

CANADA / JUDGMENT

Hassekian v. Canada (Citizenship and Immigration)

2025 FC 2003

COURT

Federal Court

DECIDED

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PRESENT: The Honourable Mr. Justice Ahmed BETWEEN: GARO HASSEKIAN Applicant and THE
MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I.
Overview [1] The Applicant, Garo Hassekian, seeks judicial review of a decision made by the
Refugee Appeal Division (“RAD”), dated December 5, 2024, confirming the determination made
by the Refugee Protection Division (“RPD”) that the Applicant is neither a Convention refugee nor
a person in need of protection pursuant to sections 96 and 97(1) of the Immigration and Refugee
Protection Act, SC 2001, c 27.

- [2] The RAD found that the Applicant lacked a sufficient objective basis to establish a fear of persecution in Armenia. The Applicant argues that the RAD mischaracterized evidence regarding the agents of persecution and failed to consider key issues such as his request to gain custody of his son.
- [3] For the reasons that follow, I disagree. I find that the RAD’s decision is reasonable. This application for judicial review is dismissed. II. Background [4] The Applicant is a 40-year-old citizen of both Syria and Lebanon. He has lived most of his life in Lebanon, but he also has special residency status in Armenia and is entitled to Armenian citizenship.
- [5] On June 20, 2022, the Applicant left Lebanon. He was unable to bring his 10-year-old son with him given that his ex-wife had custody. In December 2022, the Applicant filed a refugee claim in Canada based on the threats to his life by the Tashnag Party, Lebanese allied forces, and his ex-wife whom he described as connected to these entities through her employer. The Applicant claims that these entities’ political ties to Armenia would prevent him from avoiding persecution in Armenia.

- [6] In a decision dated August 21, 2024, the RPD refused the Applicant's claim, finding that the Applicant lacked an objective basis for his fear of persecution in Armenia. The Applicant appealed this decision to the RAD.
- [7] In a decision dated December 5, 2024, the RAD affirmed the RPD's refusal of the Applicant's refugee claim.
- [8] The RAD found that it lacked evidence to support the Applicant's "speculation" that the threats he faced in Lebanon from the Tashnag Party extended to Armenia. Specifically, the RAD found no indication that the members of the Tashnag Party who had threatened the Applicant were connected to the party's leadership. The RAD also had no evidence showing that the agents of persecution had "the means and motivation" to target the Applicant in Armenia. Further, the RAD noted that other than the Applicant's testimony that the Tashnag Party may be prominent in Armenia, he did not submit evidence demonstrating the Tashnag Party's influence in Armenia.
- [9] The RAD then found that "a personal vendetta, revenge, or retaliation" motivated the Applicant's ex-wife and her employer to attack the Applicant. Given that the Applicant is divorced and not in contact with his ex-wife or her employer and has never been to Armenia, the RAD concluded that the threat from these agents of persecution did not extend to Armenia.
- [10] Finally, the RAD considered the potential for discrimination in Armenia against the Applicant and found that it did not rise to the level of persecution. In particular, the RAD noted that the Applicant did not provide evidence to show that he would face any particular discrimination in securing work, housing, or social services.
- [11] Because the RAD found that the Applicant did not show an objective basis for his fear of persecution in any part of Armenia, it concluded that an Internal Flight Alternative ("IFA") analysis was unnecessary. III. Issue and Standard of Review [12] The sole issue in this judicial review is whether the RAD's decision is reasonable.
- [13] The parties submit that the applicable standard of review is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 ("Vavilov")). I agree.
- [14] Reasonableness is a deferential, but robust, standard of review (*Vavilov* at paras 12-13). The reviewing court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible and justified (*Vavilov* at para 15). 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). Whether a decision is reasonable depends on the relevant administrative setting, the record before the decision-maker, and the impact of the decision on those affected by its consequences (*Vavilov* at paras 88-90, 94, 133-135).

