

Federal Court



Cour fédérale

Date: 20220125

Docket: IMM-6411-20

Citation: 2022 FC 79

[ENGLISH TRANSLATION]

Ottawa, Ontario, January 25, 2022

PRESENT: Mr. Justice Gascon

BETWEEN:

**LAKHWINDER SINGH
BALWINDER KAUR**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION CANADA**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The applicants, Lakhwinder Singh and Balwinder Kaur, a married couple originally from India and of Sikh faith, are seeking judicial review of a decision by the Refugee Appeal Division [RAD] rendered on November 13, 2020 [Decision]. The Decision dismissed the appeal they had

filed against a Refugee Protection Division [RPD] decision that rejected their application for refugee protection on the ground that they could not be considered refugees or persons in need of protection under sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The RAD and RPD both identified Mr. Singh's and Ms. Kaur's lack of credibility as the main reason for rejecting their claim for refugee protection.

[2] Mr. Singh and Ms. Kaur are asking the Court to set aside the Decision and return the matter back to the RAD for reconsideration before a differently constituted panel. They allege that by finding they were not credible, the RAD erred in its handling of three elements and the negative inferences they drew from them: (i) an omission by Mr. Singh in his refugee protection claim form completed upon his arrival in Canada; (ii) the intervention of a high-ranking Indian police force member—the district commissioner—who allegedly offered to help Mr. Singh; and (iii) Mr. Singh's behaviour in failing to verify the contents of the suitcases filled with weapons and drugs that were in his vehicle.

[3] The only issue raised in Mr. Singh and Ms. Kaur's application is to determine whether the RAD Decision is unreasonable and whether the RAD erred by finding the applicants lacked credibility. For the reasons stated below, I will dismiss Mr. Singh and Ms. Kaur's application. After having reviewed the RAD's reasons and findings, the evidence before it and the applicable law, I find no reason to set aside the Decision. The evidence on record reasonably supports the RAD's unfavourable conclusions regarding Mr. Singh and Ms. Kaur's credibility, and the RAD's reasons have the qualities that make its reasoning logical and coherent in relation to the

relevant legal and factual constraints. There is therefore nothing that justifies this Court's intervention.

II. Background

A. *The facts*

[4] Mr. Singh is a taxi driver who lived in the village of Rajpura, in the state of Punjab in northern India. Mr. Singh alleges that on August 23, 2018, he received a call involving his work, to go drive clients to Jalandhar, a neighbouring city of Punjab. The clients had two suitcases with them. On the way, the clients asked Mr. Singh to stop at a restaurant. Mr. Singh complied, and the clients got out of and moved away from the vehicle, leaving their suitcases in it. Mr. Singh waited close to an hour for them to return, but the clients did not return. After calling his boss, Mr. Singh decided to leave the area with the two suitcases in his vehicle and to head back. On his return trip, Mr. Singh came upon a roadside checkpoint at the border separating the state of Punjab from that of Haryana. Three Punjabi police officers then conducted a search of the vehicle, finding the two suitcases the clients had left in it. The suitcases were filled with weapons and drugs.

[5] Mr. Singh alleges that he was beaten by the police officers, then held for four days. After paying a bribe, Mr. Singh was finally released. He then complained to the district commissioner about the abuse he suffered. The commissioner allegedly told him that he would take severe measures against the perpetrators.

[6] During the night of October 29, 2018, the police allegedly attacked Mr. Singh and Ms. Kaur's family home. He claims that the attack was so violent he passed out. Ms. Kaur was allegedly raped. Mr. Singh contends that the attack was a direct consequence of his complaint to the district commissioner. Following the event, the couple decided to take refuge in Delhi, with members of their extended family. The couple alleges that the Punjabi police were still able to find them and identify their home in Delhi.

[7] After living in hiding, Mr. Singh and Ms. Kaur left India on December 29, 2018, and headed for Canada. They made a refugee protection claim upon their arrival. Mr. Singh and Ms. Kaur stated that they feared for their lives in India because of the persecution they experienced at the hands of the Punjabi police. The couple added that their family members would continue to be the victims of harassment and persecution in India, as the Punjabi police were still looking for them.

[8] The RPD rejected Mr. Singh and Ms. Kaur's refugee protection claim, finding that their written account lacked credibility.

B. *The Decision*

[9] In the Decision, after its independent review of the evidence, the RAD concurred and, as the RPD did, found that Mr. Singh and Ms. Kaur were not credible.

