

Federal Court



Cour fédérale

Date: 20250613

Docket: IMM-4923-24

Citation: 2025 FC 1067

Ottawa, Ontario, June 13, 2025

PRESENT: The Honourable Mr. Justice Zinn

BETWEEN:

JASPREET KAUR DHALIWAL

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] A Pre-Removal Risk Assessment [PRRA] is often the last avenue available to those facing removal from Canada. The burden is not on an officer to seek out evidence and facts to support an allegation of risk; it rests with the applicant to submit detailed and persuasive evidence. When not done, an applicant will not succeed in laying fault at the foot of the decision-maker.

[2] The Applicant is a citizen of India. She claimed refugee protection based on threats to her life from her parents-in-law. The Refugee Protection Division [RPD] rejected her claim. Its decision was confirmed by the Refugee Appeal Division [RAD]. Both the RPD and RAD found that the Applicant's narrative about the threats she faced in India from her in-laws were not credible.

[3] Prior to submitting the PRRA application, both parents-in-law had died. The Applicant applied for a PRRA on the basis that her brother-in-law now posed a risk to her and her family's life.

[4] The Applicant raised new arguments that were not before the RPD and the RAD regarding her brother-in-law's desire to inherit the family's property in full. She fears that he is motivated to eliminate her and her family, as they share an interest in the familial property. The only material facts outlined in the application were these:

Following my father-in-law's death my brother-in-law has always kept a sharp eye for an opportunity to grab the property that comes in share of my husband by inheritance. Since my mother-in-law's death, my brother-in-law started to utter threats to my husband fearing which I asked my husband to join me in Canada to get out of the dangerous and risky situation. After which I gave birth to a baby girl, namely Rehmat Kaur Brar. I am fearful that if our family returns to India, my brother-in-law will have his determination to remove us from his path to get the whole inheritance.

Incidents like this have been recurring in the state of Punjab as many such cases are reported wherein the property feud between the brothers ends up taking lives on one side.

[5] The Officer considered the Applicant's evidence and determined that her narrative lacks specificity, undermining her credibility. The Applicant does not describe the nature of the threats posed by her brother-in-law; she does not even provide his name. The Officer acknowledges that property disputes have led to fatal outcomes in India, but states that the Applicant does not link the reported incidents referred to in her evidence to any specific threat that she faces. Her risk is seen as a generalized risk.

[6] The Officer also finds that there is no evidence that the inherited property constrains the Applicant's mobility, as there is no explanation of why the property cannot be transferred or why other legal options are not available or have not been pursued by the Applicant and her husband. The Officer also notes that there is a complete absence of information about the Applicant's and her husband's efforts to seek legal protections in India, such as reporting threats to the local police. Similarly, although the Applicant asserts that her children are also at risk, the Officer finds that, as no specific information is provided about the nature of the risk, it is not a credible risk.

[7] Finally, the Officer determines that the Applicant has not demonstrated that she faces more than the mere possibility of persecution as it pertains to s. 96 of the *Immigration and Refugee Protection Act*, SC 2001, c 27, and that there are no substantial grounds to believe that she would be at risk of torture or cruel and unusual treatment, punishment or a risk to life as required by subsection 97(1) of the *Act*.

[8] The Applicant submits that the decision under review was reached in a procedurally unfair manner and is unreasonable. However, her arguments rely solely on a singular issue of procedural fairness relating to the completeness of the evidence considered in the PRRA Decision.

[9] The PRRA Officer makes a factual mistake by stating “The applicant does not provide the dates or causes of her parents-in-law’s deaths.” The Applicant did provide evidence about her father-in-law’s death in her Amended Basis of Claim, and submitted her mother-in-law’s death certificate to the RAD. In her Amended Basis of Claim, the Applicant states that her brother-in-law pushed her father-in-law to committing suicide, and that her mother-in-law covered it up to protect the honour of the family.

[10] The Applicant submits that there is an issue of procedural fairness because the PRRA Officer did not consider all the evidence available (which included the dates of death) and did not give the Applicant an adequate opportunity to respond to the Officer’s concerns. She further submits that the decision is unreasonable considering all the evidence that was available to the Officer (related to the deaths and the allegation that the brother-in-law drove his father to commit suicide).

[11] I do not accept the submission of the Applicant.

[12] The mistake made by the Officer that the dates of death were not included is not material to the Officer’s finding or the substance of the PRRA application. The Officer accepted that the

alleged risk was from her brother-in-law and analyzed her risk on that basis. Additionally, for the same reason, this mistake does not make the decision unreasonable.

[13] Similarly, I fail to see how the allegation that the Applicant's brother-in-law "pushed" his father to commit suicide, even if true, advances her claim of risk.

[14] I find that the Officer did as best as could be done with the very limited evidence submitted.

[15] No question was proposed for certification and there is none.

JUDGMENT in IMM-4923-24

THIS COURT'S JUDGMENT is that this application is dismissed, and no question is certified.

"Russel W. Zinn"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-4923-24

STYLE OF CAUSE: JASPREET KAUR DHALIWAL v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 14, 2025

JUDGMENT AND REASONS: ZINN J.

DATED: JUNE 13, 2025

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