

CANADA / JUDGMENT

Taleb v. Canada (Citizenship and Immigration)

2025 FC 1989

COURT

Federal Court

DECIDED

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Taleb v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2025-12-17 Neutral citation 2025 FC 1989 File numbers IMM-10519-24 Decision Content Date: 20251217 Docket: IMM-10519-24 Citation: 2025 FC 1989 Ottawa, Ontario, December 17, 2025 PRESENT: The Honourable Mr. Justice Régimbald BETWEEN: MUSTAFA TALEB Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] Mr. Mustafa Taleb [Applicant], seeks judicial review of a May 31, 2024, decision [Decision] of the Refugee Appeal Division [RAD] confirming that he is not a Convention refugee or a person in need of protection under sections 96 and 97 of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA]. The Applicant sought refugee protection in Canada, after claiming of being targeted by a group of Hezbollah-affiliated Shia prisoners. The Applicant also seeks protection from the state of Lebanon, fearing prosecution for desertion for having left his duties as a prison supervisor and inspector without appropriate leave.

- [2] The Applicant claims that the Decision is unreasonable because the RAD made unreasonable credibility findings upon misunderstanding the evidence, mischaracterized the agent of persecution's threats and dismissed evidence of a forward-looking risk, all while rendering unclear implausibility and credibility findings.
- [3] For the reasons that follow, the application for judicial review is dismissed. Upon reviewing the record before the Court, including both parties' written and oral submissions, as well as the applicable law, I find that the Applicant did not meet his onus to demonstrate that the RAD's decision is unreasonable. II. Background Facts [4] The Applicant is a citizen of Lebanon and a Sunni Muslim who joined Lebanon's Internal Security Forces [ISF] in 1997. He began his career as a police officer working at a local police station in Beirut.
- [5] In 2011, following several promotions, the Applicant began working as a prison supervisor and inspector at the Jeb Jenin prison.
- [6] In 2021, five Shia Muslim prisoners with tattoos of Hezbollah and Hassan Nasrallah were transferred to the prison where the Applicant was a supervisor and inspector.

- [7] In March 2022, while on duty, the Applicant found the Hezbollah-associated prisoners with bags containing drugs, alcohol, food, and a mobile phone. After confronting them and confiscating the items, one of the prisoners told him that he would “pay for this”. Following this event, the Applicant alleges that he received threatening calls in which the callers threatened to kidnap and kill him and also mentioned his child’s name, and that he also received a threatening note on his car in May 2022.
- [8] In March 2022, the Applicant requested a transfer to another prison, but his request was denied.
- [9] In September 2022, the Applicant was granted vacation leave to travel to Canada. Upon his arrival in Canada on October 27, 2022, he claimed refugee protection.
- [10] Following the dismissal of his claim by the Refugee Protection Division [RPD], on May 31, 2024, the RAD dismissed the Applicant’s claim after identifying multiple contradictions, inconsistencies and omissions in his testimony and evidence. The RAD determined that there was insufficient credible evidence to establish the Applicant’s allegations of persecution from the alleged agents of persecutions. In the alternative, even if the Applicant’s allegations were credible, the RAD found that there was insufficient evidence to establish that the Applicant faces a forward-looking risk of persecution at the hands of the state of Lebanon, Hezbollah or the Hezbollah-affiliated prisoners. III. Issue and Standard of Review [11] The sole issue in this case is whether the RAD’s decision is reasonable. The applicable standard of review is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 10, 25 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at paras 7, 39–44 [Mason]). To avoid judicial intervention, the decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility (Vavilov at para 99; Mason at para 59). The decision must be read holistically and contextually, in light of the evidence, the submissions and the context in which it was rendered (*Pepa v Canada (Citizenship and Immigration)*, 2025 SCC 21 at para 47 [Pepa]; Vavilov at paras 94, 97). A decision may be unreasonable if the decision maker misapprehended the legal constraints of the evidence before it (Vavilov at paras 99, 101, 105, 108, 111, 125-128; Mason at para 73). However, the reviewing Court must refrain from “reweighing and reassessing the evidence considered by the decision maker” (Vavilov at para 125). In determining reasonableness, the reviewing Court must not create its “own yardstick” and use it to measure what the decision maker did (Pepa at para 48; Vavilov at para 83, and *Canada Post Corp. v Canadian Union of Postal Workers*, 2019 SCC 67 at para 40). Reasonableness review is not a “rubber-stamping” exercise, it is a robust form of review (Vavilov at para 13; Mason at para 63). The party challenging the decision bears the onus of demonstrating that the decision is unreasonable (Vavilov at para 100). Any alleged flaws must be “sufficiently central or significant to render the decision unreasonable” or cause the “reviewing court to lose confidence in the outcome reached” (Vavilov at paras 100, 106; Pepa at para 49). IV. Analysis A. The RAD’s credibility findings are reasonable [12] The Applicant first argues that the RAD erred by rendering unreasonable credibility findings because it

