Federal Court  Cour fédérale

Date: 20230302

Docket: IMM-3628-22

Citation: 2023 FC 299

[ENGLISH TRANSLATION]

Ottawa, Ontario, March 2, 2023

Present: The Honourable Mr. Justice Régimbald

BETWEEN:

CHARBEL MANSOUR
MARIE ATTIEH
CHRISTA MANSOUR
MARITA MANSOU
MAROUN GIO MANSOUR

Applicants

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The applicants are citizens of Lebanon. They state that they fear a man named Mohamad Danach [Mr. Danach], a Shia Muslim, who allegedly accused Mr. Charbel Mansour

[the principal applicant] of causing him monetary losses. Mr. Mansour alleges that as a policeman, he supervised Mr. Danach's construction of a government building in the city of Sidon in June 2009 and reported him, in the performance of his duties, for not following the plans and specifications. The principal applicant's supervision of the construction project allegedly caused financial losses for which Mr. Danach wanted revenge.

[2] On March 29, 2022, the Refugee Appeal Division [RAD] dismissed the refugee protection claims [the Decision], confirming the preceding decision by the Refugee Protection Division [RPD] according to which the applicants are not Convention refugees nor persons in need of protection under sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. The main reason for the decisions is that the applicants have an internal flight alternative [IFA] in Tripoli, a city larger than Sidon located about 125 kilometres from it in their home country of Lebanon.

[3] For the following reasons, the application for judicial review is dismissed. In view of the RAD's findings, the applicable law, and the arguments and evidence brought before it, I see no reason to set aside the Decision. The applicants did not discharge their burden of proof as to the unreasonableness of the IFA. The RAD's reasons regarding the IFA in Tripoli are sufficiently detailed and possess the qualities that make its reasoning logical and coherent in light of the relevant legal and factual constraints. There is therefore no reason for the Court to intervene.

II. Facts

[4] The applicants are citizens of Lebanon and Maronite Christians. Mr. Mansour graduated from high school in 1991. He worked as a policeman from 1992 to 2010, then worked with his brother in the field of graphic design.

[5] The female applicant Marie Attieh, the principal applicant's wife, graduated from high school in 1991. Mr. Mansour and Ms. Attieh have three children, who are now between the ages of 12 and 21. Ms. Attieh never worked in Lebanon. She has always looked after her children, who were born between 2001 and 2010, including the youngest child, who has a disability.

[6] In June 2009, as part of his duties as a police officer, the principal applicant was assigned to oversee a government construction project being carried out by a contractor named Mohamad Danach.

[7] Mr. Mansour alleges that he reported Mr. Danach for not following the plans and specifications of the project in question. After being reported, Mr. Danach apparently corrected the situation but also threatened to kill Mr. Mansour, holding him responsible for the financial losses that these changes caused him.

[8] In November 2010, because of Mr. Danach's threats, Mr. Mansour reportedly resigned from the police.

[9] According to Mr. Mansour's allegations, the threats continued until Mr. Danach was arrested for fraud and imprisoned in 2010.

[10] Upon his release from prison in August 2018, Mr. Danach allegedly resumed threatening Mr. Mansour and his family, holding him responsible for his imprisonment.

[11] Mr. Mansour alleges that Mr. Danach chased him in a car with armed men wearing the colours of Hezbollah. The principal applicant alleges that he filed a complaint with the police in September 2018 but that the police responded that they could do nothing to protect him because of Mr. Danach's contacts with militia members and politicians.

[12] Mr. Mansour and his family then moved in with family members, still in Sidon, where they lived between September and November 2, 2018, when the applicants left Lebanon to claim refugee protection in Canada.

[13] Since arriving in Canada, the male applicant's wife has been working for a daycare centre. During her testimony before the RPD, she stated that she was now able to work in Canada as there are resources to care for their disabled child. For his part, the eldest child is currently at Cégep and has a job helping an elderly lady. The principal applicant stated that he has taken French courses since his arrival, but he had not started working at the time of the RPD hearing. The other two children are still minors.

III. Refugee Protection Division decision

[14] On October 28, 2021, the RPD rejected the applicants' refugee protection claims on the basis that there is an IFA for them in the northern Lebanese city of Tripoli, 125 kilometres from the alleged agent of persecution's residence. The RPD also rejected their refugee protection claim because there was insufficient evidence for some of their allegations, in relation to omissions and implausibilities.

