

CANADA / JUDGMENT

## MC0-09767

COURT

Refugee Appeal Division

DECIDED

2 February 2020

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RAD File / Dossier de la SAR : MC0-09767 MC0-09768 / MC0-09769 Private Proceeding / Huis clos  
Reasons and decision ? Motifs et décision Persons who are the subject of the appeal XXXX XXXX  
XXXX XXXXXXXXXX XXXX XXXX XXXXXXXXXX XXXX XXXX Personne|s en cause Appeal considered /  
heard at Toronto, ON Appel instruit / entendu à Date of decision February 2, 2020 Date de la  
décision Panel R. Seyan Tribunal Counsel for the person|s who is|are the subject of the appeal  
Styliani Markaki Conseil de la|des personne|s en cause Designated representative XXXX XXXX  
XXXX Représentant(e) désigné(e) Counsel for the Minister N/A Conseil du ministre Reasons for  
Decision

- [1] XXXX XXXX XXXX (the principal appellant) and his family argue that the Refugee Protection Division (RPD) erred when it denied their claim for refugee protection. His family are his wife, XXXX XXXX XXXX (the associate appellant) and their minor son, XXXX XXXX XXXX (the minor appellant).
- [2] They are citizens of Pakistan and allege they cannot return as their lives are in the danger. They have been extorted by extremists for money.

**Determination**

- [3] I confirm the determination of the RPD that the appellants are neither Convention refugees nor persons in need of protection.
- [4] The determinative issue is internal flight alternative (IFA). Allegations
- [5] The appellants are from Karachi. Since 2015, they have been extorted for money by extremists. In 2017, the appellants left Pakistan. They traveled to Canada in XXXX 2017 via the United States of America and asked for refugee protection. The Role of the Refugee Appeal Division (RAD)
- [6] The RPD found that the appellants were not credible and that they have viable IFAs in Islamabad and Lahore.
- [7] My role is to examine the record independently and determine if the RPD arrived at the correct decision.<sup>1</sup>

- [8] As I have found IFA to be determinative, I will not be considering their arguments with respect to credibility. The appellants argue that an IFA finding where there are errors in credibility may not save the final decision. They are required to show how the credibility findings are fatal to the decision on IFA, but they offer no arguments in this regard. The test for IFA
- [9] The test for IFA is two-pronged; first, there is no serious possibility of the claimant being persecuted in the IFA and /or the claimant would not be personally subject to a risk to life or risk of cruel and unusual treatment or punishment or danger of torture in the IFA on a balance of probabilities. Second, "conditions in the proposed IFA must be such that it would not be unreasonable, upon consideration of all the circumstances, including consideration of a claimant's personal circumstances, for the claimant to seek refuge there."2
- [10] The appellants are only raising arguments with respect to the second prong of the IFA test. They argue that Islamabad and Lahore are not reasonable because of the coronavirus pandemic that is ongoing at present. There is no serious possibility of persecution/risk to life or risk of cruel and unusual punishment or danger of torture on a balance of probabilities in the IFAs
- [11] The appellants have raised no arguments with the RPD's analysis of the first prong.
- [12] The RPD found that the appellants had failed to establish that the terrorists would be able to locate them in either IFA. In XXXX 2016, the appellants lived at the principal appellant's uncle in Karachi (the same city) with no contacts from the terrorists. Four males asked for the appellants' address at the house of the principal appellant's sister, but the RPD did not find there was enough evidence in her letter to establish that these men were the same terrorists that had extorted the appellants. Furthermore, the principal appellant was targeted because of his wealth, which he has lost. He is no longer a wealthy businessman.
- [13] The appellants are not challenging any of these findings.
- [14] I find the RPD was correct to find the IFAs are safe for the appellants. There is no evidence to establish the persecutors will search for the appellants in either Lahore or Islamabad, which are both large cities. The IFAs are reasonable The new evidence is admitted
- [15] The appellants are submitting new evidence, which they argue meets the requirements of s. 110(4). The new evidence consists of ten media articles that postdate rejection by the RPD and therefore meet s. 110(4). The articles are from September to October 2020 and report on coronavirus in the IFAs. They also meet the Singh/Raza factors. They are new, relevant (as it speaks to the IFAs) and credible (media sources).
- [16] The new evidence is admissible. The test for an oral hearing is not met
- [17] The appellants are not requesting an oral hearing. However, once the RAD admits new evidence, it is incumbent upon the member to consider the test for an oral hearing.