misinterpreted the evidence. I disagree. Despite the RAD giving notice to the Applicant and giving him the opportunity to address inconsistencies in his evidence regarding the transfer of five Hezbollah-associated prisoners, omissions regarding the threats he received from the agents of persecution, as well as the contradiction between his basis of claim [BOC] and his testimony before the RPD, the RAD reasonably concluded that “the RPD was correct to find that the Appellant was not a credible witness, and that the presumption that his sworn testimony is true was rebutted” (RAD Decision at para 7).

- [13] The Applicant provided a vague testimony lacking in basic information and details about his duties and activities as a police officer from 1997 to 2011. Furthermore, the Applicant’s BOC only mentioned one incident where he was confronted by one of the Hezbollah-associated prisoners who threatened him by saying that “[he] will pay for this”, after the Applicant confiscated the illegal items. However, the Applicant mentioned in his testimony before the RPD that he received two threatening phone calls and a threatening note from the prisoners on the same day as one of the threatening phone calls. The Applicant now fears the five Hezbollah-associated prisoners and not just the one that uttered threats. However, his BOC makes no mention of a threatening note and does not discuss any fear of the other Hezbollah-associated prisoners; it only makes passing references to phone calls including one that threatened the Applicant’s child.
- [14] As confirmed on numerous occasions by this Court, a BOC must be complete and include all material facts and details justifying a claim of persecution. The RAD may draw a negative inference when material details provided at the hearing are missing from the narrative (*Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 at paras 19-26; *Weche v Canada (Citizenship and Immigration)*, 2021 FC 649 at para 22 citing *Ogaulu v Canada (Citizenship and Immigration)*, 2019 FC 547 at para 18 and *Guerrero Jimenez v Canada (Citizenship and Immigration)*, 2021 FC 175 at para 18; see also *Rajaratnam v Canada (Citizenship and Immigration)*, 2012 FC 865 at paras 22-24; *Abuhasheesh v Canada (Citizenship and Immigration)*, 2025 FC 1770 at para 10).
- [15] In this case, given the material nature of the omissions in the Applicant’s BOC and the inconsistencies with his testimony, the RAD was entitled to draw a negative credibility inference with respect to the Applicant’s allegations. Contrary to the Applicant’s arguments, the RAD’s credibility findings are “clear” and reasonable. B. The RAD did not unreasonably mischaracterize the evidence [16] The Applicant argues that the RAD mischaracterized the evidence relating to a letter submitted by Mr. Charanek, who is a prison supervisor. In the letter, Mr. Charanek states that the Applicant’s responsibility was to ensure that no contraband entered the prison. He further states that a group of prisoners supported by Hezbollah were transferred in 2021 to the Jeb Jenin prison. The letter affirms that following the confiscation of the illegal items by the Applicant in 2022, Mr. Charanek was told by the Applicant that “things reached a point where they threatened to kill him via voice messages and calls and, after he left to Canada, a group of them [Hezbollah-associated prisoners] escaped from prison, and some threats also came to him”. Mr. Charanek also states that

members of the ISF cannot travel without prior permission and their leaves are limited. However, because the Applicant exceeded his period for leave, he is considered dismissed from his position and will be tried or imprisoned when he returns to Lebanon.