[15] The RPD found the applicants to be credible with respect to some allegations, but not others, such as the allegation that Mr. Danach has ties with Hezbollah or Amal militias. Indeed, the RPD found Mr. Mansour not to be credible in this regard because he failed to mention this affiliation to the militias in his Basis of Claim Form [BOC Form]. He simply stated that Mr. Danach had ties with politicians and militias in southern Lebanon, without naming them.

[16] The RPD also found Mr. Mansour's allegation that Mr. Danach had a criminal and violent past not to be credible, as the only evidence was a conviction for fraud in 2009. The RPD also doubted Mr. Mansour's allegation that the police refused to take his 2018 complaint seriously on the ground that Mr. Danach had ties with politicians. Rather, the facts show that despite his "contacts", Mr. Danach was still convicted and imprisoned for several years for fraud.

[17] The RPD also concluded that the applicants had not met the first prong of the IFA test because the evidence did not demonstrate that Mr. Danach had the motivation and ability to locate the applicants in the IFA today, as the litigation dates back to 2009 and the applicants had no issues between 2010 and 2018.

[18] With respect to the second prong of the IFA test, the RPD determined that there was nothing in the evidence submitted by the applicants that would demonstrate that it would be objectively unreasonable for them to settle in Tripoli given their work experience and education. It concluded that their professional and religious profile was also not an obstacle to their resettlement.

[19] The applicants challenged the RPD's conclusions in their appeal to the RAD, arguing that they would face a serious risk of persecution if they returned to Lebanon.

IV. Refugee Appeal Division decision

[20] The RAD did not challenge the veracity of Mr. Mansour's account of his supervision of Mr. Danach's construction work in June 2009. Rather, the RAD based its reasoning on the applicants' lack of evidence establishing a prospective risk in the IFA in Tripoli, as well as the lack of evidence that their relocation 12 years later would be unreasonable.

[21] It therefore upheld the RPD's conclusion that the applicants have an IFA in the city of Tripoli in Lebanon and therefore are not Convention refugees or persons in need of protection under section 97 of the IRPA.

[22] In light of its analysis of the evidence, the RAD determined that for the first prong of the IFA test, the applicants had not demonstrated on a balance of probabilities that Tripoli would not be a safe place for them. They did not establish that Mr. Danach still had the motivation and the ability to track them down.

[23] Indeed, the applicants did not show that Mr. Danach would still want to threaten them in the city of Tripoli, located 125 kilometres from Sidon. The RAD relied on evidence that the applicants left their family residence in September 2018 to relocate 15 km from Mr. Danach's place of residence until their departure on November 2, 2018. Although their residence was close to Mr. Danach for about two months, he never tried to locate them.

[24] In its analysis, the RAD further noted that although Mr. Danach was imprisoned during the period between 2010 and 2018, he could have used his "contacts" in militias or criminal organizations to go after the applicants if he actually had the motivation and ability, which he did not do. In addition, according to the evidence on file, the applicants' extended family still lives in the city of Sidon, and they have not been questioned, harassed, or threatened by Mr. Danach since the applicants left for Canada. As a result, the applicants were unable to establish that Mr. Danach would still have the motivation and ability to locate them in the proposed IFA.

[25] The RAD also concluded that since the city of Tripoli is not under the influence of militias and politicians in southern Lebanon, dominated by Shia Muslim Lebanese, it was entirely possible to believe that Mr. Danach would have no influence in that city, thereby restricting his ability to locate the applicants.

[26] Furthermore, like the RPD before it, the RAD found that Mr. Mansour had no credibility with respect to the allegations regarding Mr. Danach's criminal past because he was unable to identify which crimes he had committed in the past. The RAD also did not find Mr. Mansour credible regarding the police's refusal to register his complaint in 2018. Since Mr. Danach was

convicted and imprisoned despite Mr. Mansour's allegations that he had ties with Hezbollah, he is not an "untouchable" or "powerful" person; therefore, there is no credible reason why the police would have refused to take Mr. Mansour's complaint at that time.

[27] With respect to the second prong of the IFA test, the RAD clarified that there is nothing in the evidence to demonstrate that it would be objectively unreasonable for the applicants to settle in Tripoli, given their work experience and education, and the fact that Tripoli is the second largest city in Lebanon.

[28] The RAD concluded that information from the National Documentation Package [NDP] on Lebanon does not demonstrate that it would be unreasonable for the applicants to relocate to Tripoli because of their Maronite Christian faith. Indeed, the objective evidence shows that relations between religious communities are rather friendly, and that Christians in Lebanon are generally not subjected to targeted violence because of their religious affiliation.