[10] The RAD began its Decision by making a few preliminary statements. First, Mr. Singh and Ms. Kaur asked the RAD to accept four new elements in evidence and new submissions that

had not been sent during the perfection of their appeal. These requests were further to the RAD's sending two notices that presented questions about the couple finding refuge in another region of India and about certain statements Mr. Singh made at the port of entry into Canada. Based on the criteria from *Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385 and *Canada (Citizenship and Immigration) v Singh*, 2016 FCA 96, the RAD accepted the four new pieces of evidence presented because they answer some questions it had and met the well-established jurisprudential criteria.

[11] The RAD then determined it was not necessary to comply with Mr. Singh and Ms. Kaur's request to hold a new hearing under subsection 110(6) of the IRPA. In their request, the couple alleged that they were unaware that a certain piece of evidence was on record, namely a receipt issued for the conversion of domestic currency to Canadian dollars, and they therefore did not have the opportunity to respond to this issue during a hearing. The RAD conceded that, in the beginning, the couple and their counsel were not aware that this evidence existed. However, the RAD had sent an initial notice to inform them, which allowed them to provide explanations about the information on the receipt in question. Since Mr. Singh used this opportunity to respond by filing two affidavits—which are now admitted in evidence—the RAD finds that a new hearing is not required.

[12] In its assessment of Mr. Singh's and Ms. Kaur's credibility, the RAD noted several elements that, taken together, undermine the credibility of the applicants' written account.

[13] The RAD first identified a significant contradiction between the couple's narrative and the evidence on record. Indeed, the receipt issued in Rajpura and found in Mr. Singh's possession upon their arrival in Canada raises questions about the truthfulness of their statement that they had been living in hiding outside Punjab after the assaults they had suffered. In fact, the receipt—issued when the couple converted their Indian currency to Canadian dollars—was clearly issued in Punjab, during the month of December 2018, a few days before the couple's departure for Canada. Mr. Singh first alleged that he had not realized this receipt existed before the RAD brought it to his attention. Then, Mr. Singh alleged that it was not he who had converted the currency but a facilitator in Punjab. However, the RAD noted that the receipt was issued in Mr. Singh's name and bears his signature. Considering Mr. Singh's flawed explanation, the RAD drew a negative inference from this contradiction between the couple's written account and the information on the receipt itself about their presence in Punjab, a place they allegedly fear and from which they fled.

[14] According to the RAD, an omission by Mr. Singh also undermines his credibility. A critical element to Mr. Singh's claim was that he was arrested and then detained by the Punjabi police. However, in one of the annexes to the form he completed and signed upon his arrival in Canada, Mr. Singh indicated that he had never been arrested or detained by the police. Mr. Singh explained that he was never asked if he had been detained, and that there was an alleged communication problem with the interpreter, as he was providing the translation by videoconference. The RAD conceded that some other questions on the form filled out at the port of entry were not completed, but noted that all the questions in the section including the question

regarding his detention were indeed answered. In light of this failure to declare his detention in India, the RAD therefore drew another negative credibility inference.

[15] The RAD then stated that it was of the opinion the RPD had not erred by relying on several inconsistencies in Mr. Singh's written account to infer a lack of credibility. The first inconsistency is regarding the complaint Mr. Singh allegedly filed with the district commissioner and the commissioner's response to the complaint. Mr. Singh alleged that it is possible for a high-ranking law enforcement officer to help citizens dealing with police persecution, considering that corruption is pervasive in Indian police forces. The RAD instead concluded that, despite the widespread corruption in India, it is unlikely that the district commissioner would verbally commit to taking severe action against the police without first conducting an inquiry, in a context where Mr. Singh had been arrested while in possession of weapons and drugs. A second inconsistency was with regard to Mr. Singh's behaviour during one of the events that triggered the case, namely the fact he did not seek to determine the content of the suitcases the clients had abandoned in his vehicle. According to the RAD, this behaviour is unlikely considering the documentary evidence about the significant terrorist threat in the Punjab region and the fact Mr. Singh clearly knew he had to cross an inter-regional border to return to Punjab. This also supports a negative credibility inference.

[16] Moreover, the RAD concluded that the RPD did not err by granting no weight to the medical certificates Mr. Singh and Ms. Kaur submitted to show that the alleged attacks took place. The RAD and the RPD noted that there were a significant number of spelling mistakes in the documents—including in the headers—and concluded that they had not been issued by

hospitals and were fraudulent. The RAD noted, for example, that Mr. Singh's medical certificate defined certain words, as if it were destined for a non-Indian audience. Moreover, the documentary evidence shows that it is common and easy to obtain false medical documents in India.