- [17] The RPD and RAD interpreted the letter as stating that the Applicant had received threats after entering Canada, a detail omitted in his BOC, which also contradicted his testimony that he had not received threats after arriving in Canada.
- [18] The Applicant argues that the RAD erred in mistaking the structure and syntax of the letter. He further argues that the letter does not state that the threats that “came to [the Applicant]” post-dated his entry to Canada. On the contrary, Mr. Charanek’s statement is consistent with and bolsters the Applicant’s testimony that the agents of persecution threatened to kidnap or kill him while he was still working at the Jeb Jenin prison. The Applicant claims that the letter should have been understood, *inter alia*, as him receiving threats from the Hezbollah-associated prisoners when he was in Lebanon but not following his arrival in Canada.
- [19] Mr. Charanek’s letter was informally translated and provided by the Applicant. There is no evidence that the translation is not accurate. Moreover, a plain reading of the letter may lead to a reasonable interpretation that some threats were received after the Applicant entered Canada. While the Applicant’s interpretation is also reasonable, the RAD was entitled to come to a different reasonable interpretation of the evidence. Therefore, the Applicant failed to establish why his interpretation of the letter is the only interpretation possible. Reassessing its interpretation would require the Court to reweigh the evidence which it cannot do absent exceptional circumstances that do not arise in this case (Vavilov at para 125).
- [20] In any event, even if the RAD might have made an error by misconstruing a sentence from Mr. Charanek’s letter as stating that the Applicant received “death threats” after entering Canada, this error is not fundamental as to lead the Court to lose confidence in the final outcome (Vavilov at para 106). For the reasons below, and in the end, the fact that he did not receive threats after coming to Canada does not have any impact on the RAD’s decision relating to his forward-looking risk of persecution. C. There is no forward-looking risk of persecution following a return to Lebanon [21] The Applicant argues that the RAD erred by dismissing evidence of a forward-looking risk. The Applicant submits that his risk is in no way tied to his employment with the Jeb Jenin prison but rather related to the Hezbollah-associated that threatened to exact revenge against him by telling him that he would “pay” for his actions. The Applicant relies on *Qaddafi v Canada (Citizenship and Immigration)*, 2016 FC 629 at paragraphs 76-77 [Qaddafi] establishing that the fact that he has now left his employment is insufficient to conclude that he no longer has any forward-looking risk at the hands of the agents of persecution. The Applicant also argues that since he did not return to his employment following his vacation in Canada, he is now absent without leave from the Jeb Jenin prison and will be subject to arrest for desertion upon his return to Lebanon.

- [22] Based on the evidence, the RAD found that the Applicant continued to work at the Jeb Jenin prison from May 2022 until he left Lebanon in October 2022 without being persecuted by the prisoners. Furthermore, since his departure from Lebanon and despite evidence provided by the Applicant that a group of prisoners escaped from prison, no attacks or threats were made against his wife and children who remain in Lebanon. Consequently, there is insufficient evidence to establish, on a balance of probabilities, that the Hezbollah-associates have any ongoing interest in harming or threatening the Applicant and his family. As for his potential arrest for desertion, the RAD ruled that his prosecution for desertion was speculative because the Applicant did not provide any supporting evidence of an arrest warrant as mentioned in his testimony (RAD Decision at para 48 and reference to page 19 of the RPD transcript).
- [23] In my view, the Applicant failed to discharge his onus and demonstrate that the RAD's conclusion on the lack of forward-looking risk is unreasonable. The RAD properly weighed the evidence and reasonably concluded that since the Applicant continued his duties at the Jeb Jenin prison for more than four months without any incident after the initial threat, and that no threats have been made on his family since his departure (even if the Applicant alleges that the agents of persecution mentioned the name of his child in a telephone call), the agents of persecution had no ongoing interest in harming him and therefore no forward-looking risk had been established on a balance of probabilities and on the evidence adduced.
- [24] On the issue of Qaddafi, that case is distinguishable on its facts. In that case, the applicant left their country and sought protection one month following the last threat leading to a conclusion that "[t]here is nothing to suggest that the agent of persecution does not intend to follow through on that threat" (at paras 3-4, 76). In this case, the Applicant remained in his position without suffering any harm for more than four months, leading to a different, and reasonable, factual conclusion.
- [25] With regards to his fear of persecution by the state of Lebanon which will prosecute him for desertion, the Applicant made no mention of such fear in his BOC. The Applicant also testified that there is a warrant for his arrest if he returns, but he has provided no evidence of the warrant. As stated above, the omission of a significant claim of risk may undermine an applicant's credibility. Consequently, the RAD was entitled to draw a negative conclusion on this fear, rule that the claim was not established on a balance of probabilities, and therefore the claim was speculative.
- [26] As a result, the RAD's conclusion that there is no forward-looking risk from Hezbollah, the Hezbollah-associates or the state of Lebanon if the Applicant were to return to Lebanon is reasonable on the evidence adduced. Any interference by the Court with this conclusion requires the Court to reassess the evidence, which as stated above is not the role of the Court on judicial review. V. Conclusion [27] This application for judicial review is dismissed and there is no question of general importance for certification. JUDGMENT in IMM-10519-24 THIS COURT'S JUDGMENT is that: The application for judicial review is dismissed. There is

no question of general importance for certification. "Guy Régimbald" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-10519-24 STYLE OF CAUSE: MUSTAFA TALEB v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: videoconference DATE OF HEARING: DECEMBER 4, 2025 JUDGMENT AND REASONS: RÉGIMBALD J. DATED: DECEMBER 17, 2025 APPEARANCES: Raj Sharma, K. C. For The Applicant Yan Wang For The RESPONDENT SOLICITORS OF RECORD: Raj Sharma, K. C. Barristers and Solicitors Calgary (Alberta) For The Applicant Attorney General of Canada Edmonton (Alberta) For The RESPONDENT

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