

CANADA / JUDGMENT

El Khatib v. Canada (Citizenship and Immigration)

2026 FC 229

COURT

Federal Court

DECIDED

18 February 2026

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Decision Content

Date: 20260218

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Citation: 2026 FC 229

Vancouver, British Columbia, February 18, 2026

PRESENT: The Honourable Mr. Justice A. Grant

BETWEEN:

HAISAM EL KHATIB

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. OVERVIEW [1] The Applicant, Mr. Haisam El Khatib, seeks judicial review of a decision by the Refugee Appeal Division [RAD] of the Immigration and Refugee Board, upholding the rejection of his claim for refugee protection.

[2] For the reasons that follow, I believe that this application should be dismissed.

II. BACKGROUND A. Facts [3] Mr. El Khatib is a citizen of Lebanon. Until April 2022, he lived in Ras Nahash, Lebanon with his wife and three of his children, and worked as a singer and an artist. Mr. El Khatib's eldest son, Mansour, has lived in Australia since 2015, and he also has a son who lives in France.

[4] In mid-2017, Mr. El Khatib learned through public Facebook posts that Mansour had converted from the family's Sunni Muslim faith to Judaism.

[5] The primarily Sunni Muslim community in Ras Nahash disapproved of Mansour's conversion and distanced themselves from Mr. El Khatib's family.

[6] Sometime after this, Mr. El Khatib was attacked by two masked men on a motorcycle. He did not report the incident to police because he did not have confidence that the police would take any action.

[7] Mr. El Khatib continued to face harassment from the community about his son's conversion, and he felt this harassment began to worsen in response to the rising tensions between Israel and Lebanon.

[8] In April 2022, Mr. El Khatib travelled to the USA to visit his sister. During his visit, he converted to Christianity. He confided in his wife about the conversion, but kept it secret from his other family members for fear of disapproval.

[9] After consulting with lawyers in the USA about options for claiming asylum, Mr. El Khatib ultimately decided to claim refugee status in Canada. He crossed the border at Roxham Road in September 2022 and made his claim for refugee protection in March 2024.

B. Procedural History [10] The RPD rejected his claim because the panel found that he had a viable Internal Flight Alternative [IFA] in Zahlé, Lebanon.

[11] On appeal, the RAD upheld the RPD's decision, finding that Zahlé was a viable IFA and that Mr. El Khatib had not established that he would be persecuted in Lebanon as a result of his conversion.

III. ANALYSIS [12] The parties submit and I agree that the standard of review on the substance of the RAD's decision is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 10 [Vavilov].

- [13] For the reasons that follow, I believe that the RAD's conclusion that Zahlé is a valid IFA was reasonable. Therefore, this judicial review must be dismissed.
- [14] The Applicant's claim was based on two distinct grounds: 1) that he will face antisemitic persecution in Lebanon because of his son's conversion to Judaism, and 2) that he will face religious persecution in Lebanon because of his own conversion to Christianity.
- [15] The Applicant's evidence on the first ground includes his experience of being ostracized by his neighbours following his son's conversion, the attack against him by two masked assailants, a 2023 attack against one of his sons in Tripoli during which the attackers made antisemitic statements, and country condition evidence about antisemitism in Lebanon.
- [16] The Applicant converted to Christianity after leaving Lebanon, and so the entirety of his evidence for this ground of persecution is secondary source material describing country conditions in Lebanon for converts from Islam to Christianity.

A. IFA [17] Once an IFA has been proposed, claimants have the onus of showing why the IFA location is not viable: *Thirunavukkarasu v Canada (Minister of Employment and Immigration) (CA)*, 1993 CanLII 3011 (FCA). For an IFA to be acceptable, 1) there must be no serious possibility that the claimant will be persecuted in the IFA, and 2) it must not be unreasonable or unduly harsh, in light of in all the circumstances particular to the claimant, for the claimant to seek refuge there: *Rasaratnam v Canada (Minister of Employment and Immigration) (CA)*, 1991 CanLII 13517 (FCA) at paras 710 and 711.

