

Federal Court



Cour fédérale

**Date: 20250407**

**Docket: IMM-4289-24**

**Citation: 2025 FC 636**

**Montreal, Quebec, April 7, 2025**

**PRESENT: Madam Justice Azmudeh**

**BETWEEN:**

**SALMA ANY**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant, Salma Any, is a citizen of Lebanon. She is seeking judicial review of a Pre-Removal Risk Application [PRRA] decision made by a Senior Immigration Officer [Officer] on January 30, 2024. The Officer found that the Applicant would not face a serious possibility of persecution, be subject to a risk of torture, or face a risk to life or risk of cruel and unusual treatment or punishment if returned to Lebanon. The Officer therefore rejected the PRRA

application under section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[2] Prior to the PRRA decision under review, together with her parents, the Applicant made a refugee claim that was heard by the Refugee Protection Division [RPD] and Refugee Appeal Division [RAD]. The Applicant and her parents claimed that they feared persecution and a risk of harm in Lebanon because of their peace advocacy activities, including advocacy for peace between Lebanon and Israel. The PRRA decision under review only relates to the Applicant and not her parents.

[3] The RPD found that the claimants (i.e., the Applicant and her parents) were not reliable about the most central aspects of their claims namely who targeted them, why they were targeted, and whether they were harmed. In particular, the RPD noted that the claimants had made vague and contradictory statements regarding their agents of persecution, describing them sometimes as thugs unaffiliated with a specific group, and sometimes as individuals affiliated with political organizations that the claimants could not identify. On appeal to the RAD, The RAD also found that the claimants had not established the core elements of their claims.

[4] In her PRRA application, the Applicant reiterated the claim that she and her family had been harmed and threatened due to their peace-advocacy activities, but she specified for the first time that their agents of persecution were members of Hezbollah and other related terrorist groups. The basis for this assertion was that members of Hezbollah had written a death threat to her family in graffiti on a relative's house after the October 7, 2023, attack of Hamas in Israel. To substantiate this, the Applicant provided photographs of the graffiti.

[5] In rejecting the PRRA application, the Officer first analyzed the refugee claims made by the Applicant and her parents, as well as the decisions by the RPD and RAD. The Officer noted that the RPD rejected their refugee claims because it found that the testimonies of the Applicant and her parents were vague, evolving, and inconsistent with one another and with the documentary evidence. While the three claimants alleged in their refugee claims that they were targeted by various unnamed factions for political and religious motives, before the RPD they testified that they were targeted by opportunistic criminals who sought to extort them. The Officer noted that the RAD agreed with the RPD and upheld the negative decision. The Officer found that the Applicant's concerns for the risk on the PRRA application were essentially the same as those presented to the RPD and the RAD and rejected, except for the new evidence of the graffiti.

[6] The Officer then dealt with the new evidence of the new allegations substantiated by the photographs of the graffiti on the relative's home. Ultimately, the Officer found that there was insufficient evidence to link the graffiti to Hezbollah. The Officer noted that the Applicant had now specified Hezbollah to be the main agent of persecution and harm all along while she was in Lebanon, and that after the Hamas attack on Israel on October 7, 2023, Hezbollah members had tagged a death threat in the form of a graffiti on the home of a relative.

[7] The Officer noted that while the Applicant now identified Hezbollah as her agent of harm, she did not provide any explanation as to why this was not alleged before the RPD and the RAD and did not agree with the Applicant's speculation or inference that the new threat, in the form of graffiti on a relative home, was from Hezbollah.

[8] The Officer therefore concluded that the Applicant had not demonstrated that she faced more than a mere possibility of persecution under section 96 of the IRPA or that there were substantial grounds to believe that she would personally face a danger of torture, a risk to her life, or a risk of cruel and unusual treatment or punishment under section 97 of the IRPA.

## II. Issues and Standard of Review

[9] The parties submit, and I agree, that the only issue in this case is whether the Officer's decision was reasonable.

[10] The standard of review applicable to PRRA decisions is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 23 [Vavilov]; *Singh v Canada (Citizenship and Immigration)*, 2022 FC 1645 at para 13; *Shah v Canada (Citizenship and Immigration)*, 2022 FC 1741 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). The reviewing court must ensure that the decision is justifiable, intelligible, and transparent (*Vavilov* at para 95), including by accounting for central issues and concerns raised in the parties' submissions to the decision maker (*Vavilov* at para 127).

### III. Legal Framework

[11] The following sections of the IRPA are particularly relevant to the matter at hand:

#### **Application for protection**

**112 (1)** A person in Canada, other than a person referred to in subsection 115(1), may, in accordance with the regulations, apply to the Minister for protection if they are subject to a removal order that is in force or are named in a certificate described in subsection 77(1).

#### **Demande de protection**

**112 (1)** La personne se trouvant au Canada et qui n'est pas visée au paragraphe 115(1) peut, conformément aux règlements, demander la protection au ministre si elle est visée par une mesure de renvoi ayant pris effet ou nommée au certificat visé au paragraphe 77(1).

#### **Consideration of application**

**113** Consideration of an application for protection shall be as follows:  
an applicant whose claim to refugee protection has been rejected may present only new evidence that arose after the rejection or was not reasonably available, or that the applicant could not reasonably have been expected in the circumstances to have presented, at the time of the rejection;  
...

