



## **NOTICE OF DECISION**

[*Immigration and Refugee Protection Act*, section 111]  
[*Refugee Appeal Division Rules*, rule 50]

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Samir Nawaz  
Member

In the matter of the appeal concerning:	UCI:	RPD File No.:
GULJAR SINGH	1125001952	VC3-02069

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An appeal was filed with the Refugee Appeal Division on March 26, 2024 and considered on June 24, 2024.

**The appeal is allowed.**

**The decision of the Refugee Protection Division is set aside. The Refugee Appeal Division determines that the person who is the subject of the appeal is a Convention refugee.**

Reasons for this decision are attached.

June 26, 2024

SH, Case Management Officer  
For the Registrar

Under section 72 of the *Immigration and Refugee Protection Act*, you may make an application to the Federal Court for judicial review, with leave of that Court. You may wish to get advice from counsel as soon as possible, since there are time limits for making the application.



Immigration and  
Refugee Board of Canada  
**Refugee Appeal  
Division**

Commission de l'immigration  
et du statut de réfugié du Canada  
**Section d'appel  
des réfugiés**

Immigration and Refugee Board - Western Region  
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**RAD File:** VC4-07786  
**UCI:** 1125001952

## STATEMENT OF SERVICE

On June 26, 2024, I have provided the following :

- **Notice of decision and reasons**

**By regular mail to the Appellant**

**GULJAR SINGH**

**11151 81a Ave**

**Delta, British Columbia V4C 1Z9**

**By My Case portal to the Appellant's Counsel Gurpreet Singh Khaira on June 26, 2024**

**By Government platform to IRCC - Toronto Triage**

**Immigration, Refugees and Citizenship Canada**

**IRCC Etobicoke - Toronto Triage Centre**

**5343 Dundas St. West, Suite 105**

**Etobicoke, ON M9B 6K5 Fax: 416 952-2420**

**By e-mail to IRB - Vancouver - RPD**

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Registry Support Assistant

Tel.: 1-866-787-7472



**RAD File / Dossier de la SAR : VC4-07786**

*Private Proceeding / Huis clos*

## **Reasons and Decision – Motifs et décision**

**Person who is the subject of  
the appeal**

**GULJAR SINGH**

**Personne en cause**

**Date of decision**

**June 24, 2024**

**Date de la décision**

**Panel**

**Samir Nawaz**

**Tribunal**

**Counsel for the person who is  
the subject of the appeal**

**Gurpreet Singh Khaira**

**Conseil de la personne en  
cause**

**Designated representative**

**N/A**

**Représentant(e) désigné(e)**

**Counsel for the Minister**

**N/A**

**Conseil du ministre**

## REASONS FOR DECISION

### OVERVIEW

[1] The Appellant **GULJAR SINGH** is a citizen of India and has claimed refugee protection pursuant to section 96 and 97(1) of the *Immigration and Protection Act* (the “Act”).

[2] The Appellant’s allegations are detailed and set forth in his Basis of Claim (BOC) form and his testimony. In brief, the Appellant fears persecution from the Indian police who he claims falsely allege the Appellant is involved with several different types of anti-government activities.

[3] More specifically, the Appellant alleges that his problems started in 2012 when he was targeted for supporting the SAD-M (Shiromani Akali Dal) Party during the 2012 Punjab Legislative Assembly Elections and that the Bharatiya Janata Party (BJP) Party wanted the Appellant to stop supporting the SAD-M party and support them instead. Upon his refusal he alleges, he ended up not only being targeted by goons of the BJP Party but also by the police.

[4] The Appellant states that on January 27, 2012, he was badly beaten by unidentified men and that his neighbour subsequently discovered him unconscious and took him to a nearby hospital. The Appellant attempted to file a police report but was rebuffed by the police due to being unable to identify the perpetrators and because the police considered the claimant to be anti-national.

[5] The Appellant alleges that after the elections he was occasionally harassed by BJP Party goons and was stopped by the Punjab police on two occasions and accused of being involved with Sikh radicals. The Appellant states he was first detained on June 1, 2012, and alleges that the police accused him of organizing a meeting of radicals who were attempting to revive militancy in the Punjab state and alleges that he was beaten and interrogated by police and was released later the same day after his family and village council paid a bribe to police.

[6] On the second occasion, the Appellant alleges that he was arrested at his home on August 23, 2012, by Punjab police who drove him to an illegal detention center where he was tortured by both the Punjab police and the Jammu and Kashmir police. Again, the Appellant was accused of being involved with radicals, and was again finally released after his family paid a bribe.

[7] After this the Appellant states he moved to Jammu and Kashmir State, and states that while he believed he would be safe there that he was arrested by Jammu and Kashmir police who accused him of escaping from Punjab State. Now believing that he was no longer safe anywhere in India, the Appellant's family made arrangements with an agent for him to leave India. The Appellant first moved to New Delhi where he resided for a few months while travel arrangements were being made and then he flew to central America and made his way to Mexico, the US and into Canada where he entered illegally on August 16, 2013. The Appellant has remained in Canada illegally without status since that time but eventually made a refugee claim and signed his BOC form on October 18, 2020.

[8] The Appellant states that since he has left India, Indian authorities continue to search for him, and they have even approached his family on several occasions about his whereabouts and that they have made allegations about his involvement with many anti-national elements he denies he is involved with.

[9] The Appellant fears for his life and fears arbitrary arrest, torture, and death at the hands of Indian authorities if he returns to India.