- (1) No Serious Possibility of Persecution in the Proposed IFA [18] The Applicant submits that the RAD's analysis of the first prong of the IFA test—whether there is a serious possibility of persecution in the IFA— was unreasonable because the RAD mischaracterized the agent of persecution. The Applicant argues that the RAD focused improperly on the risks he faced from his neighbours in Ras Nahash, as opposed to the real agent of persecution, which, he alleges, is Lebanese society as a whole. He also argues that the RAD failed to consider important supporting evidence showing that antisemitic and anti-convert sentiment in Lebanon would leave him at serious risk of persecution.
- [19] On the first point, while the RAD did consider and reject the possibility that the Ras Nahash community would pursue the Applicant to the proposed IFA, the RAD then explicitly considered the argument that the Applicant is at risk from Lebanese society as a whole.

- [20] On the second point, the RAD rightly noted that the Applicant's memoranda mainly contained sweeping generalizations about the risks faced by Jewish people and their supporters in Lebanon. While it is true that the RAD did not explicitly address the country condition evidence cited by the Applicant about antisemitism in Lebanon, it clearly addressed the argument, and reasonably rejected it.
- [21] The RAD is presumed to have weighed and considered all the evidence before it, and a failure to mention a particular piece of evidence in a decision does not mean that it was ignored and does not, on its own, constitute an error: *Penez v Canada (Citizenship and Immigration)*, 2017 FC 1001 at para 25, citing *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at paras 16-17. That said, where the RAD fails to address evidence that directly contradicts its conclusions, particularly on a material point, this can show that the RAD's decision was not responsive to the evidence: *Pantoja v Canada (Citizenship and Immigration)*, 2022 FC 1790 at para 35; *Vavilov* at para 126.
- [22] In this case, the evidence relied upon by the Applicant did not directly contradict the findings of the RAD. As the Respondent has pointed out, some of the country condition documents cited by the Applicant, when read in their entirety, actually contradict the Applicant's position that he would be at risk in the IFA. Although the RAD did not make this finding, it supports the conclusion that the tribunal did not act unreasonably in failing to specifically refer to these documents.
- [23] Moreover, as the RAD notes, the risk the Applicant asserts is based on the inference that, no matter where he moves in Lebanon, people would inevitably discover that his son is a Jewish convert, and mistreat him as a result. But as the RAD rightly concluded, this is not, in fact, inevitable, despite the Applicant's argument that, as a musician, he tends to share details about his personal life.
- [24] The Applicant's son Mansour has already taken steps to protect his family's safety, including deleting public Facebook posts. I agree with the RAD's finding that it is not unreasonable to expect the Applicant to take similar steps to avoid publicizing his son's conversion – and that this would not amount to the Applicant having to live in hiding in the IFA: *Zamora Huerta v Canada (Citizenship and Immigration)*, 2008 FC 586 at para 29; *Ali v Canada (Citizenship and Immigration)*, 2020 FC 93 at para 50.
- [25] The refugee protection regime is remedial, and claimants are expected to take reasonable steps, where they are available, to reduce or eliminate their risk in their country of origin: *Sanchez v Canada (Citizenship and Immigration)*, 2007 FCA 99; *Iwuanyanwu v Canada (Citizenship and Immigration)*, 2022 FC 837 at para 10. To be clear, this is not a situation in which the Applicant would be forced to conceal some core component of his identity to ensure his safety. In any event, even if the Applicant were to disclose that his son had converted to Judaism, the evidence was, at best, equivocal as to how this information would be received by the majority Christian community in Zahlé.

