

CANADA / JUDGMENT

Hossain v. Canada

(Citizenship and Immigration)

2026 FC 471

COURT

Federal Court

DECIDED

9 April 2026

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Hossain v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions
Date 2026-04-09 Neutral citation 2026 FC 471 File numbers IMM-2630-25 Decision Content Date:
20260409 Docket: IMM-2630-25 Citation: 2026 FC 471 Ottawa, Ontario, April 9, 2026 PRESENT:
Madam Justice Sadrehashemi BETWEEN: MOHAMMAD SHAKIL HOSSAIN Applicant and THE
MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The Applicant, Mohammad Shakil Hossain, made a claim for refugee protection due to his fear of the Awami League Party (“Awami League”) in Bangladesh. The Refugee Protection Division (“RPD”) rejected his claim. Mr. Hossain appealed. By the time the Refugee Appeal Division (“RAD”) was considering Mr. Hossain’s appeal, the Awami League was no longer in power in Bangladesh. The RAD sought further submissions on this political change. The RAD then rejected the appeal because there was no longer any foundation, in this new political context, to Mr. Hossain’s claim that local members of the Awami League would be motivated to seek him out.
- [2] Mr. Hossain argues that the RAD decision was unreasonable on three grounds: i) the RAD failed to address the RPD’s credibility findings; ii) the RAD’s adoption of the RPD’s subjective fear analysis; and iii) the RAD failed to consider relevant evidence on the issue of country conditions after the change of government in Bangladesh.
- [3] The parties agree, as do I, that Mr. Hossain is challenging the merits of the RAD’s decision and not the procedure followed. Accordingly, I will be reviewing the RAD decision on a reasonableness standard (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65).
- [4] The RAD explicitly stated that it would not address the RPD’s credibility findings because the determinative issue is Mr. Hossain’s lack of forward-facing risk. The RAD stated: Overall, I find that the Appellant does not have a forward-facing risk if he returns to Bangladesh. As I have found this to be determinative, I have not addressed the Appellant’s submissions on the credibility findings made by the RPD.

- [5] Mr. Hossain argues that despite the RAD's finding that the lack of forward-facing risk was fatal to his claim, it still had to address the RPD's credibility findings. I cannot accept this submission. Nowhere in the decision does the RAD rely on the RPD's credibility findings. The RAD accepted Mr. Hossain's allegations and drew no negative inferences. I cannot see how in this circumstance the RAD was required to address the RPD's credibility findings.
- [6] There is also no indication that the RAD adopted the RPD's subjective fear findings.
- [7] For both issues, general credibility and subjective fear, Mr. Hossain's counsel pointed me to the paragraph I cited above where the RAD said it would not address the RPD's credibility findings because it had determined the claim on another basis. Again, I cannot see how this paragraph supports their position that the RAD adopted the RPD's subjective fear findings or its general credibility findings.
- [8] Nor can I understand the submission that the RAD "implicitly" adopted the credibility and subjective fear findings of the RPD. As I have said, the RAD set out Mr. Hossain's allegations, as claimed by him, and made no negative inferences about his claim. The RAD further stated that it would not be addressing the negative credibility findings of the RPD. I see no basis to find that the RAD made implicit negative credibility or subjective fear findings.
- [9] The RAD also addressed the evidence Mr. Hossain is claiming was not considered in its assessment of the current country conditions. Mr. Hossain's counsel also argued, without reference to evidence, that the political situation could change. While it is certainly true that the political situation could change, the RAD had to evaluate the conditions at the time of its decision.
- [10] Moreover, and not challenged by Mr. Hossain, the RAD found, based on the Awami League's lack of contact with Mr. Hossain's father who had also been their target, that "even if the AL [Awami League] was functioning today, it would not be motivated to target the Appellant."
- [11] Neither party raised a question for certification and I agree none arises. The application for judicial review is dismissed. JUDGMENT IN IMM-2630-25 THIS COURT'S JUDGMENT is that:
1. The application for judicial review is dismissed; and
 2. No serious question of general importance is certified. blank "Lobat Sadrehashemi" blank Judge FEDERAL COURT SOLICITORS OF RECORD Docket: IMM-2630-25 STYLE OF CAUSE: MOHAMMAD SHAKIL HOSSAIN v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: TORONTO, ONTARIO DATE OF HEARING: MARCH 25, 2026 REASONS FOR JUDGMENT AND JUDGMENT: SADREHASHEMI J.. DATED: APRIL 9, 2026 APPEARANCE: Dainelle Barham FOR THE APPLICANT Braelyn Rumble For The Respondent SOLICITORS OF RECORD: Dainelle Barham Grice & Associates Toronto, Ontario For The APPLICANT Braelyn Rumble Department of Justice Canada Toronto, Ontario For The Respondent

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Prepared on 28 October 2026 · Esheria