[10] The Refugee Protection Division (RPD) rejected the Appellant's claims, finding that the determinative issue was credibility, and that the Appellant was not credible. For the following reasons, I find this decision was incorrect.

[11] The appeal is allowed. Pursuant to paragraph 111(1)(b) of the *Immigration and Refugee Protection Act* (IRPA), the RAD sets aside the determination of the RPD and substitutes its own determination that the Appellant is a Convention refugee.

## **ROLE OF THE RAD**

[12] The standard of correctness applies to this appeal as set out by the Federal Court of Appeal in *Huruglica*.<sup>1</sup> This requires an independent assessment of the refugee claim to determine whether the RPD was correct in its findings and determinations. While deference can be afforded to the

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<sup>1</sup> *Huruglica v. Canada (Citizenship and Immigration)*, 2016 FCA 93; *Rozas del Solar v. Canada (Citizenship and Immigration)*, 2018 FC 1145.

RPD on specific issues when it enjoys a meaningful advantage over the RAD in making findings of fact or mixed fact and law, such an advantage does not arise in the present case.

## **NO NEW EVIDENCE AND NO JURISDICTION TO HOLD AN ORAL HEARING**

[13] The Appellant has not submitted new evidence in support of their appeal. Having admitted no new evidence, the RAD has no jurisdiction to convene an oral hearing.<sup>2</sup>

## **ANALYSIS**

### **Credibility**

[14] As per the decision in *Maldonado* testimony given under oath by refugee claimants is presumed to be truthful unless there is reason to doubt the truthfulness of said testimony.<sup>3</sup> However it is important to highlight that this presumption does not apply to inferences or speculation.

[15] In reviewing the RPD panel decision, it is clear that the RPD panel highlighted a few different credibility concerns pertaining to the Appellant's claim and ultimately found that the Appellant was not credible.

[16] In the Appellant's Memorandum, the Appellant states that Appellant erred in its assessment, and specifically, that the RPD Panel decision was based on "mere assumptions," that the RPD panel ignored critical objective evidence (i.e. section 12.8 of the NDP), and that the RPD panel, "had a microscopic mindset, failing to draw the most transparent conclusion that the Applicant's complaint against the police further motivated the police to pursue him."<sup>4</sup> The Appellant further alleges that the RPD decision was not reasonable, justified, transparent, and intelligible.<sup>5</sup>

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<sup>2</sup> *Immigration and Refugee Protection Act (IRPA)*, S.C. 2001, c. 27, as amended, subsection 110(4); *Canada (Citizenship and Immigration) v. Singh*, 2016 FCA 96; *Raza v. Canada (Citizenship and Immigration)*, 2007 FCA 385; *Immigration and Refugee Protection Act (IRPA)*, S.C. 2001, c. 27, as amended, subsection 110(6).

<sup>3</sup> *Maldonado v. Canada (Minister of Employment and Immigration)*, 1980 2FC 302.

<sup>4</sup> Appellant's Record, Appellant's memorandum, p. 10.

<sup>5</sup> *Ibid.*

[17] In reviewing all of the evidence before me, while each of the arguments made by the Appellant, I also cannot agree with some of the negative credibility findings made by the RPD panel and find that those that remain are not sufficient to dislodge the presumption of truthfulness afforded to refugee claimants in *Maldonado*.<sup>6</sup>

[18] More specifically, in its credibility analysis the RPD panel drew a negative credibility inference flowing from its questioning of the Appellant on why the police would allege to his family that he is, among other things, involved in the pro-Khalistan movement and a member of Sikhs for Justice in Canada when he led evidence that he is not involved in such things. While I agree that the Appellant's explanation is not necessarily clear or even logical, as the RPD panel found,<sup>7</sup> what I find is that the RPD panel is asking the Appellant to provide a cogent and adequate answer to something he could not know. More specifically, the RPD panel is essentially asking the Appellant to give a rationale for a claim made by the Punjab police to his family and then undermining his credibility based on a response to a question he could not know for sure. Why the Punjabi police allege something about the Appellant to his family is not true while he is in Canada is not something the Appellant could ever know for certain, and this sort of question induces speculation from the Appellant. As such, it would not be appropriate to draw a negative credibility inference on a question of this type that is based on a false allegation from police and requires only speculation on the part of the Appellant in order to answer why they would say it. It also would not be appropriate to have this negative credibility inference undermine the Appellant's overall credibility either.

[19] In regards to the RPD panel's negative credibility finding related to his delay in making a refugee claim, while it is correct as the RPD panel notes that the Federal Court has found that delay in seeking refugee protection is not determinative of a claim and rather, it is a factor the decision-maker may take into account in assessing the claim's credibility,<sup>8</sup> the jurisprudence is also clear that great care must be used in this type of finding and as the RPD panel underscore from the jurisprudence it is not determinative on its own.

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<sup>6</sup> *Maldonado v. Canada (Minister of Employment and Immigration)*, 1980 2FC 302.

<sup>7</sup> RPD Record, RPD Decision, pp. 7-8, para. 16.

<sup>8</sup> *Calderon Garcia v. Canada (Citizenship and Immigration)*, 2012 FC 412 at paras. 19-20.