- [15] For a decision to be unreasonable, the applicant must establish the decision contains flaws that are sufficiently central or significant (Vavilov at para 100). Not all errors or concerns about a decision will warrant intervention. A reviewing court must refrain from reweighing evidence before the decision-maker, and it should not interfere with factual findings absent exceptional circumstances (Vavilov at para 125). Flaws or shortcomings must be more than superficial or peripheral to the merits of the decision, or a “minor misstep” (Vavilov at para 100). IV. Analysis [16] The Applicant submits that the RAD ignored key arguments about the risks he faces in Armenia, including his ex-wife’s Armenian citizenship and her increased motivation to find him if he seeks to gain custody of his son. The Applicant further submits that the RAD erred in declining to conduct a full IFA analysis because it did not consider whether relocating to Armenia would be reasonable given his hope to gain custody of his son.
- [17] The Respondent submits that the RAD reasonably addressed the relevant evidence pertaining to the Applicant’s fear in Armenia, including the potential for the alleged persecutors to track the Applicant in Armenia. The Respondent submits that the RAD did not err in declining to conduct an IFA analysis because the determinative issue was whether the Applicant had a well-founded fear of persecution in Armenia.
- [18] I agree with the Respondent.
- [19] I do not find that the RAD’s identification of the agents of persecution is unreasonable. The Applicant submits that the RAD should have analyzed the Applicant’s ex-wife as the agent of persecution, instead of the Tashnag Party or the Lebanese allied forces. But the Applicant’s appeal to the RAD specifically states that his fear of persecution relates to how his ex-wife influences the Tashnag Party and Lebanese allied forces. Based on the record before it, the RAD reasonably determined that assessing the risk to the Applicant from the Tashnag Party and Lebanese allied forces was relevant to his claim.
- [20] The RAD also reasonably assessed the threat the Applicant’s ex-wife posed. Although the RAD does not address the Armenian citizenship of the Applicant’s ex-wife, this is not determinative and does not directly contradict the RAD’s findings (Hernandez Montoya v Canada (Citizenship and Immigration), 2014 FC 808 at paras 32-33). The RAD weighed the evidence and found that the Applicant’s former wife was unlikely to pursue him in Armenia because they were divorced and did not have any contact.
- [21] Likewise, the RAD did not commit a reviewable error in failing to address the Applicant’s intention to seek custody of his son in Armenia when assessing the risks he faced in the country. In a refugee claim, considering the best interests of the child adds nuances to the analysis, but it does not ultimately change the requirements to succeed (Damavandian v Canada (Citizenship and Immigration), 2025 FC 255 at para 35; Kim v Canada (Citizenship and Immigration), 2010 FC 149 at para 61). It is well established that a claimant still bears the onus of demonstrating an objective basis for their fear of persecution (Ismaili v Canada (Citizenship and Immigration), 2014 FC 84 at para 32). The RAD found there was insufficient

evidence to show the agents of persecution would have the means and motivation to pursue the Applicant in Armenia. The RAD also lacked evidence before it to find that this would change if the Applicant sought custody of his son while in Armenia.

- [22] Moreover, the RAD did not err in declining to conduct an IFA analysis. Relying on *Rasaratnam v Canada (Minister of Employment and Immigration)(CA)*, 1991 CanLII 13517 (FCA), and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)(CA)*, 1993 CanLII 3011 (FCA), the Applicant argues that the RAD should have conducted an IFA analysis given that the Applicant has never been to Armenia before. I do not find that these cases assist the Applicant. Instead, they address a situation where the decision maker has already determined that there is an objective basis for the claimant's fear of persecution in some part of the country of reference. That is not the case here, where the RAD found insufficient evidence to establish an objective basis for the Applicant's fear of persecution in any part of Armenia as the country of reference.
- [23] The RAD's decision, therefore, is justified in light of the evidence before it. Contrary to the Applicant's assertions, the RAD's reasons do not contradict or ignore material evidence. I do not find that the Applicant has raised a reviewable error in the decision that warrants this Court's intervention. V. Conclusion [24] The RAD's decision is justified in light of the factual and legal context before it (Vavilov at paras 99). The RAD did not mischaracterize or ignore key arguments. For these reasons, I find that the RAD's decision is reasonable and dismiss this judicial review.
- [25] The parties did not raise any question for certification, and I agree that none arises. JUDGMENT in IMM-24637-24 THIS COURT'S JUDGMENT is that: This application for judicial review is dismissed. There is no question for certification. "Shirzad A." Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-24637-24 STYLE OF CAUSE: GARO HASSEKIAN v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: October 30, 2025 JUDGMENT and reasons: AHMED J. DATED: December 18, 2025 APPEARANCES: Dainelle Barham For The Applicant Amy King For The Respondent SOLICITORS OF RECORD: Grice & Associates Barristers and Solicitors Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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