

CANADA / JUDGMENT

Aslam v. Canada (Citizenship and Immigration)

2026 FC 375

COURT

Federal Court

DECIDED

20 March 2026

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Aslam v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-03-20 Neutral citation 2026 FC 375 File numbers IMM-5074-25 Decision Content Date: 20260320 Docket: IMM-5074-25 Citation: 2026 FC 375 Toronto, Ontario, March 20, 2026 PRESENT: The Honourable Mr. Justice Gleeson BETWEEN: MUHAMMAD ARSHAD ASLAM Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] The Applicant, Muhammad Arshad Aslam, is a citizen of Pakistan who reports he faces a risk of harm in that country from former business associates and members of the Tehreek-e-Labbaik Pakistan [TLP], a fundamentalist movement and political party.

- [2] The Applicant's claim for refugee protection was refused by the Refugee Protection Division [RPD] in September 2024, the RPD finding he had failed to credibly establish his allegations of risk. The Refugee Appeal Division [RAD] upheld that finding in its February 18, 2025 decision, concluding that credibility was a determinative issue.
- [3] The Applicant seeks judicial review of the RAD's decision under subsection 72(1) of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA], arguing that the RAD misapprehended or failed to consider evidence demonstrating a risk of persecution in Pakistan.
- [4] For the reasons that follow, the application for judicial review will be dismissed. II. Background [5] The Applicant reports that he operated a small import-export business in Lahore, Pakistan, and that he had professional dealings with the former governor of Punjab province, an outspoken critic of Pakistan's blasphemy laws. The governor was assassinated in 2011 by a religious extremist and following the assassination, the Applicant was reportedly threatened and assaulted because of his dealings with the former governor. The Applicant reports that he relocated from Lahore to Islamabad in 2011, and then to Karachi in 2019.

- [6] The Applicant asserts that, in June 2019, while working in the United Arab Emirates, two business associates allegedly affiliated with the TLP – FF and LA – unlawfully transferred the title deed to his house in Lahore to LA, having forged his signature and fraudulently executing a general power of attorney. The Applicant states that, upon returning to Lahore in January 2020 and learning of the fraudulent transaction, he filed a civil action in Pakistani courts, a case that is ongoing.
- [7] In June 2021, LA, FF, and other individuals associated with the TLP reportedly attended his house and assaulted him; the Applicant's assailants allegedly called him a "disbeliever" and told him he had to relinquish his house to them. The Applicant states this incident was reported to police but that his assailants were released without charge.
- [8] The Applicant left Pakistan in September 2022, entered Canada, and sought protection in February 2023. In refusing the claim, the RPD held the Applicant had not credibly established that he faced a forward-facing risk of harm from FF, LA or the TLP. The RPD also found that the Applicant's return to Pakistan in 2018, following a visit to Canada, amounted to reavilment which demonstrated a lack of subjective fear and further undermined his credibility. Noting the Applicant stated he was being treated for diabetes and a heart condition, the RPD also held the Applicant had not demonstrated that he would be denied access to healthcare in Pakistan. III. Decision Under Review [9] The RAD upheld the RPD's conclusion that the Applicant was neither a Convention refugee, nor a person in need of protection.
- [10] The RAD first considered whether to admit new evidence submitted by the Applicant, which included an affidavit sworn by the Applicant on November 27, 2024, court documents, and medical information pertaining to the Applicant. The RAD rejected the proposed new evidence, finding (1) the affidavit, which reiterated certain of the Applicant's Basis of Claim [BOC] statements and his written submissions, was not properly new evidence under subsection 110(4) of the IRPA – however the RAD did consider the content of the affidavit as part of the Applicant's written submissions, (2) the court documents did not comply with the format and content requirements set out in the Refugee Appeal Division Rules, SOR/2012-257, predated the RPD decision, and could have been presented before the RPD rendered its decision in September 2024, particularly given that the filing of additional court documentation was raised by the RPD member during the July 30, 2024 hearing, and (3) the Applicant's medical documents, although satisfying the subsection 110(4) statutory requirements and the newness and credibility criteria (*Singh v Canada* (Citizenship and Immigration), 2016 FCA 96 and *Raza v Canada* (Citizenship and Immigration), 2007 FCA 385), were not relevant to the appeal because they did not demonstrate that the Applicant would not be able to access medical care in Pakistan.
- [11] The RAD then found, as had the RPD, that the Applicant had not credibly established, on a balance of probabilities, that he faced a risk of persecution or harm in Pakistan for the following reasons: The Applicant had not credibly established that FF and LA had any continued interest in him, his testimony before the RPD regarding the disputed property

and any related court involvement having been vague, confusing, and evolving. Specifically, the RAD agreed with the RPD that the Applicant inconsistently testified as to whether FF and LA had taken physical possession of his house. The discontinuance of any judicial proceedings and relinquishment of the property in dispute would eliminate any risk posed by FF and LA without depriving the Applicant of any of his fundamental rights. In this regard, the RAD noted that the Applicant's BOC indicated he had four adult children in Pakistan and that he had failed to credibly establish he would not be able to find housing in Pakistan should he relinquish any interest in the disputed property. The Applicant had not credibly established that FF and LA had ties to the TLP, nor that the TLP had any interest in harming him because of the property dispute or the Applicant's past associations with the governor of Punjab.