[20] I also note that an Appellant's unique profile and level of sophistication and/or education are important factors to consider when attempting to assess a refugee claimant's file, and certainly in aspects like delay in filing or not filing at the first opportunity or first country they reach. In this instance, the Appellant has led evidence that he is a person with a low education profile who worked as a farmer and that he was not aware of the Canadian refugee process and was first told that it was not possible only to be told years later that it was possible. Similarly, in regards to why he did not file a claim in the United States when he arrived there first, which drew another negative credibility finding by the RPD panel, the Appellant states it was because he was not familiar with the process and that he thought it requires "proof of some kind."<sup>9</sup> Under the circumstances, and particularly in regards to the Appellant's profile, not only do I find his responses reasonable as a lack of knowledge about a country's refugee system is something that could not very well now be known to a newcomer and particularly someone with limited education (and in the instance of the United States, I note that he was only in the US for a few months), but just as was noted by the RPD panel and the jurisprudence, even if negative findings are found in these areas they are not determinative.

[21] After examining the entire record before me, I find that the only areas where credibility is perhaps an issue is in relation to why the Appellant did not obtain any supporting documents relating to his claim from his wife or other family members and his response was that he did not want to get them involved and/or in trouble. I have some concerns with this from a logic perspective given that the Appellant had no trouble asking his spouse to send him his birth certificate so why not a letter or Affidavit to support his core allegations, but there are two things to note with this. First, a refugee claimant does not require supporting documentation to establish their refugee claim as there is a presumption of truthfulness based on their own evidence and second, in this matter even if I draw a negative credibility finding in this instance, in relation to the other evidence led by the Appellant, this negative credibility inference alone I do not find would not be sufficient to remove the presumption of truthfulness afforded the Appellant in *Maldonado*.<sup>10</sup>

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<sup>9</sup> Transcript of January 26, 2024 Oral Hearing, p. 5.

<sup>10</sup> *Maldonado v. Canada (Minister of Employment and Immigration)*, 1980 2FC 302.



[22] As such, while I do draw a negative credibility inference based on the Appellant's inadequate response to the question of why he did not get supporting documents relating to the core elements of his claim from his wife when in reality he had no problem requesting her to send him his birth certificate, I do not find that this negative credibility finding is sufficient to remove the presumption of truthfulness afforded the Appellant in *Maldonado*.<sup>11</sup>

[23] Finally, while the RPD panel also found it unreasonable that the Appellant would return to the state of Jammu and Kashmir for safety after previously being assaulted there, while this may indeed be curious or perhaps even inconsistent with what an objective person would do, I do not find any notable inconsistency, omission or evolving responses in the Appellant's testimony in regards to the fact that he travelled there. As such, while the RPD panel might not find this account to be believable in this instance and considering the Appellant's unique profile, I do not find that it rises to the level of negative credibility inference. Furthermore, even if it did rise to the level of a negative credibility inference, I do not find that this negative credibility inference would be sufficient (even in tandem with the negative credibility inference drawn from his inadequate response relating to his wife not sending him more supporting documentation) to remove the presumption of truthfulness afforded the Appellant in *Maldonado*.<sup>12</sup> In reviewing the entire claim for myself, I find that the evidence led on the core aspects of the Appellant's claim, including his abuse from police, his attendance and involvement in certain public gatherings, his decision to leave India and the manner in which he did are all consistent and that the Appellant testified in a spontaneous and forthright matter on these topics. I therefore find the Appellant credible in relation to the core aspects of his claim and that he is credible overall.

#### *Conclusion on Credibility*

[24] Based on evidence before me and the holding in *Maldonado*,<sup>13</sup> I find on the balance of probabilities that the Appellant's core claims are credible and that overall, he is credible.

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

## Internal Flight Alternative

[25] Although the determinative issue in this matter was credibility, at the oral hearing the RPD panel rose and canvassed with the Appellant proposed IFA locations of Delhi and Mumbai.<sup>14</sup> The Appellant stated that neither of these were viable IFA locations.

[26] An IFA is a place in an appellant's country of origin where they could relocate safely. The question of whether an IFA exists is an integral part of the Convention refugee definition such that a claimant who has an IFA cannot meet the definition of sections 96 or 97 of the *IRPA*. The analysis for assessing an IFA has two parts, according to the Federal Court in *Rasaratnam*.<sup>15</sup> I must first be satisfied that there is no serious possibility of persecution for the Appellant in the proposed location, and that there is not a danger of torture, a risk to their lives, or a risk of cruel and unusual treatment or punishment there. Secondly, I must also be satisfied, after considering their individual circumstances and the conditions in the proposed IFA, that it would not be unreasonable to seek refuge in the proposed IFA.

[27] With respect to the second prong of the IFA test, it is an objective one that asks if it is objectively reasonable to expect the claimant to seek safety in a different part of the country. More specifically, there is a very high threshold for what makes an IFA unreasonable in all the circumstances and the appellant must provide proof of adverse conditions which would jeopardize their life and safety travelling to and in living in the IFA location.<sup>16</sup>

[28] After reviewing all of the evidence in this matter, including the objective evidence contained in the NDP, I do not find that the Appellant has a viable IFA in either of the proposed IFA locations, or across India.

### *First Prong of the Test*

[29] An IFA analysis requires a contextual approach, looking at the profile of the agent of harm, his motivation to pursue the Appellant, and his ability to search for them and find them throughout

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<sup>14</sup> Transcript of January 26, 2024 Oral Hearing, p. 9.

<sup>15</sup> *Rasaratnam v. Canada (Minister of Employment and Immigration)*, [1992] 1 F.C. 706 [*Rasaratnam*].

<sup>16</sup> *Ranganathan v. Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 16789 (FCA), [2001] 2 FC 164.