[17] Lastly the RAD stated that it was of the opinion the RPD did not err by finding that multiple documents Mr. Singh and Ms. Kaur submitted (for example, affidavits, psychiatric and psychological reports, and photos) are insufficient to render their allegations credible in light of the contradictions and inconsistencies they raise. The RAD noted that it was not questioning the diagnoses in the documents, but that it is essential to remember that the professionals who gave them were not witnesses to the events Mr. Singh and Ms. Kaur recounted. These documents merely report what the couple alleged to be the cause of their diagnoses.

[18] For all these reasons, the RAD concluded that Mr. Singh and Ms. Kaur are not refugees or of persons in need of protection in accordance with sections 96 and 97 of the IRPA and rejected their refugee protection claim.

C. *Standard of review*

[19] In accordance with *Minister of Citizenship and Immigration v Vavilov*, 2019 SCC 65 [Vavilov], the new framework for determining the standard of review currently relies on a presumption that reasonableness is the applicable standard in all cases whenever the Court reviews the merits of administrative decisions (*Vavilov* at para 16). This presumption can only be rebutted in two types of situations. The first is where the legislature has indicated that it intends a

different standard to apply or has provided a statutory appeal mechanism before a court; the second is where the rule of law requires that the standard of correctness be applied (*Vavilov* at paras 10, 17; *Canada Post Corp. v Canadian Union of Postal Workers*, 2019 SCC 67 [*Canada Post Corp.*] at para 27). This is the case for constitutional questions, general questions of law of central importance to the legal system as a whole and questions related to the jurisdictional boundaries between two or more administrative bodies (*Vavilov* at paras 17, 53). None of the situations that justify departing from the reasonableness standard applies in this case. The RAD Decision is therefore reviewable on a standard of reasonableness. The parties do not challenge this.

[20] When the applicable standard is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and 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 Corp.* at paras 2, 31). The reviewing court must consider “the outcome of the administrative decision in light of its underlying rationale in order to ensure that the decision as a whole is transparent, intelligible and justified” (*Vavilov* at para 15). The reviewing court must therefore ask “whether the decision bears the hallmarks of reasonableness—justification, transparency and intelligibility—and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision” (*Vavilov* at para 99, citing *Dunsmuir v New Brunswick*, 2008 SCC 9 [*Dunsmuir*] at paras 47, 74 and *Catalyst Paper Corp v North Cowichan (District)*, 2012 SCC 2 at para 13).

[21] It is not sufficient for the decision to be justifiable. In cases where reasons are required, the decision “must also be *justified*, by way of those reasons, by the decision maker to those to whom the decision applies” [emphasis in original] (*Vavilov* at para 86). Thus, a reasonableness review properly considers both the outcome of the decision and the reasoning process that led to that outcome (*Vavilov* at para 87). I note that this method of proceeding is consistent with the *Dunsmuir* directive, which states that judicial review is concerned with both outcome and process (*Dunsmuir* at paras 27, 47–49). That said, the reviewing court must focus on the actual decision the administrative decision maker rendered, in particular on its justification, and not on the conclusion the court itself would have reached if it had been in the position of the decision maker.

[22] A reasonableness review must include a rigorous evaluation of administrative decisions. However, in its analysis of the reasonableness of a decision, the reviewing court must examine the reasons provided with “respectful attention” while seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (*Vavilov* at para 84). The reviewing court must show restraint and only intervene “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 must be noted that a reasonableness review finds its starting point in the principle of judicial restraint and demonstrates a respect for the distinct role of administrative decision makers (*Vavilov* at paras 13, 75). The presumption of reasonableness review relies on the “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).

III. Analysis

[23] In their application for judicial review, Mr. Singh and Ms. Kaur are not contesting all the elements the RAD considered before drawing a negative credibility inference. They are merely targeting the following elements: (i) the analysis of Mr. Singh's failure to declare his detention on his refugee protection claim form upon his arrival in Canada; (ii) the interpretation of the intervention by the district commissioner who allegedly offered to help Mr. Singh; and (iii) the conclusion drawn from Mr. Singh's behaviour when he neglected to look at the contents of the suitcases filled with weapons and drugs that were in his vehicle. Mr. Singh and Ms. Kaur submit that these findings by the RAD regarding their credibility contain reviewable errors and render the Decision unreasonable.

[24] I do not share this opinion.