[29] The RAD also states that although the political instability and economic problems in Lebanon may make the applicants' relocation to Tripoli more difficult, they do not make it unreasonable to relocate there. In the RAD's view, the personal characteristics of the applicants, and in particular their work experience, do not demonstrate that they could not find employment and housing. The minor applicants and their eldest daughter could also study in Tripoli.

[30] The applicants are now challenging the RAD decision before the Court, but only with respect to the second prong of the IFA test, namely, that it would be unreasonable for them to

relocate to Tripoli because of, among other things, the current socioeconomic constraints in Lebanon. At the hearing, the applicants stated that they were no longer challenging the RAD's decision that Tripoli would be a safe place for them.

V. Issue and standard of review

[31] This application for judicial review raises only one question: Is the RAD's decision that the applicants are not refugees because they have an internal flight alternative [IFA] in Tripoli reasonable?

[32] The applicable standard of review for credibility and assessment of evidence is reasonableness *(Canada (Citizenship and Immigration) v Huruglica*, 2016 FCA 93 (CanLII) at para 35; *Ali v Canada (Citizenship and Immigration)*, 2018 FC 688 (CanLII) at para 5; *Acikgoz v Canada (Citizenship and Immigration)*, 2018 FC 149; *Durojaye v M.C.I.*, 2020 FC 700 at para 6). Thus, according to this standard, the burden is on the party challenging the decision to show that it is unreasonable *(Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 100) [*Vavilov*].

[33] At paragraphs 87 and 106 of *Vavilov*, the Supreme Court of Canada [SCC] states that the standard of reasonableness considers both the outcome of the decision and the decision maker's reasoning process, and that the decision maker must respect the legal constraints inherent in the exercise of its jurisdiction, including the examination of the evidence and arguments before it. The decision will be reasonable if its reasons "allow the reviewing court to understand why the tribunal made its decision and permit it to determine whether the conclusion is within the range

of acceptable outcomes" (*Newfoundland and Labrador Nurses' Union v Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62 at para 16 [*Newfoundland Nurses*]).

[34] In *Canada Post Corp. v Canadian Union of Postal Workers*, 2019 SCC 67, the SCC states that:

> [31] A reasonable decision is "one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker" (*Vavilov*, at para 85). Accordingly, when conducting reasonableness review "[a] 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 [the] conclusion" (*Vavilov*, at para 84, quoting *Dunsmuir*, at para 48). The reasons should be read holistically and contextually in order to understand "the basis on which a decision was made" (*Vavilov*, at para 97, citing *Newfoundland Nurses*).

[35] Accordingly, at paragraph 97 of *Vavilov*, the SCC states that it is first necessary to read the reasons for the decision subject to judicial review and attempt to "connect the dots" in the reasons:

> [97] Indeed, Newfoundland Nurses is far from holding that a decision maker's grounds or rationale for a decision is irrelevant. It instead tells us that close attention must be paid to a decision maker's written reasons and that they must be read holistically and contextually, for the very purpose of understanding the basis on which a decision was made. We agree with the observations of Rennie J. in *Komolafe v Canada (Minister of Citizenship and Immigration)*, 2013 FC 431, 16 Imm. L.R. (4th) 267, at para 11 (CanLII):
>
> > *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.
> [hypersis added.]

[36] As stated by the SCC at para 91 of *Vavilov*, relying on para 16 of *Newfoundland Nurses*, the decision maker's reasons should not be assessed against a standard of perfection. The fact that the reasons do not refer to all the arguments or details that the reviewing Court would have wanted the decision maker to consider specifically does not constitute a separate ground for the Court to intervene. Rather, the Court must analyze the reasons holistically and contextually.

[37] Finally, with respect to the exercise of its jurisdiction in the determination of an IFA, the RAD and the RPD have expertise in immigration matters, and the Court must show great deference to its conclusions on the second prong of the IFA test, especially because they are findings of fact (*Kaisar v Canada (Citizenship and Immigration*), 2017 FC 789 at paras 11–12, 19) [*Kaisar*].