India. There can only be a serious possibility of persecution or a risk of harm within the ambit of s. 97 of the *Act* if the agent of harm has both the “means and the motivation” to search for and locate the Appellant.<sup>17</sup>

[30] The Appellant has led evidence that the police are after him because even though he is not actually involved in the pro-Khalistan movement or anti-national activities, that they *believe* him to be and have assaulted him on this basis and since he has left India not only have authorities continued to search for him but have made similar allegations to his family members on numerous occasions.

[31] The National Documentation Package (NDP) evidence highlights that not only do Indian authorities place considerable effort searching for and combating pro-Khalistani activities and terrorism, but that they have a history of working across states, or police departments which often operate independently, in situations of high crimes including terrorism.<sup>18</sup>

[32] In addition, the Appellant has also led evidence that he is also Sikh, and I find that it is important to highlight that not only does the NDP evidence state that since 1984 prejudice against Sikhs in India has become very deep-rooted,<sup>19</sup> but it also underscores that the government, civil society and media vilify Khalistani supporters and militants by default,<sup>20</sup> and that, "suspected supporters of Khalistan are not safe outside of Punjab, anywhere in India".<sup>21</sup> Accordingly, I find that the viability of each of the proposed IFAs is undermined because of the Appellant's perceived pro-Khalistani and anti-national activity and what this could mean for him should he return to India.

[33] In addition, the NDP evidence also states the following:

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<sup>17</sup> *Nimako v. Canada (Citizenship and Immigration)*, 2013 FC 540, at para. 7; *Mayorga Gonzalez v. Canada (Citizenship and Immigration)*, 2012 FC 987 at para. 35.

<sup>18</sup> National Documentation Package, India, 31 May 2024, tab 10.13: *Databases, including the tenant registration (or tenant verification) system, the Crime and Criminal Tracking Network and Systems (CCTNS), National Automated Fingerprint Identification System (NAFIS), and POLNET; police access to the...* Immigration and Refugee Board of Canada. 9 June 2023. IND201491.E, page 1.

<sup>19</sup> *Ibid.*, page 7.

<sup>20</sup> *Ibid.*, page 13.

<sup>21</sup> *Ibid.*, page 17.

The same source added that "no Sikh can openly be an advocate for or support the creation of Khalistan" and doing so results in "harassment by the police, false cases and also hatred [from] those who do not support Khalistan"; the government portrays anyone supporting separatism as "an extremist or terrorist and as an 'anti-national' that can be legitimately targeted for violence" (Representative 12 May 2022). The Associate Professor stated that Sikhs who display separatist beliefs face "persecution" by government authorities and "possible retribution" from the "majority community outside of Punjab" (Associate Professor 4 May 2022)... The WSO representative stated that if an individual is outside of Punjab and their support of Khalistan becomes known, "there is little doubt they would face discrimination, harassment or worse" (Representative 12 May 2022). The Emeritus Professor stated that society outside of Punjab is "more hostile to Sikhs in general" and that if the beliefs of a Khalistan activist outside of Punjab were to become known, they would be in danger of violence from local people (Emeritus Professor 29 Apr. 2022). According to the Press Trust of India (PTI), an Indian news agency, a Khalistan supporter from Punjab who was "hiding" in Bengaluru was "'traced'" by the police and arrested (PTI 12 Jan. 2020).<sup>22</sup>

[34] An examination of the NDP evidence demonstrates that not only are (perceived) Khalistani supporters subject to harsh treatment by both state authorities and the general public, but that local police do indeed have the ability to trace people from Punjab and arrest them in non-Punjabi locales across India. I therefore find that the objective evidence supports the claims made by the Appellant in regards to his perceived pro-Khalistani activity.

[35] More specifically, while there is some objective evidence in the NDP indicating that police forces usually do not cooperate across states, the NDP evidence does indicate that in instances of major crimes like murder and terrorism that they not only can work together but that there is a central information system that can be utilized by them.<sup>23</sup> In addition, it is important to highlight the NDP evidence is clear that Indian authorities not only track people in India in relation to their pro-Khalistani advocacy, but internationally as well.<sup>24</sup>

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<sup>22</sup> Ibid. pp. 17-18.

<sup>23</sup> Ibid., tab 10.13: *Databases, including the tenant registration (or tenant verification) system, the Crime and Criminal Tracking Network and Systems (CCTNS), National Automated Fingerprint Identification System (NAFIS), and POLNET; police access to the...* Immigration and Refugee Board of Canada. 9 June 2023. IND201491.E, page 1.

<sup>24</sup> Ibid., tab 12.8: *Treatment of Sikhs by society and authorities, particularly the police; state protection; situation and treatment of suspected or perceived Sikh militants and Khalistan supporters in the state of Punjab by society and the authorities...* Immigration and Refugee Board of Canada. 25 May 2023. IND200932.E; tab 4.16: *Situation and treatment of members of Sikhs for Justice (SFJ) and their family members by authorities, including those returning*

[36] On the domestic front not only does India have the Crime and Criminal Network Tracking System (CCNTS) where information concerning suspected major criminal activity can be entered, but according to the NDP evidence the CCTNS software has been "deployed" at all 16,440 police stations in India (100 percent) (India [2022-12], 13).<sup>25</sup> Finally, as previously noted, the NDP is clear that police may make interstate efforts to trace individuals in cases of suspected terrorism and other serious crimes.<sup>26</sup> In this instance even if the Appellant does not in fact support Khalistan or has been involved in pro-Khalistani activities or the other crimes for which he has been accused, I find that the police perceiving him to be such a person is sufficient to draw the ire of Indian law enforcement given the seriousness of the crimes Indian police allege the Appellant to have committed.