- [12] In addition, the RAD found that the RPD had erred in determining that the Applicant's return to Pakistan in 2018 – characterized by the RPD as “reavailment” – impugned the Applicant's credibility. However, the RAD held this error was not determinative of the appeal. IV. Preliminary Matters A. The Applicant's Written Submissions [13] The Applicant's written submissions in this matter were of little assistance to the Court and warrant some comment. The submissions were both disjointed and repetitive. The submissions identified issues that were not substantively addressed, on one hand, and, on the other, advanced certain submissions unrelated to the issues raised. The submissions substantively reproduced portions of a judgment of this Court, without citing the judgment. The submissions also relied on three cases that were identified by style of cause only, including a quotation purportedly taken from one of the three cases. The Court was unable to locate any of the three cases, causing the Court to be concerned that the Applicant had failed to declare the use of generative AI as required by this Court's Notice to the Parties and the Profession on the Use of Artificial Intelligence in Court Proceedings dated May 7, 2024.
- [14] The above-noted concerns were raised with counsel for the Applicant at the outset of the hearing. Counsel assured the Court that the concerns identified were the result of counsel error. Counsel also advised the Court that generative AI had not been relied upon in preparing the submissions and again the incomplete citations were the result of counsel error. While the Court accepts counsel's explanation, counsel is reminded that convoluted submissions and the failure of counsel to ensure the accuracy and veracity of materials submitted to the Court does not advance the interests of justice and is inconsistent with counsel's duties as an Officer of the Court. B. The Applicant's Affidavits [15] The Respondent raises the propriety of the Applicant's affidavits – the Affidavit of Muhammad Arshad Aslam, sworn on April 16, 2025, [Affidavit] and the Further Affidavit of Muhammad Arshad Aslam, sworn on January 28, 2026 [Further Affidavit] – submitting that both affidavits improperly contain legal argument, opinion, new evidence, and additional information and explanations that were not before the RAD. Specifically, the Respondent submits paragraphs 4, 6, 8, 9, 10, 13, 14 and 16 of the Affidavit and paragraphs 3, 4, 5, 6, 7, 10, 11, 14 and 15 and Exhibits “A,” “B” and “C” of the Further Affidavit should be struck or given no weight.

- [16] The Applicant did not oppose the Respondent's submissions, and I agree with the Respondent. The Applicant's affidavits contain information and material that is improper in two respects. First, both affidavits contain improper opinion, argument or legal conclusions and are non-compliant with Rule 81 of the Federal Courts Rules, SOR/98-106 (*Canada (Board of Internal Economy) v Canada (Attorney General)*, 2017 FCA 43 at para 16; *Mckenzie v Lac La Ronge Indian Band*, 2017 FC 559 at paras 26–30). Second, the Further Affidavit contains documents – namely, court documents presumably pertaining to the Applicant's litigation in Pakistan and medical documentation – that are not found in the certified tribunal record. The documents are therefore presumptively inadmissible because they were not before the RAD and do not fall within the scope of any of the recognized exceptions to the general rule that the evidentiary record before a court on judicial review is restricted to the evidentiary record that was before the decision-maker (*Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 at paras 19-20).
- [17] I have given no weight to the portions of the Applicant's affidavits that were not before the RAD. V. Issues and Standard of Review [18] The Applicant identifies a number of issues in challenging the RAD's decision but does not advance substantive arguments in support of certain of those issues. Generally, the Applicant asserts and argues that "the RAD failed to demonstrate that it meaningfully engaged with the Applicant's core allegations and supporting documents, including medical records, civil litigation filings, and country condition evidence." While not clear in the Applicant's written submissions, counsel confirmed during the hearing that the Applicant does not take issue with the RAD's refusal to admit new evidence, nor does the Applicant allege a breach of procedural fairness.
- [19] The application therefore raises a single issue – did the RAD err in its assessment of the Applicant's evidence and testimony?
- [20] The RAD's assessment of the evidence, including the Applicant's testimony, is to be reviewed using the presumptive standard of reasonableness. 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" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 8 [Mason]). The party challenging a decision has the burden of demonstrating to a reviewing court "sufficiently serious shortcomings in the decision such that the decision cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (Vavilov at para 100, Mason at paras 59-61). VI. Analysis [21] The Applicant argues that, in finding he had not credibly established a risk of persecution or harm should he return to Pakistan, the RAD failed to grapple with evidence contrary to the RAD's findings put forward in his sworn testimony – which attracts a presumption of truthfulness – particularly his testimony relating to the June 2021 assault by individuals associated with the TLP, his corroborating evidence including court documents from Pakistan, and country condition reports – all reflecting an ongoing and escalating risk and a

