

CANADA / JUDGMENT

Rammal v. Canada

(Citizenship and Immigration)

2025 FC 1737

COURT

Federal Court

DECIDED

28 October 2025

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Rammal v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions
Date 2025-10-28 Neutral citation 2025 FC 1737 File numbers IMM-9499-24 Decision Content Date:
20251028 Docket : IMM-9499-24 Citation: 2025 FC 1737 Ottawa, Ontario , October 28, 2025
PRESENT: Madam Justice McDonald BETWEEN: HUSSEIN RAMMAL Applicant and THE
MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The Applicant, a citizen of Lebanon, claimed refugee status for being at risk of persecution by Hezbollah. On this judicial review application, he seeks review of the second Refugee Appeal Division (RAD) decision, upholding the second Refugee Protection Division (RPD) decision finding that he is not a refugee under section 96 or subsection 97(1) of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA]. The RAD agreed with the RPD that there was insufficient evidence that he faces a serious threat of danger, harm, threat or persecution in Lebanon.
- [2] For the reasons below, this judicial review is dismissed. The RAD applied the correct test and reasonably assessed the Applicant's refugee claim. I. Background [3] In 1982, Mr. Rammal left Lebanon and moved to the United Arab Emirates (UAE). He states that he was approached by Hezbollah representatives several times between 2010 and 2016, in the UAE and while visiting Lebanon. Mr. Rammal refused their requests for financial support or to act as their spy. He also states that he told a Hezbollah representative that he believed they were a terrorist group.
- [4] In 2019, Mr. Rammal left the UAE when his temporary residence permit was not renewed. He travelled to Canada and claimed refugee status.
- [5] The first RPD decision, issued in December 2021, found Mr. Rammal was not a convention refugee under section 96 of IRPA or a person in need of protection under subsection 97(1) of IRPA. The RPD also found that Mr. Rammal was not credible.

- [6] The RAD allowed the appeal of the first RPD decision, in part because Mr. Rammal had an undiagnosed medical condition that impacted his cognitive abilities during the RPD hearing. The RAD appointed an independent Designated Representative (DR) for the RAD proceeding and sent the matter back to the RPD for redetermination.
- [7] In March 2023, the RPD redetermined his claim. Prior to the hearing, the RPD refused Mr. Rammal's application for a DR. The RPD rejected his claim for refugee status, finding insufficient evidence that he had faced a serious threat of danger, harm, threat or persecution in Lebanon, and did not face a serious risk of future persecution if he returned to Lebanon. As such, he was not a refugee under section 96 or subsection 97(1) of IRPA.
- [8] The RPD found that there was a nexus to the Convention refugee definition for "political opinion", based on his refusal to financially support Hezbollah. The RPD accepted Mr. Rammal's testimony regarding his interactions with Hezbollah as credible, but found these encounters to be "more casual in nature versus targeted interactions".
- [9] The RPD concluded that Mr. Rammal was not being targeted by Hezbollah, nor was he a wanted person. The RPD also found that he would not suffer "forward facing" medical risks in Lebanon, as the Lebanese healthcare system could provide proper medication and medical care for his health conditions (hypertension, an unspecified cognitive impairment, diabetes, and Vitamin D deficiency).
- [10] Mr. Rammal appealed the RPD decision to the RAD. II. RAD decision under review [11] The RAD dismissed Mr. Rammal's appeal and upheld the RPD's decision.
- [12] The RAD found that the RPD did not err by declining to appoint a DR for Mr. Rammal. The Officer noted that there was no automatic entitlement to a DR based upon having one for the first RAD hearing (Refugee Protection Division Rules, SOR/2012-256, s 20(5)(d)). The RAD also noted that there was no medical evidence that Mr. Rammal did not understand the nature of the proceedings, therefore, he did not require a DR. The RAD also found that the lack of a DR was not material to the decision.
- [13] The RAD found that the RPD did not make incorrect plausibility assessments by determining the likely actions of Hezbollah. The RPD based their findings on detailed country condition documentation about the actions and activities of Hezbollah. As such, the RPD member was not speculating about Hezbollah's actions, but rather making findings based on the evidence.
- [14] On his claim, the RAD concluded that Mr. Rammal was unlikely to be targeted by Hezbollah. The RAD noted country condition documentation that said Hezbollah targeted critics, but only those with power or control and who could disrupt Hezbollah's operations. The RAD found that Mr. Rammal would be of low interest, since he only refused to join or support the organization and spoke out against them only briefly in 2010. The RAD also noted that there was no evidence that Hezbollah targeted people with medical disabilities.

