

CANADA / JUDGMENT

Bokhari v. Canada (Citizenship and Immigration)

2026 FC 210

COURT

Federal Court

DECIDED

12 February 2026

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Bokhari v. Canada (Citizenship and Immigration)

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IMM-8620-24

Decision Content

Date: 20260212

Docket: IMM-8620-24

Citation: 2026 FC 210

Ottawa, Ontario, February 12, 2026

PRESENT: The Honourable Madam Justice Blackhawk

BETWEEN:

SYED NAVID HASAN BOKHARI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview [1] This is an application for judicial review of a decision of the Refugee Protection Division (“RPD”), dated April 26, 2024, that determined that the Applicant, Mr. Bokhari, is not a Convention refugee and is not a person in need of protection, pursuant to sections 96 and 97 of the Immigration and Refugee Protection Act SC 2001, c 27 [IRPA] (“the Decision”).

[2] The Applicant argues that the Decision is unreasonable. I note that the Applicant has returned to Pakistan, and he requested a hearing via video link, which was denied. The Court will rely on the materials filed in the Applicant’s record dated June 13, 2024. The Applicant also submitted letters with information for the Court’s consideration on June 23, 2025, and January 27, 2026, which contain similar submissions as set out in the Applicant’s Application Record.

[3] The Respondent argues that the Decision is reasonable and the Applicant has not raised any reviewable errors that warrant this Court’s intervention.

[4] For the reasons that follow, this application is dismissed.

II. Background [5] The Applicant is a citizen of Pakistan and has lived in Islamabad. His father, wife and five children continue to reside in Islamabad.

[6] On May 18, 2022, the Applicant applied for a study permit to study at the University of Windsor. On June 16, 2022 his application was refused.

[7] The Applicant asserts that his ancestral home in the village of Dhurnal, Tehsil Lawa District of Talagang, Punjab was overtaken by locals who wanted the valuable agricultural lands.

[8] In May 2023, on a visit to the village, locals who had taken over his home threatened the Applicant and his father. Ultimately, the villagers were unable to take over the Applicant’s agricultural lands.

[9] The Applicant reported the incident to the local police at Lawa on May 18, 2023.

[10] On May 27, 2023, the Applicant was followed to his home in Islamabad, approximately 180 km from his ancestral village, by two unknown persons on a motorcycle, who shot at him as he arrived at his front gate. He tried to call the police upon safely entering his home, but he was unable to connect. He reported the incident to the police the following day. Police were sent to collect evidence from outside his home; they collected bullet casings and a report was prepared. The Applicant could not identify his attackers.

[11] On June 29, 2023, the Applicant entered Canada via the United States and made a claim for refugee protection.

[12] On April 26, 2024, the RPD rejected the Applicant's claim finding he was not a Convention refugee nor person in need of protection, as set out in sections 96 and 97 of the IRPA.

III. Issues and Standard of Review [13] The standard of review applicable to the Decision in this case is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 25, 86).

[14] Reasonableness review is a deferential standard and requires an evaluation of the administrative decision to determine if the decision is transparent, intelligible, and justified (Vavilov at paras 12–15, 95). The starting point for a reasonableness review is the reasons for decision. Pursuant to the Vavilov framework, 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).

[15] To intervene on an application for judicial review, the Court must find an error in the decision that is central or significant to render the decision unreasonable (Vavilov at para 100).

[16] The issues in this application are:

a) Did the Applicant improperly name the responding party?

b) Was the Decision reasonable?

IV. Analysis A. Proper Respondent [17] The Respondent argued that the responding party to this Application should be the Minister of Citizenship and Immigration, not the Immigration and Refugee Board (Refugee Protection Division) through its Chairperson Minister of Citizenship and Immigration, pursuant to subsection 303(2) of the Federal Courts Rules, SOR/98-106. The Applicant did not make submissions on this issue.

[18] I agree that the style of cause ought to be amended. Accordingly, the amendment will be made forthwith and with immediate effect.

B. Reasonableness [19] The Applicant argues that the RPD erred in their conclusion that he could avoid harm by selling his property and that he did not establish forward-facing risks. The Applicant argued that:

The link between the villagers who threatened the Applicant and the May 2023 shooting incident was “obvious”;

Accordingly, the villagers attacked the Applicant in Islamabad;

The mere fact that the Applicant does not want to live on his ancestral land does not mean he is not emotionally tied to it; and

The fact that the Applicant's family members in Pakistan have not experienced harm from the alleged agents of persecution is not relevant as they are not a barrier to the villager's ability to seize the land.