A. *Parties' arguments*

[38] The applicants allege that the RAD's conclusion that they could relocate to Tripoli is unreasonable and does not fall within a range of possible and acceptable outcomes in light of the facts and the applicable law. They submit that the RAD did not consider all the circumstances

within the meaning of *Rasaratnam v Canada (Minister of Employment and Immigration)*, 1991 CanLII 13517 (FCA), [1992] 1 FC 706 (CA) [*Rasaratnam*] and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, 1993 CanLII 3011 (FCA), [1994] 1 FC 589 (CA) [*Thirunavukkarasu*], making its decision unreasonable.

[39] They argue that in the analysis of the second prong of the IFA, the RAD failed to consider the principal applicant's actual work opportunities in the city of Tripoli. They point out that the objective evidence shows that the socioeconomic situation in Lebanon has deteriorated in recent years to the point where the health and safety of their family would be compromised if they returned. It would be difficult for the principal applicant and his wife to find employment and housing because of the very high unemployment rate. The applicants submit that the RAD did not consider all the circumstances or explain why it did not consider all the evidence.

[40] For his part, the respondent submits that the RAD's decision is well founded in fact and law, is reasonable, and contains no errors justifying the Court's intervention. The respondent states that the applicants cite the general documentary evidence without referring to their personal situation or explaining why their lives or safety would be jeopardized by their relocation to the proposed IFA.

B. *Refugee Appeal Division decision reasonable*

[41] The RAD concluded that the applicants had not established that there was a serious risk of persecution and that it would not be unreasonable for them to relocate to the proposed IFA, should they return to Lebanon.

[42] The IFA is inherent in the definition of “refugee”. International protection is a measure of last resort and is only available to a refugee protection claimant if their country of citizenship cannot afford them adequate protection throughout its territory (*Mansour v Canada (Citizenship and Immigration)*, 2021 FC 40 at para 36).

[43] Moreover, as stated by Blanchard J in *Carrasco Baldomino v Canada (Minister of Citizenship and Immigration)*, 2007 FC 1270 at para 28, a conclusion relative to the existence of an IFA is determinative and sufficient to dispose of a refugee protection claim.

[44] A two-pronged test was developed by the Federal Court of Appeal in *Rasaratnam v Canada (M.E.I.)*, [1992] 1 FC 706 (CA) (see also *Thirunavukkarasu*) to determine whether there is an IFA. The prongs are usually summarized by the following propositions:

1. The administrative tribunal must be satisfied on a balance of probabilities that there is no serious possibility that the claimant will be persecuted in the area where the IFA is considered.

2. The conditions in the said region must be such that it is not unreasonable in view of all the circumstances that the refugee protection claimant could seek refuge there.

[45] Both prongs must be established in order to conclude that an IFA exists (*Hamid v Canada (Citizenship and Immigration*), 2020 FC 145 at para 30; *Olusola v Canada (Citizenship and Immigration)*, 2020 FC 799 at para 9).

[46] It is well established that in matters concerning IFAs, the burden of proof rests with the refugee protection claimants. Thus, in this case, the applicants must demonstrate that there is no

other region in Lebanon that is safe and that they are at serious risk of persecution throughout the country. Furthermore, if there is a region that would be safe, the applicants must establish that it would be objectively unreasonable for them, given their profile, to avail themselves of this IFA in light of all the circumstances (*Thirunavukkarasu* at para 10; *Salaudeen v Canada (Citizenship and Immigration)*, 2022 FC 39 at para 26; *Manzoor-Ul-Haq v Canada (Citizenship and Immigration)*, 2020 FC 1077 at para 24; *Feboke v Canada (Citizenship and Immigration)*, 2020 FC 155 at paras 43–44; *Djeddi v Canada (Citizenship and Immigration)*, 2022 FC 1580 at para 23) [*Djeddi*].

[47] In this case, the applicants have not discharged their burden for either prong of the test.

(1) First prong of the test: It is not disputed that the RAD's decision is reasonable

[48] Before the Court, the applicants conceded that the RAD's conclusion on the first prong of the IFA test was not unreasonable. This application for judicial review therefore relates only to the second prong of the IFA test.