- [15] The RAD then found that, even if Mr. Rammal were targeted, the harm he would face would not amount to persecution. Country condition documentation stated that Hezbollah only used threats or violence if they felt their power was genuinely threatened. Mr. Rammal would likely only face social marginalization, through social media accusations or exclusion from Hezbollah-provided services. Private medical services, not provided by Hezbollah, would still be available to him and thus he could receive treatment for his medical conditions. As such, Mr. Rammal's medical conditions would not cause him to face harm in Lebanon.
- III. Issues [16] On this judicial review, the Applicant raises four issues with the RAD decision: (a) Did the RAD misapply the test under section 96 of IRPA? (b) Did the RAD err in assessing the country condition evidence? (c) Did the RAD err in assessing his risk because of his medical conditions? (d) Did the RAD err on refusing to appoint a DR?
- IV. Standard of review [17] The parties agree that the standard of review on these issues is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16-17).
- A. Did the RAD misapply the test under section 96 of IRPA? [18] The Applicant argues that the RAD applied the wrong test in assessing his section 96 claim. He submits that the RAD did not apply the test outlined in *Adjei v Canada (Minister of Employment and Immigration)*, 1989 CANLII 9466 at p 683 [Adjei], namely that a "reasonable chance of persecution" is somewhere between "a probability of persecution" (ie greater than 50%) and "a mere possibility" (Adjei at p 683).
- [19] He points to the following language used in the RAD decision as evidence of the RAD applying a higher standard than that explained in Adjei: Ø "The Appellant is not at risk in Lebanon" (title of para 32) Ø "the Appellant would likely be considered of low interest" (para 36) Ø "I do not see evidence that Hezbollah...are more likely to target such individuals for harm." (para 37) Ø "Hezbollah activists will only revert to direct threats, including of violence, if they feel their power is genuinely threatened" (para 38) Ø "I find it unlikely that Hezbollah would attempt to harm the Appellant" (para 45) Ø "the Appellant would face persecution" (para 48) [Emphasis added.] [Footnotes omitted.]
- [20] When considered in the full context of the decision, the RAD uses these words or phrases in the process of considering aspects of the Applicant's claim against his evidence and the country condition evidence. For example, at paragraph 45 of the Decision, the RAD's statement, that "harm" is unlikely to occur, goes on to explain that even if the Applicant faced "harm", it would likely be of relatively minor consequence. The test under section 96 of IRPA is concerned with a serious risk of persecution, not harm. The RAD concluded that, while Mr. Rammal may face some harm if returned to Lebanon, such harm would not meet the threshold of persecution.
- [21] The Applicant's submissions are essentially taking words and phrases used by the RAD in isolation. When considered in the full context of the decision, these findings demonstrate the RAD properly applied the Adjei standard in concluding that Mr. Rammal "does not face a serious possibility of persecution at the hands of Hezbollah", which is clearly below the "reasonable risk of persecution" required under section 96 of IRPA.
- B. Did the RAD err in

assessing the country condition evidence? [22] The Applicant argues that the RAD did not properly consider his personal circumstances when it found that “only certain categories of persons were targeted by Hezbollah, and that any category outside of those expressly enumerated would not be targeted”. Specifically, the Applicant takes issue with paragraphs 35-36 of the RAD decision, which state:

- [35] The documentary evidence does relate that Hezbollah sees critics as threats to their power. The country documentation notes that Hezbollah has the capacity to track individuals across Lebanon, and deploys this when they perceive someone as a political threat to the organization. Typical groups of individuals seen as threats include journalists, political actors, civil society members, and religious clerics. This can also include individuals who speak out against them, most notably if they reside in Hezbollah-controlled areas and are Shia and have standing within those communities.
- [36] I find the country documentation shows that while Hezbollah does take action against perceived critics, the focus for this action is those with some measure of control, authority, or power that could interrupt their operations or activities. I find the Appellant would likely be considered of low interest to the group for having refused to join, assist or fund them several times between 2010 and 2016 and spoken against them briefly in 2010. I note that the Appellant was and is not a political activist. His statements against Hezbollah took place in the context of a conversation with customers at a business he worked at who asked his opinion in 2010 and in response to requests to assist the group. He did not attempt to influence others. [Footnotes omitted.]
- [23] The Applicant’s submissions mischaracterize the RAD’s analysis. The RAD does not conclude that Mr. Rammal is unlikely to be targeted solely because he is not a member of groups typically targeted by Hezbollah. Rather, the RAD refers to the documentary evidence to compare the profile and traits of typical Hezbollah targets against the profile and traits of the Applicant. Mr. Rammal claimed that he would be targeted for his political beliefs and previous criticism of Hezbollah. The RAD considered the evidence regarding the typical political targets of Hezbollah to find that he was unlikely to be targeted.
- [24] The Applicant relies upon *Sellathurai v Canada* (Minister of Citizenship and Immigration), 2000 CANLII 15978 (FC) at paras 6-9 [Sellathurai], where the tribunal was found to have erred by focusing on age, and not the Applicant’s skills, to find that he did not fit the profile of someone targeted by the persecuting group.
- [25] In my view, *Sellathurai* is of no assistance to the Applicant. Here the Applicant’s claim was that he would be targeted for his political beliefs. This was directly addressed by the documentary evidence referenced by the RAD that notes Hezbollah targeted critics who held “some measure of control, authority, or power that could interrupt their operations”. The RAD reasonably found that the Applicant did not fit the profile of critics targeted by Hezbollah. C. Did the RAD err in assessing his risk because of his medical conditions? [26] The Applicant argues that the RAD failed to properly consider that his cognitive deficiencies

would put him at risk in Lebanon. The Applicant's arguments on this issue are related to his submissions that the RAD applied the wrong section 96 test, which I addressed above. As I have concluded that the RAD correctly applied the Adjei standard, there is no merit to this submission. D. Did the RAD err on refusing to appoint a DR? [27] The Applicant argues he should have had a DR throughout the second RPD proceeding, because the first RAD decision determined that he required a DR. His position is that this finding should have been maintained throughout the process. However, he does not cite any legislative provisions or jurisprudence to support this position.

- [28] In addressing the DR issue, the RAD noted:
- [22] More significantly, the RPD also based their decision on a lack of evidence within the medical documentation that the Appellant did not appreciate the nature of the proceedings. The Appellant did not dispute this finding.
- [23] As noted above, the RPD rules do not require the RPD to adopt or follow a decision of the RAD to appoint a designated representative.
- [29] The RAD properly turned its mind to the question of whether the Applicant understood the proceedings. The RAD noted a lack of evidence to establish that he did not and further noted that neither the Applicant nor his lawyer raised the issue of a DR before the RPD.
- [30] Finally, and as noted by the RAD, the Applicant's claim failed because of a lack of evidence that he would face risk on return to Lebanon. The lack of a DR was not material to this finding. V. Conclusion [31] Overall, the Applicant has failed to demonstrate that the RAD decision lacked transparency, justification, or intelligibility, or was outside a range of acceptable outcomes. The RAD decision is reasonable and the RAD applied the proper test on the section 96 considerations. There is no basis for this Court to intervene with the findings of the RAD, therefore this judicial review is dismissed. There is no question for certification. JUDGMENT IN IMM-9499-24 THIS COURT'S JUDGMENT is that : This judicial review is dismissed. There is no question for certification. blank "Ann Marie McDonald" blank Judge FEDERAL COURT SOLICITORS OF RECORD Docket : IMM-9499-24 STYLE OF CAUSE: RAMMAL v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING : Toronto, Ontario DATE OF HEARING: september 11, 2025 JUDGMENT AND REASONS: McDonald J. DATED: October 28, 2025 APPEARANCES : Richard Wazana FOR THE APPLICANT Desmond Jung FOR THE RESPONDENT SOLICITORS OF RECORD: Patricia Ann Ritter Barrister and Solicitor Toronto, Ontario FOR THE APPLICANT Attorney General of Canada Toronto, Ontario FOR THE RESPONDENT

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Prepared on 29 October 2026 · Esheria