[37] In addition, on the international front I find that it is important to highlight that not only does the NDP evidence highlight that Indian authorities are able to track pro-Khalistani activists across India,<sup>27</sup> but that the NDP evidence also states that Indian authorities are indeed tracking pro-Khalistani activists and activism (including social media posts) in Canada, and moreover, that they are using their internationally tracked information to approach the family members of suspected activists in India in order to pressure and/or harass them in connection to the Canadian activists.<sup>28</sup>

[38] As such, given the evidence before me, especially India's harsh treatment of perceived supporters of Khalistan and other anti-nationals and their ability to track people suspected of pro-Khalistani activity across states and indeed nations, I find on a balance of probabilities that the Appellant would be subjected to a serious possibility of persecution in New Delhi, Mumbai, and across India.

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*from abroad; overseas monitoring capabilities of the government* (2020–May 2023). Immigration and Refugee Board of Canada. 31 May 2023. IND201492.E.

<sup>25</sup> *Ibid.*, tab 10.13: *Databases, including the tenant registration (or tenant verification) system, the Crime and Criminal Tracking Network and Systems (CCTNS), National Automated Fingerprint Identification System (NAFIS), and POLNET; police access to the...* Immigration and Refugee Board of Canada. 9 June 2023. IND201491.E.

<sup>26</sup> *Ibid.*, tab 12.8: *Treatment of Sikhs by society and authorities, particularly the police; state protection; situation and treatment of suspected or perceived Sikh militants and Khalistan supporters in the state of Punjab by society and the authorities...* Immigration and Refugee Board of Canada. 25 May 2023. IND200932.E.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*, tab 4.16: *Situation and treatment of members of Sikhs for Justice (SFJ) and their family members by authorities, including those returning from abroad; overseas monitoring capabilities of the government* (2020–May 2023). Immigration and Refugee Board of Canada. 31 May 2023. IND201492.E.

[39] Given that the first prong of the IFA test is not satisfied, there is no need to undertake a second prong analysis. I do not find that the Appellant has a viable IFA anywhere in India.

*State Protection*

[40] As it is the Punjab police who are the agents of persecution, and because the NDP evidence establishes that Punjab police have the ability to both track and arrest people across India,<sup>29</sup> I find that they would be unwilling and unable to offer any sort of protection to the Appellant.

**CONCLUSION**

[41] The appeal is allowed. Pursuant to paragraph 111(1)(b) of the IRPA, the RAD sets aside the determination of the RPD and substitutes its own determination that the Appellant is a Convention refugee.

(signed)

*Samir Nawaz*

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**Samir Nawaz**

June 24, 2024

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**Date**

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<sup>29</sup> Ibid., tab 12.8: *Treatment of Sikhs by society and authorities, particularly the police; state protection; situation and treatment of suspected or perceived Sikh militants and Khalistan supporters in the state of Punjab by society and the authorities...* Immigration and Refugee Board of Canada. 25 May 2023. IND200932.E.



**RAD File / Dossier de la SAR : VC4-07786**

**RPD File / Dossier de la SPR: VC3-02069**

**UCI / IUC : 1125001952**

**Full Transcript of a RPD Proceeding**  
*Private proceeding / Huis clos*

<b>Claimant</b>	GULJAR SINGH	<b>Demandeur d'asile</b>
<b>Place of the hearing</b>	Heard by Virtual Hearing	<b>Lieu de l'audience</b>
<b>Hearing date</b>	January 26, 2024	<b>Date de l'audience</b>
<b>Panel</b>	Logan Sherwood	<b>Tribunal</b>
<b>Counsel for the claimant(s)</b>	Gurpreet Singh Khaira	<b>Conseil(s) du (de la/des) demandeur(e)(s) d'asile</b>
<b>Designated representative</b>	N/A	<b>Représentant(e) désigné(e)</b>
<b>Counsel for the Minister</b>	N/A	<b>Conseil du ministre</b>
<b>Interpreter</b>	Gurinder Arneja	<b>Interprète</b>

1           **MEMBER:**       ...And what did the document say? That you knew a certain person?  
2

3           **CLAIMANT:** I do not know, but I did tell them why should I sign on that paper about a person whom I  
4 do not even know? And I never signed [audio cuts out].  
5

6           **MEMBER:** What happened when you declined to sign?  
7

8           **CLAIMANT:** Then, after that, my family started to realize that they will, the police, will not let me live  
9 safely, so they started to look for an agent who could make arrangements to send me overseas.  
10

11          **MEMBER:** I understand from your forms that you went to Delhi. Is that correct?  
12

13          **CLAIMANT:** Yes. Yes, I was in Delhi, taken there by the agent. And he made arrangements for me to  
14 stay in a place called Pahadgunj.  
15

16          **INTERPRETER:** P for Peter, A-H-A-D, and G for good, G – U for umbrella, N for Norman, and J for  
17 Japan, Pahadgunj.  
18

19          **MEMBER:** Thank you.  
20

21          How long were you in Delhi for?  
22

23          **CLAIMANT:** I was in Delhi for about two to three months.  
24

25          **MEMBER:** Did you have any problems when you were in Delhi?  
26

27          **CLAIMANT:** While I was in Delhi, my family did update me that the police comes to my house and  
28 asks – asks them about my whereabouts, so that is what my family thought; that somehow they will get to  
29 know about me being in Delhi.  
30