(2) Second prong of the test: The RAD's decision on the second prong is reasonable

[49] With respect to the second prong of the IFA test, as explained by the Federal Court of Appeal in *Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164 (FCA) at para 15 (see also *Akewushola v Canada (Citizenship and Immigration)*, 2023 FC 67 at paras 12–14), the refugee protection claimants were required to demonstrate, on a balance of

probabilities and using actual and concrete evidence, the existence of conditions that would jeopardize their lives and safety if they were to relocate to the proposed IFA:

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

[50] The burden of demonstrating that an IFA is unreasonable in a given case is therefore on the refugee protection claimant and is very high (*Elusme v Canada*, 2020 FC 225 at para 25; *Singh v Canada*, 2021 FC 341 at para 33; *Djeddi* at paras 34, 35). As the Federal Court of Appeal ruled in *Ranganathan* at paragraph 11, "[a] failure by a claimant to fulfill his obligations and assume his burden of proof cannot be imputed to the Board so as to make it a Board's failure".

[51] Thus, to demonstrate that an IFA is unreasonable, refugee protection claimants cannot simply allege that they would lose their job or have a lower quality of life. Such a situation cannot meet the threshold of the second prong. Conversely, in *Thirunavukkasaru* at page 597 (see also *Ranganathan* at para 13), the Federal Court of Appeal gives some examples of situations that could not be required of a refugee protection claimant and therefore could be considered unreasonable, since they would jeopardize the claimant's life:

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.

…

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.

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. [Emphasis added.]

[52] In order to discharge the burden of proving that it would be unreasonable to require a refugee protection claimant to relocate to an IFA since their life and safety would be at risk, the refugee protection claimant must demonstrate a personal impact. In other words, the refugee protection claimant cannot rely only on general conditions that exist in his or her country of origin (*Garcia Cuevas v Canada (Citizenship and Immigration)*, 2021 FC 1478 at para 31 [*Garcia*]; *Arabambi v Canada (Citizenship and Immigration)*, 2020 FC 98 at paras 38, 40–42 [*Arabambi*]; *Limones Munoz v Canada* (*Immigration, Refugees and Citizenship*), 2020 FC 1051 at para 47).

[53] In this case, the applicants argue before this Court that in its decision, the RAD merely states that the current instability in Lebanon does not make it unreasonable for the applicants to return to Tripoli, without commenting on or referring to the relevant documentation submitted to it on this issue.

[54] In particular, the applicants allege that the RAD did not consider their representations that the social and economic conditions in Lebanon are such that a return to Lebanon would jeopardize their lives and safety. More specifically, they allege that it would be impossible for them to find employment and housing because of the social, political and economic crisis. According to the applicants, the RAD therefore did not justify its decision on the basis of the test set out in *Vavilov* and thus demonstrates that its analysis is unreasonable (at para 133; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC), [1999] 1 FC 53, 157 FTR, at paras 16–17) [*Cepeda*].

[55] First, it is important to note that before the RAD, the applicants submitted only the following in support of their allegations. Thus, at paragraph 24 of their memorandum, the applicants submit the following:

> [TRANSLATION]
> [24] Moreover, the RPD did not consider the religious factor in its analysis of the internal flight alternative in Tripoli, a Muslim-majority city, even though there are very real and documented religious divisions and confrontation (See Tab 12.2, Item 3, National Documentation Package). The RPD did not consider the real opportunities for the appellant to work in this city when Lebanon is experiencing a social, economic, financial and political crisis that makes it very difficult if not impossible to find employment, and the fact that buying power is almost nullified even for those who work, which would make relocating to this region not only difficult but also dangerous for the family (see Tabs 1.8, 2.1, 7.6 and 7.7 of the Documentation Package). The RPD's conclusion (para 50) is simply not based on the evidence submitted and departs from reasonableness. In *Moïse v Canada (Citizenship and Immigration)*, 2019 FC 93, at para 20, the Court noted that the RPD has "an obligation to refer to evidence which, on its face, contradicts its conclusions and to explain why the evidence concerned did not have the effect of changing those conclusions". This is another reviewable error.

[56] On the basis of these written representations, the RAD held as follows:

- Regarding the second prong of the IFA analysis, the information in the National Documentation Package on Lebanon does not demonstrate that it would be unreasonable for the applicants to settle in Tripoli. There is no evidence that Christians in Lebanon are subjected to targeted violence because of their religious affiliation. In fact, the documentary evidence instead shows that relations between religious communities are usually friendly.

- The RAD states that although the political instability and economic problems in Lebanon may make the relocation of the applicants more difficult, it does not make it unreasonable for them to settle there.

- Moreover, there is nothing in the evidence to suggest that the applicants would not be able to find employment and housing, given their personal characteristics, and more specifically their work experience.