#### **Examen de la demande**

**113** Il est disposé de la demande comme il suit :  
le demandeur d'asile débouté ne peut présenter que des éléments de preuve survenus depuis le rejet ou qui n'étaient alors pas normalement accessibles ou, s'ils l'étaient, qu'il n'était pas raisonnable, dans les circonstances, de s'attendre à ce qu'il les ait présentés au moment du rejet;  
...

### IV. Analysis

[12] In this case, both the RPD and the RAD rejected the case mainly because the Applicant could not credibly establish the central element of her claim or the identity/affiliation of her assailants. It is in this context that it was reasonable for the Officer to find that: “based on the submissions before me, the Applicant’s concerns for risk as presented in this application are the same as those that were presented to the RPD in 2021 and the RAD 2022, with the addition that, among the various factions seeking her out, is Hezbollah”. The Officer’s focus on the “addition”

related to the new evidence on the graffiti on the relative's home and concluded that there was insufficient evidence to establish a link between the graffiti and Hezbollah.

[13] I agree with the Officer that the Applicant had not established a link between the graffiti and Hezbollah. In fact, it was the Applicant's belief or inference that it must have been Hezbollah, and the Officer found the evidence to be insufficient to establish this. I find the Officer's conclusion to be reasonable and they demonstrated a clear chain of reasoning as to how they got there. There is no presumption of truthfulness extended to inferences. In fact, inferences are not evidence, they are speculation, and unless substantiated, they are not reliable (see *Soos v Canada (Citizenship and Immigration)*, 2019 FC 455 at para 14). It was reasonable for the Officer to have that the evidence did not sufficiently support the Applicant's assertion of fear from Hezbollah.

[14] The Applicant had also submitted affidavits from relatives speaking generally to how Lebanon was "under the influence of a violent power" and that violence was increasing. There was nothing to suggest a link between the Applicant and Hezbollah as a source of the alleged danger. The articles provided were also on general country conditions that included reference to the role of Hezbollah in Lebanese politics and society. The Officer did not question the influence of Hezbollah in general in the country, and reasonably focused their decision on the insufficient and unsubstantiated link between Hezbollah and the Applicant. The Officer's conclusions were reasonable, and they provided a clear chain of reasoning.

[15] The Applicant argues that the Officer ignored her “solid evidence in support of her PRRA application [...] namely photos showing death threats from Hezbollah written on the walls of the extended family, various affidavits supporting the danger for the Applicant in Lebanon, and articles showing the influences and power of Hezbollah”. I disagree that the Officer ignored the evidence presented. The Officer’s conclusion on not seeing a link between Hezbollah and the Applicant is clear, and it was therefore reasonable to not fully engage with the evidence on the general power or influence of Hezbollah in Lebanon. In effect, the Applicant disagrees with how the Officer evaluated or weighed the evidence, with which the Court will not interfere.

[16] At the Judicial Review hearing, the Applicant argued that it was reasonable for her to be able to identify the agents of harm to be Hezbollah only after the October 7, 2023, Hamas attack, and that the graffiti was clear evidence of how she was always targeted by them. It would have been open for the Officer to weigh the evidence in a manner that would agree with the Applicant’s characterization. However, Hezbollah had been quite active, present and powerful in Lebanon well before October 7<sup>th</sup>, and the Applicant’s characterization of the evidence, which is largely based on her inferences, is not the only reasonable interpretation of the evidence. The Officer’s decision reasonably engaged with the evidence, including the fact that she was silent on Hezbollah before the IRB, and explained why they found the Applicant’s inference to be insufficient to establish the link with Hezbollah.

[17] At the hearing, the Applicant also argued that the Officer had made a veiled credibility finding by not seeing a link with Hezbollah. Therefore, the Officer should have provided the Applicant with the opportunity to explain in a hearing. First, this issue was raised for the first

time at the judicial review hearing and not in the Applicant's memorandum. However, I also disagree with the Applicant's characterization of the Officer's reasoning to be a credibility finding. The Applicant had provided no explanation as to why she suddenly mentioned she was a victim of Hezbollah all along for the first time in the PRRA, and the Officer engaged with it in the context of new evidence after the findings made by the RPD and the RAD. The Officer's reasons that her inference was insufficient, was reasonable in the circumstances.

[18] In their decision, and within the confines of a PRRA application as set out in sections 112 and 113 of the IRPA, the officer fully engaged with the facts of the case and applied them to sections 96 and 97 of the IRPA. I find that the Officer's decision was justifiable, intelligible and transparent. I, therefore, dismiss the application for judicial review.

#### V. Conclusion

[19] I find that the decision of the Officer was reasonable. I dismiss the judicial review.

[20] The parties did not propose a certified question, and I agree that none arises.

**JUDGMENT in IMM-4289-24**

**THIS COURT’S JUDGMENT is that:**

1. The judicial review is dismissed.
2. There are no questions to be certified.

"Negar Azmudeh"

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Judge

**FEDERAL COURT**

**SOLICITORS OF RECORD**

**DOCKET:** IMM-4289-24  
**STYLE OF CAUSE:** SALMA ANY v THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION  
**PLACE OF HEARING:** MONTRÉAL, QUEBEC  
**DATE OF HEARING:** APRIL 2, 2025  
**ORDER AND REASONS:** AZMUDEH J.  
**DATED:** APRIL 7, 2025

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