pattern of targeted harm that establishes both systemic and personalized risks. He further argues the RAD failed to consider contextual factors that may impact upon credibility, such as trauma, age, language barriers, and cultural differences, that the RAD's findings were based on an "overzealous scrutiny of immaterial discrepancies," and that the RAD misapprehended his testimony as it related to the issue of control over, and occupancy of, the disputed property in Lahore. He also argues the RAD failed to apprehend the totality of his profile and to consider that the threats he received were ideological in nature – not solely linked to the property dispute. Finally, he submits the RAD overlooked evidence demonstrating specific, repeated, and individualized interest in him and failed to conduct separate and distinct sections 96 and 97 analyses.

- [22] The Applicant's numerous alleged errors are broadly stated, devoid of specific reference to evidence that was overlooked or misconstrued and generally reflect mere disagreement with the RAD's findings and conclusions. I further note that many of the issues raised by the Applicant were not in issue before the RAD, and I am satisfied that the RAD's decision is responsive to those issues that were advanced by the Applicant in the written submissions that were put before it.
- [23] In holding that the Applicant had failed to establish, on the balance of probabilities, that FF, LA or the TLP had an ongoing and forward-facing interest in harming the Applicant, the RAD first finds the Applicant's testimony to be vague, inconsistent and confusing. The RAD supports this conclusion by citing specific examples from the Applicant's testimony. While the Applicant disagrees with the RAD in this regard, the finding is one that was reasonably available to it. That the Applicant sought on this application to clarify and augment his evidence in this area reinforces my view that the RAD's findings are reasonable.
- [24] Nor can I agree with the Applicant's assertion that his sworn testimony and supporting evidence, including corroborating documents, demonstrate the RAD's credibility findings are unreasonable.
- [25] First, the Applicant appears to rely, at least in part, on the proposed new evidence, evidence that the RAD found not to be admissible, a finding the Applicant has not challenged.
- [26] Second, the RAD's credibility concerns are rooted in its finding that the Applicant's evidence, as it related to the status of the disputed property, was vague, confusing, and evolving, a finding that I have already concluded was reasonably available to the RAD. The status of the property was a core element of the Applicant's claim and as such the RAD's conclusions cannot reasonably be characterized as the "overzealous scrutiny of immaterial discrepancies," as the Applicant has argued.
- [27] The RAD also directly addresses the allegation that the TLP posed a separate and distinct risk to the Applicant on the basis that he was a "disbeliever." The RAD concludes this allegation is not established after noting (1) that the Applicant's evidence was to the effect that FF and LA had encouraged the TLP to target the Applicant because of the property dispute, (2) that there was no credible evidence, including the 2021 assault, establishing a

link between FF, LA and the TLP, and (3) the passage of time since the Applicant's dealings with the deceased governor.

- [28] While the Applicant may hold a genuine subjective belief that the TLP poses a risk, this subjective belief alone is insufficient to establish the alleged risk.
- [29] The RAD also found that FF, LA and the TLP would not be interested in the Applicant if the Applicant discontinued his court case and relinquished his house, and that the Applicant could reasonably be expected to do so because it would not amount to a deprivation of his fundamental human rights. Again, the basis for this finding was set out by the RAD and is one that was reasonably available to it. The finding is also in line with the jurisprudence of this Court and the Federal Court of Appeal (*Sanchez v Canada (Citizenship and Immigration)*, 2007 FCA 99 at paras 16–19; *Malik v Canada (Citizenship and Immigration)*, 2019 FC 955 at para 30).
- [30] Finally, in the absence of other independent and credible evidence capable of supporting the positive disposition of the claim, the RAD did not err by undertaking a simultaneous assessment of the Applicant's claim under sections 96 and 97 of the IRPA (*Canada (Citizenship and Immigration) v Sellan*, 2008 FCA 381 at para 3; *Chattha v Canada (Citizenship and Immigration)*, 2025 FC 637 at para 37). VII. Conclusion [31] The application for judicial review is dismissed.
- [32] Neither Party has proposed a question of general importance for certification, and I agree that none arise. JUDGMENT IN IMM-5074-25 THIS COURT'S JUDGMENT is that: This application for judicial review is dismissed. No question is certified. blank "Patrick Gleeson" blank Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-5074-25 STYLE OF CAUSE: MUHAMMAD ARSHAD ASLAM v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: March 17, 2026 JUDGMENT AND REASONS: GLEESON J. DATED: march 20, 2026 APPEARANCES: Chaudhry Muhammad Ismail For The Applicant Saudia Samad For The Respondent SOLICITORS OF RECORD: Ismail Law Professional Corporation Barrister and Solicitor Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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