31          **MEMBER:** Did the police ever find you when you were in Delhi?  
32

33          **CLAIMANT:** No, they did not – they did not find me in Delhi, but my family did tell me that if I use  
34 any phone or have phone of my own and use it, they will figure out my whereabouts.  
35

36          **MEMBER:** Have you heard from anyone that the police have been looking for you since you left  
37 India?  
38

39          **CLAIMANT:** Yes. My family does tell me that they still come to my house, asking my family about  
40 my whereabouts, but my family does not disclose to them where I am.  
41

42          (00:05:12)  
43

44          **MEMBER:** How often do you they come looking for you?  
45

46          **CLAIMANT:** Police does come back and forth to the house and that is why I do not contact anybody,  
47 so that the police does not get to know. And because my family still has not disclosed them my  
48 whereabouts.  
49



**MEMBER:** Do you talk to your family?

**CLAIMANT:** I only have little contact with my wife, and not with anybody else at all.

5 **MEMBER:** Does your wife live with your mother and father?

**CLAIMANT:** Yes.

10 **MEMBER:** When was the last time your wife told you that the police had come to the home looking for you?

**CLAIMANT:** Yes, my wife does tell me that they – that they come after a month, or so, trying to find out about my whereabouts.

15 **INTERPRETER:** I did not follow that last bit.

**CLAIMANT:** And – and my wife also told me that now that the police has accused me, or put allegations on me, that I am – I am connected with the Pakistan, with the Pakistanis. And this is what they had accused me of, which my wife told me.

20 **MEMBER:** When did the police tell this to your wife?

**CLAIMANT:** They told this to my wife in 2020.

25 **MEMBER:** When was the last time that the police came to your home?

**CLAIMANT:** Police still continues to come after two or three months now.

**MEMBER:** You mean they came two or three months ago?

30 **CLAIMANT:** Yes, they did come. Yes.

**MEMBER:** Was that the last time that they came to your home, two or three months ago?

35 **CLAIMANT:** That is correct.

**MEMBER:** Have the Indian police filed an FIR against you?

**CLAIMANT:** I do not know about it. I do not have knowledge in this regard.

40 **MEMBER:** Do you know if you are wanted by the police in India?

**CLAIMANT:** They are looking for me.

45 (00:10:16)

**MEMBER:** Why have you not provided an affidavit or letter from you wife or one of your other family members to support your claim?

**INTERPRETER:** From India you mean?

**MEMBER:** Yeah. Why have you not provided a letter from your wife or an affidavit from your wife confirming these things that you are telling me?

5

**CLAIMANT:** I did not ask them for – ask them to send me any kind of proof because if I did, they would get to know which country I am in and my whereabouts. So that is why I never even tried to get any kind of proof or a backup.

10 **MEMBER:** How would they find out which country you were in if you – if your wife sent you a letter or an affidavit?

15 **CLAIMANT:** If I – if she – if she would go to the court to get any kind of document, then they can – and if they follow her, they will know like what is she going there for and what - also they can link it with that.

**MEMBER:** If you were worried about that, why did you get her just to mail you a letter?

20 **CLAIMANT:** I did not ask for any such thing because I do not want to be – I do not want them to get in any kind of trouble or harassment.

**MEMBER:** You said on your forms that now the police believe that you are involved with Sikhs For Justice and Referendum 2020.

25 **INTERPRETER:** Just one minute. Sikhs For Justice and Referendum.

**CLAIMANT:** Yes.

30 **MEMBER:** Why do you think that the police believe you are involved with Sikhs for Justice and Referendum 2020?

**CLAIMANT:** Because they consider me to be supporter of Khalistan.

35 **MEMBER:** Are you a Member of Sikhs For Justice?

**CLAIMANT:** No, I am not a member of the Sikhs For Justice.

(00:15:03)

40 **MEMBER:** Do you support Khalistan?

**CLAIMANT:** No. I do not support any party.

**MEMBER:** Did you vote in Referendum 2020?

45

**CLAIMANT:** I did not.

**RPD File/Dossier de la SPR :VC3-02069**

**MEMBER:** Why would the police believe that you were involved with Sikhs for Justice and Referendum 2020 if you are not a member of Sikhs For Justice and you do not support Khalistan and the police do not know you are in Canada?

5 **CLAIMANT:** They are doing this so they are able to find my whereabouts and they can put a case, false case, against me. That is what – that is why they are doing all this.

**MEMBER:** How do you know that the police believe you are involved with Sikhs For Justice?

10 **CLAIMANT:** I do not know why they believe that I am with the Sikhs For Justice. They know better. I have no idea.

**MEMBER:** Who told you that the police think that you are involved with Sikhs For Justice?

15 **CLAIMANT:** My family told me about it.

**MEMBER:** So the police believe that you are involved with militants, they believe that you are involved with Pakistan, they believe that you are involved with Sikhs For Justice, they believe that you are involved with Referendum 2020. Is that all correct?

20 **CLAIMANT:** Yes.

**MEMBER:** Have you been involved in any pro-Khalistan activities here in Canada?

25 **CLAIMANT:** No.

**MEMBER:** When you left India in 2013 what was your plan?

30 **CLAIMANT:** I came to Canada for the safe – for the safety of my life so that I can settle here and save my life. That was my plan.

**MEMBER:** You said earlier that your agent made a plan for you to go to the U.S.

35 (00:20:11)

**CLAIMANT:** Yes. Yes, I opted for Canada because I was thinking if I go to America I could be harassed, so I considered to – that is why I considered coming to Canada.