[57] Before the Court, the applicants allege that they have discharged their burden of proof by demonstrating that the NDP's objective documentation clearly establishes that living conditions are very difficult in Lebanon. They referred to two new tabs of the NDP on Lebanon, tabs 2.3 and 11.5, which they did not specifically bring to the attention of the RAD (or the RPD). A review of these documents cited by the applicants in their memorandum demonstrates that there are in fact social and economic problems in Lebanon, including an increase in unemployment and poverty, a currency devaluation and a health care system in crisis. The evidence submitted relates to the current general situation in Lebanon.

[58] However, these tabs show only generalized evidence, in Lebanon as a whole. Therefore, there is no specific evidence of the situation in a large city such as Tripoli, nor is there any evidence of existing difficulties in Tripoli that would make the relocation of the applicants unreasonable in that it would jeopardize their life and safety.

[59] In the applicants' view, it is clear in light of the current conditions in Lebanon that these conditions would not only jeopardize their ability to find employment but would also jeopardize their health and safety if they returned.

[60] However, the applicants have not demonstrated a personal impact if they were to relocate to Tripoli. In response to this criticism, the applicants argue that the conditions are so

catastrophic at this time in Lebanon that it would be unnecessary to ask them to clarify how they would apply to them personally. Furthermore, they argue that such evidence was submitted to the RAD because the applicants' profile is in evidence: the age and education of Mr. Mansour and Ms. Attieh.

[61] They also raised the issue of access to health care in Lebanon. The applicants then stated that they had a disabled child and that this evidence was submitted during the RPD hearing. Ms. Attieh testified that she could now work in Canada, which she could not do in Sidon because she had to devote all her time to caring for the disabled child.

[62] Unfortunately, I cannot accept the applicants' arguments. First, in its reasons, the RAD itself cited tabs of the NDP that had not been cited by the applicants, demonstrating that it carefully considered all the evidence before it. It is also important to note that the RPD also considered tabs of the NDP that had not been cited by the applicants before it, while concluding that the second prong of the IFA test had not been met. For its part, the RAD reviewed the RPD decision.

[63] Although the RAD did not specifically refer to the tabs cited by the applicants in their written representations, the RAD is presumed to have considered all the evidence on the record, and the failure to cite a particular tab of the NDP is not sufficient grounds for the Court to intervene (*Garcia* at para 31; *Kaisar* at para 22; *Cepeda* at paras 16–17).

[64] As the SCC stated in *Newfoundland Nurses* at para 16, a tribunal does not need to refer to all the arguments or details that the reviewing court would have liked to read. The Court may intervene only when the RAD fails to consider and cite a document that contradicts its conclusion.

[65] As explained by Aylen J in *Barril v Canada (Citizenship and Immigration)*, 2022 FC 400 at para 17:

> A decision-maker is required to address relevant evidence if such evidence goes directly to contradict their findings. The Court may infer that a decision-maker has made an erroneous finding of fact without regard to the evidence from a failure to mention in the reasons evidence that is relevant to the finding and which points to a different conclusion [see *Kaur v Canada (Citizenship and Immigration)*, 2020 FC 934 at para 40; *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC), [1998] FCJ No. 1425 at para 15].

[66] The tabs cited by the applicants both before the RAD and this Court relate to general conditions in Lebanon but are not specific to Tripoli, the contemplated IFA. However, the general conditions in a country or large region described in the NDP do not in themselves make an IFA unreasonable (*Arabambi* at paras 38, 40–42; *Kaisar* at para 23). The tabs cited by the applicants therefore do not contradict the conclusion of the RAD or the RPD before it; therefore, the Court cannot intervene in this regard.

[67] Furthermore, in this case, the applicants did not submit any personalized evidence of their ability to find employment and housing in Tripoli. At the hearing, they submitted that their education and age could disadvantage them. However, the applicants have not discharged their burden of proof of demonstrating that there is a lack of housing and that it would be difficult to

find employment given their current range of experience, thus putting their lives at risk in Tripoli. Moreover, there is no evidence allowing us to determine how relocating to Tripoli could prevent the applicants from finding employment there, as the only evidence submitted relates to the country in general, not to the city of Tripoli.

[68] For example, I note that Mr. Mansour is a former police officer, a very honourable and important role, which could help him find employment in Tripoli. According to the certified tribunal record, he has a total of 15 years of education. Ms. Attieh has a high school diploma and now has work experience in a daycare centre (which she did not have before) that could help her find employment in Tripoli. However, the RAD concluded that, "[c]onsidering the appellants' personal characteristics, including their work experience, nothing suggests that they would be unable to find employment and housing there" [emphasis added].

