considered by the decision maker" (*Canada (Canadian Human Rights Commission v Canada (Attorney General),* 2018 SCC 31 at para 55, citing *Canada (Citizenship and Immigration) v Khosa*, 2009 SCC 12 at para 64). Here, the reasons for the RAD's decision on the existence of a viable IFA have the attributes of justification, transparency and intelligibility, and they allow the Court to understand and follow the reasoning of the RAD. Any reader can see exactly why the RAD determined that Mr. Singh had a viable IFA. Its reasoning is not vitiated by a fatal error, and I believe that the end result is reasonable, having regard to the applicable legal principles. There is, therefore, no basis for the Court to intervene.

B. *RAD reasonable in concluding viable IFA exists in Bangalore or Mumbai*

[40] Regarding the second prong of the test relating to the viability of the internal flight alternatives, the RAD had to analyze whether it would be reasonable for Mr. Singh to relocate to Bangalore or Mumbai. Again, the RAD reviewed Mr. Singh's personal circumstances and concluded that it would not be unreasonable for him to relocate to these two densely populated cities. I do not see any reason to intervene in this regard either.

[41] The RAD Decision specifically took into account Mr. Singh's profile, including his ability to speak Punjabi, Hindi and English, his schooling, his higher education and his work experience with the INC, and concluded that it is possible for him to find work in either of the IFAs identified. Again, the RAD carefully considered the particular circumstances of Mr. Singh's case in light of recent documentary evidence and the law. At no time did the RAD remain deaf to Mr. Singh's particular situation, but it was not satisfied that his profile suggested any difficulty whatsoever for him.

[42] The burden of demonstrating that an IFA is unreasonable in a given case, a burden which rests with the claimant, is quite an exacting one (*Elusme v Canada (Citizenship and Immigration)*, 2020 FC 225 at para 25; *Jean Baptiste v Canada (Citizenship and Immigration)*, 2019 FC 1106 at para 21; *Pineda v Canada (Citizenship and Immigration)*, 2019 FC 1446 at para 14). It requires nothing less than demonstrating the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area, and it requires actual and concrete evidence of such conditions (*Ranganathan* at para 15). Such evidence was not adduced.

[43] As a result of Vavilov, the reasons given by administrative decision makers have taken on greater importance and have come to be regarded as the starting point for the analysis. They are the primary mechanism by which administrative decision makers demonstrate that their decisions are reasonable, both to the affected parties and to the reviewing courts (*Vavilov* at para 81). They serve to "explain how and why a decision was made" to demonstrate that "the decision was made in a fair and lawful manner" and to shield against "the perception of arbitrariness in the exercise of public power" (*Vavilov* at para 79). In short, it is the reasons that establish the justification for the decision.

[44] However, in the case of Mr. Singh, I am of the view that the RAD's reasons justify the Decision with transparency and intelligibility (*Vavilov* at paras 81, 136; *Canada Post Corporation* at paras 28–29; *Dunsmuir* at para 48). They demonstrate that the RPD followed rational, coherent and logical reasoning in its analysis and that the Decision conforms to the relevant legal and factual constraints that bear on the decision maker and the issue at hand (*Canada Post Corporation* at para 30, citing *Vavilov* at paras 105–7). After considering and assessing all of the circumstances of the case and all of the relevant documentary evidence, the RAD could certainly conclude that there were viable IFAs for Mr. Singh. At the end of the day, the errors alleged by Mr. Singh do not lead me "to lose confidence in the outcome reached by the decision maker" (*Vavilov* at para 123).

[45] The purpose of reasonableness review is to understand the basis on which the decision was made and to identify a fundamental gap or reveal that the decision is based on an unreasonable chain of analysis (*Vavilov* at paras 96–97, 101). The party contesting the decision

must convince the reviewing court that "any shortcomings or flaws relied on . . . are sufficiently central or significant to render the decision unreasonable" (*Vavilov* at para 100). In the present case, I am satisfied that the RPD's reasoning can be followed without encountering any fatal flaws in its overarching logic, and that the reasons contain a line of analysis that could reasonably lead the administrative decision maker, from the evidence before it, to the conclusion at which it arrived (*Vavilov* at para 102; *Canada Post Corporation* at para 31). The Decision does not suffer from a serious shortcoming which would hamper the analysis and which would be likely to undermine the requirements of justification, intelligibility and transparency.

IV. Conclusion

[46] For the foregoing reasons, Mr. Singh's application for judicial review is dismissed. I find nothing irrational in the decision-making process followed by the RAD or in its conclusions. I instead find that the RAD's analysis has the required attributes of transparency, justifiability and intelligibility, and is not tainted by any reviewable error. According to the reasonableness standard, it is sufficient for the Decision to be based on an inherently coherent and rational analysis and to be justified having regard to the legal and factual constraints to which the decision maker is subject. That is the case here. I see no reason for the Court to intervene.

[47] Neither party has proposed a question of general importance for certification. I agree that none arises here.

JUDGMENT in IMM-4222-19

THE COURT'S JUDGMENT is as follows:

1. The application for judicial review is dismissed, without costs.

2. No serious question of general importance is certified.

"Denis Gascon"
Judge

Certified true translation
This 8th day of May 2020.

Michael Palles, Reviser

FEDERAL COURT

SOLICITORS OF RECORD

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APPEARANCES:

Stéphanie Valois	FOR THE APPLICANT
Suzon Létourneau	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Stéphanie Valois Montréal, Quebec	FOR THE APPLICANT
Attorney General of Canada Montréal, Quebec	FOR THE RESPONDENT