40 **MEMBER:** Who do you think might harass you in the U.S.?

**CLAIMANT:** Because it could be known in India that I am – I am gone to U.S. So I was thinking that anything could happen to me if I am in U.S. or – or they get to know about someone, then I could be in trouble.

45 **MEMBER:** How would they know that you were in the U.S. but they would not be able to know that you are in Canada?

**CLAIMANT:** They do not – they do not even know that I am in Canada because I did not enter Canada in a legal manner. I crossed the border and entered, so there is no evidence for them to know that I have left and came to Canada.

5 **MEMBER:** Did you enter the U.S. legally or illegally?

**CLAIMANT:** I entered illegally.

**MEMBER:** Why did you not make a refugee claim in the U.S.?

10

**CLAIMANT:** Okay. I did not even know the process about in America, I would say. And – and also I – I had heard that they do ask for some proof of some kind. And, more than that, I did not even know the process.

15 **MEMBER:** When you came to Canada in 2013 did you know about Canada's refugee program?

**CLAIMANT:** No, I did not – I did not know about it, though I tried to check it with some people, but they told – the response I got, that you cannot do anything like that. And after that, I did get to know that anyone can make an application for refugee case in Montreal, so that is what I did.

20

**MEMBER:** What people did you chat with who told you that you could not make a refugee claim here?

(00:25:09)

25

**CLAIMANT:** I met up with someone in the Sikh temple who told me about that I can file a case in Montreal.

30

**MEMBER:** Earlier you said that when you came to Canada in 2013 you did not know about Canada's refugee process and some people told you you cannot do anything like that. Who told you you cannot do it?

35

**CLAIMANT:** So from a public – public. Like, I was at one store and I talked to somebody there, telling – talking to them about my situation, then that person told my you cannot do any such thing like this here. So then, after that, I did not make any efforts to get – to find out more information.

**MEMBER:** When did you meet this person in the Sikh temple that told you you could file a case in Montreal?

40

**CLAIMANT:** I met this person in the temple around 2019 or 2020 sometime.

**MEMBER:** Just give me one moment, please.

So what were you doing here in Canada all these years after you came here 2013?

45

**CLAIMANT:** I would do a little bit of kind here – sorry, I use to do a little bit of work and like working – I mean, working at the farm, or if somebody needed help, then I would help that person and that person would give me some money. This is – this is what I was doing; working here and there.

**MEMBER:** Why did you stay here illegally for so many years if you were afraid of going back to India?

5 **CLAIMANT:** I continued to stay here illegally because I – as I told you, I met up with somebody who told me that there is no such process, so I was just waiting that sometimes maybe the process changes and I could be apply for refugee status. That is what I was – I continued to be here.

(00:30:10)

10 **MEMBER:** Did you do any research, like going on the Government of Canada's website, to see if you could make a refugee claim?

15 **CLAIMANT:** I did not do any research on my own because I do not even – I am not – because I am not very educated person or who can – who knows to get research and find information about Canadian Government. I am not that well educated.

**MEMBER:** Why did you not contact a lawyer or an immigration consultant?

20 **CLAIMANT:** Because that person told me at the temple that there is no such process, so I just believed him. And I did not go to any lawyer or consultant because I was scared that if I go do them, I did not want to get in any kind of trouble.

**MEMBER:** I thought it was a person at a store that told you there was no such process.

25 **CLAIMANT:** Yes, I met someone in the store, yes.

**MEMBER:** A moment ago, you said it was someone at the Sikh temple who told you there was no such process.

30 **INTERPRETER:** That could be my mistake. I am not sure, but that could be so that – yeah, I would admit that I could be. Not that I am admitting it, but it could be.

35 **MEMBER:** Okay. Thank you, Madam Interpreter. I will just ask the question again to Mister GULJAR SINGH.

**INTERPRETER:** Sure, sure, sure.

**MEMBER:** Mister GULJAR SINGH, why did you not contact a lawyer or an immigration consultant?

40 **CLAIMANT:** I did tell you before that the reason I did not go to any lawyer or consultant, because I was told that there is no such process. That is why I never approached any lawyer or counsel, because I was scared that I could get into trouble.

45 **MEMBER:** Madam Interpreter, I just want to check with you, how long do I have you booked for?

**INTERPRETER:** I really do not know because the timings are different every day. Like, sometimes I start at 8:00, some – so I really do not know what I am – until what I am booked for. But I also wanted to ask you like how long do you think you will go today?

**MEMBER:** I have some more questions for Mister GULJAR SINGH and then I need to give Counsel an opportunity to ask questions and make submissions as well.

Are you booked for anything else after this, Madam Interpreter?

5

**INTERPRETER:** No, I am not. No.

**MEMBER:** Okay.

10 Why don't we take a little bit of a break and then – I – I do not think my questions will be that much longer; maybe another 15 minutes or so. And then, Counsel, I will give you the opportunity for your questions and submissions. (inaudible).

**COUNSEL:**

15

**INTERPRETER:** I mean – I mean – sorry. Sorry for interrupting, Mister Counsel. No, I was just saying...

**COUNSEL:** Go ahead.

20

**INTERPRETER:** ...we – we can continue with the questions, if you want. I mean, I am okay.

**MEMBER:** Okay. Perfect. Yeah. Yeah.

25 Let's – let's take a short break, just so everyone can – can get a snack or water or coffee, whatever they need, and then we will continue after that. How does that sound?