[25] I must first note that, in the Decision, the RAD took the time to state that even if the issues in the reasons, when taken individually, may have been insufficient to find that Mr. Singh and Ms. Kaur lacked credibility, cumulatively, they are sufficient to overturn the presumption of truthfulness regarding their written account.

[26] In *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 [*Lawani*], I summarized the principles that govern the manner in which an administrative tribunal like the RAD or the RPD must assess the credibility of refugee claimants (*Lawani* at paras 20–26). By applying these principles, I find that in all respects, the RAD Decision is reasonable. In Mr. Singh and

Ms. Kaur's case, the gaps in the evidence submitted and the accumulation of contradictions and inconsistencies regarding crucial elements of their refugee protection claim sufficiently support the RAD's negative conclusion about their credibility (*Lawani* at para 21). I would add that the RAD's negative conclusion about their credibility is not the result of minor contradictions that were secondary or peripheral aspects of the refugee protection claim, but were at the very core of the written account Mr. Singh and Ms. Kaur were presenting, namely a risk of persecution as a result of Mr. Singh's arrest by the Punjabi police. In addition, the findings were supported by the RAD in very well-reasoned and detailed decisions, after an independent and thorough analysis, which is consistent in all respects with the principles established in *Canada (Citizenship and Immigration) v Huruglica*, 2016 FCA 93.

A. *Mr. Singh's omission*

[27] Mr. Singh and Ms. Kaur submit that the RAD erred by drawing a negative credibility finding from the mere fact that Mr. Kaur had neglected to state that he had been arrested and detained in the past. In fact, Mr. Singh submits that the RAD was overzealous in its analysis of this element of the case, considering that it is reasonable to believe a refugee claimant, recently arrived, who is nervous and whose first language is not English, could commit an error in good faith.

[28] I do not agree with this argument.

[29] Instead, I am of the view that the RAD conducted an attentive and reasonable review of this omission. The RAD first noted that information was indeed missing from certain sections of

the form Mr. Singh completed at the port of entry. However, the RAD noted that the identification information in the Schedule A form—which includes the question about whether Mr. Singh had been detained, incarcerated or imprisoned—was all answered, including Mr. Singh's response that he had not been arrested or detained.

[30] In *Valentin v Canada (Citizenship and Immigration)*, 2019 FC 64, this Court found that the RAD can draw a negative inference with regard to an applicant's credibility when the applicant does not adequately respond, during an interview at the port of entry to Canada, to a question that serves as the basis for a refugee protection claim. Moreover, this Court has noted that the omission, in a form completed at the port of entry to Canada, of a crucial element in a refugee protection claim can justify a negative credibility inference (*Gaprindashvili v Canada (Citizenship and Immigration)*, 2019 FC 583 at paras 24–25). This is exactly what happened here.

[31] It was also open to the RAD to conclude that Mr. Singh's explanations to justify his omission, namely his nervousness and the interpretation problems, are not sufficient to overcome the credibility issue. Nothing in the evidence supports Mr. Singh's claims regarding the interpretation problems. Moreover, the reasons indicate that the RAD was attentive to the context in which Mr. Singh completed the entry forms. I would add that the psychological state of an applicant—such as depression, lack of sleep or nervousness resulting from a detention context—is not sufficient to justify the intervention of this Court for a non-credibility finding made by an administrative decision maker (*Imam v Canada (Citizenship and Immigration)*, 2020 FC 1194 at paras 8–9).

[32] In the case of Mr. Singh's omission, the RAD raised several questions regarding the credibility of certain elements of the evidence presented and the lack of reasonably expected information that undermined his credibility. I cannot detect anything unreasonable in this finding of fact by the RAD.

[33] I am also not convinced that the RAD analysis can be qualified as overzealous or microscopic, or that it was based on trivial differences or inconsistencies. An analysis does not become overzealous because it is exhaustive (*Paulo v Canada (Citizenship and Immigration)*, 2020 FC 990 [*Paulo*] at para 60). I note that the decisions for which administrative decision makers were criticized for conducting overly detailed reviews of refugee protection claims reflected situations in which the elements considered by the decision makers were irrelevant or peripheral to the refugee protection claim (*Attakora v Canada (Minister of Employment and Immigration)* (1989), 99 NR 168 (FCA) at para 9; *Cooper v Canada (Citizenship and Immigration)*, 2012 FC 118 at para 4; *Lubana v Canada (Minister of Citizenship and Immigration)*, 2003 FCT 116 at para 11). This is not the case here. In the present case, the RAD's review was rigorous and did not target issues that were irrelevant or peripheral to Mr. Singh's allegations of persecution. On the contrary, the omission was on an element that was at the very heart of the written account Mr. Singh was presenting (his arrest and detention by the Punjabi police) and was, in fact, the trigger for the persecution he raised.