- [18] I will not convene an oral hearing.
- [19] The new evidence admitted does not raise a serious issue with respect to the credibility of the appellants. This is enough to find that the test in 110(6) is not met as the test is a conjunctive one. The COVID-19 pandemic does not render the IFAs unreasonable
- [20] The new evidence establishes that doctors are contracting the illness in Lahore and that the district health officer falsified the statistics in the same city. Some of Islamabad's schools and educational institutions have been closed after cases were reported. Islamabad has also imposed mini lockdowns in parts of the city that are particularly impacted by the virus.
- [21] The appellants argue that these conditions render both IFAs unreasonable. COVID-19 cases are expected to surge and both cities are headed toward lockdown.
- [22] This evidence does not establish or render the IFAs unreasonable.
- [23] The world is amid a global pandemic. There is no evidence to suggest the pandemic renders either Lahore or Islamabad unreasonable for the appellants. Lockdowns were and continue to be imposed in all part of the world, including Canada. The lockdowns imposed by Pakistan show that the state is addressing the issue and trying to contain the virus as much as it can.
- [24] The appellants have not presented any evidence that they'll be denied medical treatment on a discriminatory basis. The new evidence does not establish that the pandemic has rendered the IFAs inaccessible. Nor does it establish that the appellants will be disproportionately impacted by the pandemic in either IFA than the average citizen. There is no evidence of any health-related issues (for example, immune-compromised conditions, lung conditions etc.) that render the IFAs unreasonable for them. Nor have they tendered any evidence to establish that the pandemic impacts their ability to find housing and work.
- [25] The appellants have failed to establish that COVID-19 pandemic renders the IFAs unreasonable. Summary
- [26] The appellants are Urdu speakers, which is the national language of Pakistan.<sup>3</sup> The principal appellant in XXXX educated, which is more than the average school life expectancy for males, which is nine years. In 2017, unemployment was reported at 6%. <sup>4</sup>
- [27] The principal appellant ran a successful business in Pakistan. The associate appellant also attended XXXX, though she has no formal work experience. The appellants are resourceful individuals who traveled to Canada and should have a reasonable amount of difficulty re-establishing themselves in either IFA.
- [28] I have looked at the circumstances of the appellants. I find there is no evidence that the proposed IFAs are unduly harsh for them. Therefore, it is not unreasonable for the appellants to relocate to Islamabad or Lahore.

## Conclusion

[29] There is no serious possibility of persecution or risk to life or cruel and unusual punishment or treatment in the IFAs. There is no undue hardship for the appellant to relocate to the proposed IFAs.

[30] I dismiss the appeal. The appellants are neither Convention refugees nor persons in need of protection, pursuant to section 111(1)(a) of the Immigration and Refugee Protection Act (IRPA). (signed) "R. Seyan" R. Seyan 2 February 2021 Date 1 Canada (Citizenship and Immigration) v. Huruglica, [2016] 4 FCR 157, 2016 FCA 93. 2 Amadi v. Canada (Citizenship and Immigration), 2019 FC 1166, para. 43. 3 Exhibit RPD-1, RPD Record, Exhibit 3, National Documentation Package (NDP) for Pakistan (31 March 2020), Item, 1.12. 4 Ibid., Item 1.7.

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Commission de l'immigration et du statut de réfugié du Canada Section d'appel des réfugiés  
RAD.25.02 (January, 2020) Disponible en français

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