- [20] The Applicant asserts that the villagers are led by very important and influential people who will not hesitate to harm him to acquire the lands, and that the police have not been able to effectively protect him. He claims that he and his family are not safe.
- [21] The Respondent argued that the RPD did not err in their conclusion that the Applicant could avoid harm by selling the property in question. In addition, the Respondent argued that the Applicant's arguments are mere disagreements with the RPD's weighing of the evidence and the conclusions reached by the RPD, which is not the proper role for a reviewing Court.
- [22] The RPD found that the Applicant had not demonstrated a forward-facing risk in Pakistan. The Applicant's evidence was that his cousin, who resides in the Village, has retained the help of a friend—"a political person"—to care for the agricultural lands. Accordingly, the RPD held "in the circumstances, that there would be no need for the claimant to visit the ancestral village, and as such, that there is no risk to his life upon his return to Pakistan".
- [23] The Applicant's evidence at the RPD was that the agricultural lands in his ancestral village are of significant value. The RPD found that "it is not unreasonable in the circumstances of this case to expect the claimant to give up his interest in the village home, and agricultural land, to avoid problems with the villagers who threatened him." The RPD found that there were reasonable alternatives available to the Applicant.
- [24] A review of the decision indicates that the RPD applied and considered the applicable legal framework to the facts of the Applicant's claim.
- [25] In *Sanches v Canada (Minister of Citizenship and Immigration)*, 2007 FCA 99 at paragraph 16, the Court of Appeal stated, "claimants who are able to make reasonable choices and thereby free themselves of a risk of harm must be expected to pursue those options."
- [26] In *Ward v Canada (Minister of Citizenship and Immigration)*, [1993] 2 SCR 689 at 738-39, the Supreme Court of Canada has confirmed that, "Canada cannot and should not be a substitute refuge for those who have the option of choosing a safe haven in their home countries."
- [27] Finally, I note that in *Khair v Canada (Citizenship and Immigration)*, 2023 FC 374 at paragraph 43, Mr. Justice Norris noted that even in situations where there would be an adverse impact on the economic or property interests of an applicant, it is not sufficient to engage a principle of fundamental human rights.
- [28] The Applicant asserted that the RPD minimised his connection to the agricultural lands. The RPD noted that:

"the panel is not convinced that his connect with these properties is a strong one. The claimant testified to spending very little time in the village, ... I accept that the claimant has visited the properties more frequently in recent times. However, I find this was only because he was trying to help his elderly father, not because of his own attachment to the properties. ... the claimant clearly and unambiguously testified that he was raised in Islamabad and did not like the village much because life there is difficult."

- [29] Ultimately, the RPD found that the Applicant's reluctance to relinquish his claim to the agricultural lands was tied to the economic value of the lands.
- [30] The Applicant argued that there was evidence to establish he faced a reasonable fear of harm by the hands of the members of the village who are trying to take over his ancestral agricultural land.
- [31] A review of the Decision demonstrates that the RPD accepted that the Applicant and his father had been threatened by the villagers after they captured their ancestral home in the village. They also noted that the evidence of a complaint filed with the police corroborated the Applicant's claims. However, the RPD did not agree that the Applicant had established a link between the agricultural land dispute with the villagers and the motorcycle shooting incident on May 27, 2023, due to a lack of sufficient evidence. The reasons for Decision state that there was:
- "insufficient evidence before the panel suggesting that the men on the motorcycle who followed the claimant home on May 27, 2023, were target killers, sent by the villagers with whom the claimant has a dispute. The country conditions evidence notes the prevalence of crimes committed by organized, or opportunistic, individual criminals or groups ... However, even if the incidents are linked, I find the claimant's fear is not well founded."*
- [32] A review of the record for this proceeding supports that it was open for the RPD to find as it did. Generally, on judicial review, Courts are to exercise restraint and respect for the role of administrative decision makers. A review of reasons for the Decision illustrates that the RPD provided transparent, intelligible and justified analysis of the applicable law and facts to support its Decision.
- [33] The Applicant notes that the RPD found him to be a credible witness. I agree; however, a finding of credibility absent evidence to establish a forward-facing risk or risk of section 97 of the IRPA harm is insufficient; *Ferguson v Canada (Citizenship and Immigration)*, 2024 FC 447 at para 15.
- [34] Ultimately, an applicant has the onus to demonstrate a serious possibility of a forward-facing risk or risk of section 97 of the IRPA harm.
- [35] This Court has consistently found that the fact an applicant is credible does not overcome the need for objective evidence. This requires "actual and concrete evidence" of such conditions that would "jeopardize the life and safety" of an applicant; *Iyere v Canada (Minister of Citizenship and Immigration)*, 2018 FC 67 at para 37; *Figueroa v Canada (Minister of Citizenship and Immigration)*, 2016 FC 521 at para 54, citing *Alvarez v Canada (Citizenship and Immigration)*, 2009 FC 1164 at para 16.
- [36] The RPD has reasonably found that the Applicant failed to meet the onus to establish that he has a forward-facing risk or is a person in need of protection as set out in sections 96 and 97 of the IRPA.

V. Conclusion [37] The fact that the Applicant disagrees with the findings of the RPD does not render them unreasonable. The Applicant has not pointed to a legal error that warrants this Court's intervention.

[38] The parties did not pose questions for certification, and I agree that there are none.

JUDGMENT in IMM-8620-24

THIS COURT'S JUDGMENT is that:

The application for judicial review is dismissed.

No question is certified.

"Julie Blackhawk"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:

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STYLE OF CAUSE:

SYED NAVID HASAN BOKHARI v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

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JUDGMENT AND REASONS:

BLACKHAWK J.

DATED:

February 12, 2026

APPEARANCES:

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