B. *The inconsistency of the district commissioner's intervention and Mr. Singh's behaviour with regard to the suitcases*

[34] Mr. Singh and Ms. Kaur submit that the RAD made unreasonable findings with regard to two incidents that, in the RAD's opinion, undermined the credibility of Mr. Singh's written account. First, the RAD found it inconsistent for a district commissioner—a high-ranking official with the Punjabi police force—to intervene in order to help Mr. Singh following the assault at the hands of the police. This alleged intervention is significant, as it would explain why the police then went to Mr. Singh and Ms. Kaur's home in the night of October 29, 2018, to assault them again. Second, the RAD noted that it was inconsistent that Mr. Singh would not have been more interested in the contents of the suitcases left in his vehicle, when he knew he had to cross an inter-regional border in a context where terrorism is a threat taken seriously by the Punjabi police force. In both cases, the couple alleged that the RAD did not respect the presumption of truthfulness of a refugee protection claimant's allegations.

[35] I do not agree.

[36] In the Decision, the RAD provided ample justifications for its non-credibility finding based on clear documentary evidence that showed that India is a country in which there is rampant police impunity on one hand and the threat of terrorism on the other. For the RAD, the intervention of the district commissioner is simply implausible, in a context where he allegedly agreed to intervene without conducting his own investigation while knowing that Mr. Singh himself had been arrested in possession of weapons and drugs. In the same vein, the RAD found that it was unlikely that an experienced taxi driver like Mr. Singh would not think to verify the contents of the suitcases when he knew he was going to cross a border station and be subjected to

a police checkpoint; the documentary evidence reports extensively on searches and arrests without warrants by the law enforcement authorities in the state of Punjab.

[37] The Court has repeatedly recognized that an administrative decision maker is entitled to draw conclusions concerning credibility based on plausibility, common sense and rationality (*Lawani* at para 26; *Cerisier v Canada (Citizenship and Immigration)*, 2016 FC 1315 at para 7; *Toma v Canada (Citizenship and Immigration)*, 2014 FC 121 at para 11). In the present case, I feel that it was reasonable to find the commissioner's intervention to be implausible, in a context where it is not supported by the evidence, and that it led to incidents of violence that are the basis of Mr. Singh and Ms. Kaur's refugee protection claim.

[38] It is also relevant to note that these inconsistencies noted by Mr. Singh and Ms. Kaur are only two of many elements, to which are added the inconsistencies regarding the receipt issued for the currency conversion and the fraudulent medical reports. An accumulation of inconsistencies in the allegations, in the evidence and in the testimony of a refugee protection claimant can justify a negative credibility inference (*Paulo* at paras 55–56; *Lawani* at para 21).

[39] Moreover, I must note that the presumption of truthfulness of a refugee protection claimant's allegations that Mr. Singh and Ms. Kaur raise is not irrefutable (*Maldonado v Canada (Minister of Employment and Immigration)*, [1980] 2 FC 302 (FCA) [*Maldonado*] at para 5). Contrary to the apparent suggestion of Mr. Singh and Ms. Kaur, *Maldonado* does not raise an irrebuttable presumption of truthfulness or immunity from suspicion for the applicants' testimony. On the contrary, *Maldonado* simply establishes the principle that “[w]hen an

applicant swears to the truth of certain allegations, this creates a presumption that those allegations are true, unless there be reason to doubt their truthfulness” [emphasis added.] (*Maldonado* at para 5). This reservation is important because it means that the presumption is extinguished when reasons arise to doubt the veracity of the allegations made in a refugee protection claim. Thus, the presumption is rebuttable where the evidence on the record is inconsistent with a claimant’s sworn testimony (*Su v Canada (Citizenship and Immigration)*, 2015 FC 666 at para 11, citing *Adu v Canada (Minister of Employment and Immigration)*, [1995] FCA No 114 (FCA) (QL)), or where the RPD or RAD is not satisfied with the claimant’s explanation for inconsistencies in the evidence (*Lin v Canada (Citizenship and Immigration)*, 2010 FC 183 at para 19).