[69] With regard to the child's disability, again, and although it is true that this fact was mentioned before the RPD, the applicants did not submit any evidence before the RPD as to the specific needs of their disabled child or the lack of access to this specific care in Tripoli. Thus, it is impossible for the Court to determine whether there would be any negative consequences if they were to relocate to Tripoli.

[70] I note that Tab 11.5 of the NDP cited by the applicants before the Court (but not cited before the RAD) explains that hospitals are under pressure and that some drugs are not available. However, evidence of the situation of health services in general in Lebanon is insufficient. In *Solis Mendoza v Canada (Citizenship and Immigration)*, 2021 FC 203 at paras 48–53, in which

refugee protection claimants had filed two medical reports, the Court found that while this evidence had to be considered, it did not demonstrate what would happen if the refugee protection claimants were to relocate to the proposed IFA location.

[71] Finally, the status of the child's disability was not raised in the applicants' memorandum either before the RAD or this Court. This argument was raised only before the RPD—and again, in a quick and undetailed manner—as well as before the Court. However, to the extent that this argument was paramount to the applicants' position, they had to raise it further, with accurate, credible and tangible evidence. Unfortunately, that was not the case. There was no discussion or argument before the RAD on the issue of necessary medical care and the lack of access to it in Tripoli. Therefore, I cannot criticize the RAD for not considering certain elements that were not raised by the applicants before it, especially since no conclusive evidence was filed on the subject.

[72] As stated by Pamel J in *Saliu v Canada (Citizenship and Immigration)*, 2021 FC 167 at para 57 [*Saliu*], the Court cannot "fault either the RPD or the RAD for not considering issues that were not raised by the Applicants. At the end of the day, it is not for the RPD or RAD to sift through the NDP looking for reasons why a proposed IFA is unreasonable" (see also *Idugboe v Canada (Citizenship and Immigration)*, 2020 FC 334 at paras 64–65). As the medical care argument was not raised before the RAD, this Court cannot now consider it *(Constant v Canada (Citizenship and Immigration)*, 2019 FC 990 at para 25; *Saliu* at para 58).

[73] This comment also applies to the issue of employment and housing. In the absence of personalized evidence, it was not the responsibility of the RAD to "sift through the NDP" to determine whether the applicants could relocate to Tripoli. This burden rested with the applicants, and they did not discharge it.

[74] In *Singh v Canada (Citizenship and Immigration)*, 2023 FC 6, Lafrenière J in turn states:

> [34] With respect to the second prong of the test, the RAD noted that the applicant submitted no arguments to indicate how the RPD had erred in its analysis of the second prong, namely, the reasonableness of the IFAs. After its own analysis, the RAD found that the RPD's conclusion was correct.
>
> [35] In this case, it was reasonable to conclude that the applicant could settle in the proposed IFAs given his personal circumstances for the following reasons.
>
> [36] The applicant did not provide any new evidence or new arguments establishing that it would be impossible for him to work or, more generally, to provide for his needs in the proposed IFAs. Whether on the basis of his professional experience in India and abroad or on that of his language, which is spoken in the two proposed regions, relocating to one of the IFAs clearly does not put the applicant's life at risk. Even if he had provided persuasive evidence in that respect, difficulty finding work would not make an IFA unreasonable.
>
> [37] The applicant put forward no specific arguments or contradicting documentary evidence that could raise a doubt regarding the RAD's assessment of the IFA. With respect, his arguments are terse and flawed.
> [Emphasis added.]

[75] In its decision, the RAD concluded that the applicants did not meet the high threshold, having failed to demonstrate that the IFA in Tripoli would be unreasonable for them. Among other things, it stated that while political instability and economic problems may make the applicants' relocation to Tripoli more difficult, it does not make it unreasonable.

[76] Although I am not bound by this decision, the RAD recently discussed the situation of an IFA in Lebanon in *X, Re,* 2020 CarswellNat10045. In that decision, the RAD states that:

> 19 The appellant advances that, based on the new evidence presented on appeal, the economic, financial, and safety crisis in Lebanon make it unsafe for him to return anywhere in Lebanon. He submits that he will not be able to find proper employment, healthcare, housing and safety. In such circumstances, the proposed relocation would be duly harsh.
>
> 20 Political instability and the economic breakdown are challenges faced by the country as a whole. While this may make relocation more difficult, it does not establish, on a balance of probabilities, that the relocation would be unduly harsh. The evidence does not demonstrate that the appellant, who is Shia, highly educated, and speaks Arabic, won't be able to find employment, housing and restart his life in IFA locations, which are both big urban centers, nor that the conditions in those locations are such that they would jeopardize the appellant's life and safety.
> [Emphasis added.]