- [26] I will note that the Applicant provided evidence that one of his sons was attacked in Tripoli in 2023, and that the attackers made antisemitic statements. While this may show that there is some risk in Tripoli, I agree with the RAD's conclusion that this risk does not necessarily extend to the IFA.
- [27] Finally, the Applicant also submits that the RAD failed to consider his evidence about persecution against Christian converts. While the RAD relied on the National Documentation Package and documents from the United Nations about religious plurality in Lebanon, it is true that it failed to address the articles referenced by the Applicant.
- [28] The problem for the Applicant is that these materials do not actually show a serious risk of persecution for Christian converts throughout Lebanon. At most, these materials show that: 1) there may be increased radicalization amongst the Sunni Muslim community in Tripoli, although it does not appear that Christians are being specifically targeted as a result; 2) it may be easier for Christian converts to live in the parts of Lebanon that are majority Christian (like Zahlé, the proposed IFA); and 3) there was an incident in 2012 wherein a priest was kidnapped after baptizing a Shia Muslim woman in a city that is known to be a Hezbollah stronghold.
- [29] The bulk of these articles actually contradict the Applicant's position and suggest that there is relative inter-sectarian harmony in most urban communities in Lebanon. Of particular note, the Applicant submitted an article about a Yemeni Christian convert fleeing to Lebanon to be able to safely practice his religion. Therefore, I cannot conclude that the RAD erred by failing to mention these articles when drawing their conclusion that the Applicant had not shown, on a balance of probabilities, that he would be persecuted for his conversion in the IFA.
- (a) Hezbollah and Other Extremist Groups [30] The Applicant also submits that the RAD did not fully consider the evidence of the risk posed to him by Hezbollah and other extremist Muslim groups in Lebanon. The RAD, and the Respondent, characterized this argument as contradicting the Applicant's submissions before the RPD that none of these organizations were interested in him or pursuing him.
- [31] The Applicant's submissions and testimony were not particularly clear on this issue. Nevertheless, I believe the Respondent has somewhat mischaracterized the Applicant's position.
- [32] While the Applicant has never claimed to be directly targeted by Hezbollah, Daesh, or other extremist organizations, he has argued that a person with his profile – a Christian convert from Sunni Islam with a Jewish convert son – would face a serious risk of persecution by these organizations anywhere in Lebanon. Further, on appeal, he argued that the escalating tensions between Lebanon and Israel would exacerbate this risk.

- [33] That said, the RAD's finding that the Applicant did not establish on a balance of probabilities that he would be targeted by Hezbollah or other extremist groups was reasonable. The evidence provided by the Applicant on this point shows that the conflict between Israel and Hezbollah has been intensifying. However, the Applicant provided no evidence of how this conflict would translate to persecution against him directly in the proposed IFA. Thus, it was reasonable for the RAD to find that the risks raised by the Applicant were purely speculative.
- (2) IFA is Not Unreasonable or Unduly Harsh [34] The Applicant also submits that the RAD erred in its analysis of the second prong of the IFA test by failing to consider evidence of danger in the proposed IFA. More specifically, the Applicant submitted evidence of Israeli airstrikes in Lebanon in 2024, including in the area around Zahlé.
- [35] This situation has obviously evolved since 2024, and the Court acknowledges that there may be some ongoing risk in Lebanon as a result.
- [36] Ultimately, however, the Applicant's claim for refugee protection is based on religious persecution, not the general danger in Lebanon. The evidence he adduced demonstrated that Israeli airstrikes had, on one particular day in 2024, struck Zahlé. It was open to the RAD to find that, on a forward-looking basis, Zahlé remained a reasonable IFA location.
- [37] The risk to the Applicant resulting from a potentially ongoing conflict between Israel and Lebanon may be relevant to a subsequent risk or humanitarian assessment, but it does not, as the Applicant argues, displace any of the RAD's conclusions.

IV. CONCLUSION [38] The Applicant has not established that the RAD's IFA findings were unreasonable, therefore, this judicial review is dismissed.

[39] The parties did not propose a question for certification and I agree that none arises.

JUDGMENT in IMM-2736-25

THIS COURT'S JUDGMENT is that:

The application for judicial review is dismissed.

No question is certified.

No costs are awarded.

"Angus G. Grant"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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