[40] The underlying rationale for the presumption of truthfulness in *Maldonado* is that claimants who have experienced certain types of emergency situations cannot reasonably be expected to always have documents or other evidence to support their claims. These circumstances may include passage through refugee camps, war-torn country situations, discrimination, or events in which claimants have only a very short period of time to escape from their agents of persecution and subsequently cannot access documents or other evidence from Canada (*Fatoye v Canada (Citizenship and Immigration)*, 2020 FC 456 at paras 35–38). This is clearly not the case here.

[41] I would add that a judicial review is not a “line-by-line treasure hunt for error” and a reviewing court must instead consider the administrative decision maker’s reasoning and conclusion as a whole (*Vavilov* at para 102; *Communications, Energy and Paperworkers Union*

of Canada, Local 30 v Irving Pulp & Papier Ltd., 2013 SCC 34 at para 54; *Agraira v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 36 at para 53). In the Decision, the RAD notes several elements that led it to not believe Mr. Singh and Ms. Kaur's written account, and it is with regard to all the reasons that the reasonableness of the decision is to be assessed. It is well established that the Court must show deference to the RPD and RAD's interpretation of a refugee protection claimant's credibility (*Dunsmuir* at para 53; *Aguebor v Canada (Minister of Employment and Immigration)* (1993), 160 NR 315 (FCA) at para 4). Indeed, these issues of credibility are at the very heart of their jurisdiction and expertise (*Tsigehana v Canada (Citizenship and Immigration)*, 2020 FC 426 at para 34; *Pepaj v Canada (Citizenship and Immigration)*, 2014 FC 938 at para 13).

[42] Ultimately, the arguments presented by Mr. Singh and Ms. Kaur merely express their disagreement with the RAD's evaluation of the evidence and ask the Court to prefer their opinion and interpretation of the evidence to those of the RAD. However, this is not the role of a reviewing court in judicial review. The RAD provided detailed and well-thought-out reasons to explain why Mr. Singh and Ms. Kaur were not considered to be credible. The lack of evidence and the accumulation of inconsistencies led the RAD to make a negative credibility finding. After reading the RAD Decision holistically, together with the record, I am convinced that the RAD conducted a thorough and detailed assessment of the evidence and that its conclusions reflect a rational and coherent analysis (*Vavilov* at paras 103–104).

[43] A reasonableness review aims to understand the basis on which the decision is made and to determine whether there is a sufficiently serious shortcoming or unreasonable chain of

analysis (*Vavilov* at paras 96–97, 101). The party challenging a decision must show that “any shortcomings or flaws relied on ... are sufficiently central or significant to render the decision unreasonable” (*Vavilov* at para 100). In *Vavilov*, the Supreme Court identified two categories of fundamental flaws: the first is a failure of rationality internal to the reasoning process, and the second arises when the decision is in some respect untenable in light of the relevant factual and legal constraints that bear on it (*Vavilov* at para 101). In this case, I am satisfied that we can follow the RAD’s reasoning without coming across a fatal flaw in the overall logic, and the reasons contain a line of analysis that could reasonably lead the administrative decision maker from the evidence to the conclusion at which it arrived (*Vavilov* at para 102; *Canada Post Corp.* at para 31).

IV. Conclusion

[44] For the above-noted reasons, Mr. Singh and Ms. Kaur’s application for judicial review is dismissed. I detect nothing irrational in the RAD’s decision-making process or its conclusions. Instead, I find that the RAD’s analysis on the applicants’ lack of credibility has all the hallmarks of transparency, justification and intelligibility, and there is no reviewable error in the Decision.

[45] None of the parties proposed a question of general importance to be certified and I agree that there is none.

[46] Lastly, the style of cause shall be amended to include only the names of the applicants, Lakhwinder Singh and Balwinder Kaur.

JUDGMENT in IMM-6411-20

THIS COURT'S JUDGMENT is as follows:

1. The application for judicial review is dismissed, without costs.
2. No question of general importance is certified.
3. The style of cause is amended to include only the names of the applicants,
Lakhwinder Singh and Balwinder Kaur.

“Denis Gascon”

Judge

Certified true translation
Michael Palles

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-6411-20

STYLE OF CAUSE: LAKHWINDER SINGH AND BALWINDER KAUR
v THE MINISTER OF CITIZENSHIP AND
IMMIGRATION CANADA

PLACE OF HEARING: MATTER HEARD BY VIDEOCONFERENCE

DATE OF HEARING: DECEMBER 13, 2021

JUDGMENT AND REASONS: GASCON J.

DATE OF REASONS: JANUARY 25, 2022

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