[77] In this case, in my view, it was not unreasonable for the RAD to endorse the RPD's conclusion before it and rule that, "[c]onsidering the [applicants'] personal characteristics, including their work experience, nothing suggests that they would be unable to find employment and housing there. There is also no evidence that the [children] … would not be able to study in Tripoli" (at para 39 of the decision). In my view, the applicants were simply unable to discharge their heavy burden and demonstrate that their relocation to Tripoli would be unreasonable as it would jeopardize their lives and safety.

[78] The Decision demonstrates in a transparent and intelligible manner that the RAD directly considered the documentary evidence as a whole. The reasons for its decision have the required attributes of transparency, justification and intelligibility. 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 (*Djeddi*, at para 40).

[79] In conclusion, the Federal Court of Appeal decisions in *Thirunavukkarasu* and *Ranganathan* impose a very heavy burden of proof on the applicants, which they were unable to discharge. In *Ranganathan*, the Federal Court of Appeal explained why the Court should not reduce the scope of this burden:

> [16] There are at least two reasons why it is important not to lower that threshold. First, as this Court said in *Thirunavukkarasu* [at page 599], the definition of refugee under the Convention "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". Put another way, what makes a person a refugee under the Convention is his fear of persecution by his home country in any part of that country. To expand and lower the standard for assessing reasonableness of the IFA is to fundamentally denature the definition of refugee: one becomes a refugee who has no fear of persecution and who would be better off in Canada physically, economically and emotionally than in a safe place in his own country.
>
> [17] Second, it creates confusion by blurring the distinction between refugee claims and humanitarian and compassionate applications. These are two procedures governed by different objectives and considerations. As Rothstein J. said in *Kanagaratnam* at page 133:
>
> > While in the broadest sense, Canada's refugee policy may be founded on humanitarian and compassionate considerations, that terminology in the Immigration Act and the procedures followed by officials under it, has taken on a particular connotation. Humanitarian and compassionate considerations normally arise after an applicant has been found not to be a Convention refugee. The panel's failure to consider humanitarian and compassionate factors in its Convention refugee determination in this case was not an error.

> Indeed, the guidelines applicable to humanitarian applications are both generous and flexible: see *Immigration Manual* (1999), Chapter 6, The H& C Decision: Immigrant Applications in Canada made on H & C grounds, at pages 13–32. They are certainly broad enough, in my view, to be of assistance to the respondent should she decide to make such an application. The more humanitarian grounds are allowed to enter the determination of a refugee claim, the more the refugee procedure resembles and blends into the humanitarian and compassionate procedure. As a result, the more likely the concept of persecution is to be replaced in practice by that of hardship in the definition of refugee.
> [Emphasis added.]

[80] In this case, the Court is well aware that a child with a disability is involved, and there is no doubt that the child's disability is a relevant factor. However, again, no arguments or evidence was presented on the nature of the disability, the need for special care or the availability of such care in Tripoli. There is no evidence that this particular reason would make the relocation of the applicants to Tripoli unreasonable in the sense that it would jeopardize their life and safety.

[81] Granting the applicant's application on the basis of the particular needs of the child would confuse the two procedures discussed by the Federal Court of Appeal in *Ranganathan*, namely, the refugee status procedure and the humanitarian and compassionate procedure, which is based on its own criteria and objectives, and which is not before the Court.

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

[83] No question of general importance was submitted for certification, and the Court is of the opinion that this case does not raise any.

JUDGMENT in No. IMM-3628-22

THIS COURT ORDERS as follows:

1. The application for judicial review is dismissed.

2. No question of general importance is certified.

"Guy Régimbald"
Judge

Certified true translation
Michael Palles

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:	No. IMM-3628-22
STYLE OF CAUSE:	CHARBEL MANSOUR, MARIE ATTIEH, CHRISTA MANSOUR, MARITA MANSOU, MAROUN GIO MANSOUR v THE MINISTER OF CITIZENSHIP AND IMMIGRATION
PLACE OF HEARING:	MONTRÉAL, QUEBEC
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APPEARANCES:

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