(00:35:03)

30 **INTERPRETER:** Okay. No problem. What is everybody's choice?

**MEMBER:** Counsel, Madam Interpreter, five minutes? 10? 15?

**INTERPRETER:** I am okay with five.

35

**MEMBER:** Counsel?

**COUNSEL:** Five is too less, Member, so let's take 10 or 15.

40 **MEMBER:** All right, let's do 10 minutes, how about? We...

**COUNSEL:** Yeah.

**MEMBER:** ...we will do that.

45

**INTERPRETER:** Okay. 10 minutes. So we are back at 12:57 – 47. 12:57 or one o'clock, I would say.

**MEMBER:** Yeah, we will just make it easy. Let's – let's make it easy, we will say one o'clock here, B.C. time, four o'clock Eastern Time.

**INTERPRETER:** So, I mean, I just wanted to get an idea. I know I am not booked for anything, but we could go beyond two o'clock also, right, as – as the plan seems like it?

5 **MEMBER:** Potentially. We will see how things go. We – we might finish before that, actually, it is hard to say.

**INTERPRETER:** Okay. No problem. That is okay. Certain, that is okay. Yeah, we will see you back at one o'clock.

10

**MEMBER:** Okay. Thank you, everyone.

Again, please turn your camera and microphone off.

15 **INTERPRETER:** Okay.

(00:26:12)

20 ~~-----OFF THE RECORD-----~~

~~-----ON THE RECORD-----~~

25

(00:48:32)

**MEMBER:** Okay, we are back on the record.

30 **CLAIMANT:** Okay.

**MEMBER:** Mister SINGH, earlier you told me that you had asked your wife to courier you your birth certificate. Why didn't you also ask her to courier you a letter to support your refugee claim?

35 **CLAIMANT:** Because at that time, I – that – that was not even in my mind. All I was thinking, that I – I was anxious about getting my document so then I can start filing my case.

**MEMBER:** You signed your basis of claim form back in 2020, so you have had a lot of time to prepare for your case. Why have you not provided any documents to support your claim?

40

(00:50:40)

**CLAIMANT:** I could not do that because after I filed my case in 2020, then COVID came and that time it was hard for anybody to go out and do anything. So that is why, that is – that is why I would say I could not get.

45

**MEMBER:** I understand that there were some lengthy significant lockdowns in India, but my understanding was that – that those ended a couple years ago. Why have you not recently asked your wife, or anyone else, to send you any documents?

**CLAIMANT:** I did not like want them – I did not want to tell – never wanted to tell them anything like that because I never wanted them to go into any kind of trouble, so I could not take any risk for – risk for my family. That is what I would say was the sole reason.

5

**MEMBER:** I am going to ask you some questions now about the potential IFA locations of Delhi and Mumbai.

What languages do you speak?

10

**CLAIMANT:** Punjabi.

**MEMBER:** How about English?

15

**CLAIMANT:** No, I do not know English.

**MEMBER:** What kind of work experience did you have in India before coming to Canada?

**CLAIMANT:** Agriculture, farming.

20

**MEMBER:** Did you own your own farm?

**CLAIMANT:** Yes. Yes, I did.

25

**MEMBER:** How many years' experience did you have working on the farm?

**CLAIMANT:** We were living on the farm itself, so I would say that since childhood I had been doing this work.

30

**MEMBER:** What about when you were in Delhi, did you work there?

**CLAIMANT:** No. I did not do any work because I was kind of in hiding. Because if I worked, then – the I would – then they would know that I am in Delhi, so I was hiding. f

35

**MEMBER:** What about in Canada, what work have you done?

(00:55:08)

40

**CLAIMANT:** Since – since coming to Canada, also like I have been doing clean-up work or helping someone. Whatever I can do to my capacity, that is what I did.

**MEMBER:** When you say, clean-up work, what kind of work are you talking about?

45

**CLAIMANT:** When I say clean-up, that is what I mean to say. That help someone and clean-up, like a regular clean-up, or like helping somebody clean up in the farm like rake the leaves and do the small things like that.

**MEMBER:** Did you finish high school in India?



**CLAIMANT:** I am not too sure if I completed my grade 12 or I did not. It was (inaudible) in between. I am not too sure about my grade 12.

5 **MEMBER:** How old were you when you stopped going to school?

**CLAIMANT:** I was between 18 and 20 years old when I stopped going to school.

**MEMBER:** So did you at least – you started grade 12 but you are not sure if you completed it? Is that correct?

10 **CLAIMANT:** Like the kind of schools – I think I did complete grade 12 but I do not have much knowledge like a grade 12 students. And the schools are also like they are that kind you can pass just like that also.

15 **MEMBER:** Did you take any kind of courses after high school? Any university courses or any trades courses or courses related to agriculture?

**CLAIMANT:** No, I did not.

20 **MEMBER:** Do you have any relatives that live in Mumbai or Delhi?

**CLAIMANT:** No, I do not have. No.

**MEMBER:** Are all your relatives in the Punjab state?

25 **CLAIMANT:** Yes.

**MEMBER:** I know you have been to Delhi before. Have you been to Mumbai before?

30 **CLAIMANT:** No.

**MEMBER:** What did you think of Delhi when you were living there for a few months?

35 **CLAIMANT:** The time that I spent in Delhi I was staying in Golden Temple. I would have my food, my meals, over there. Like, I did not go outside.

(01:00:07)

40 **MEMBER:** And you said, when you were living in Delhi you did not have any problems. Is that correct?

**CLAIMANT:** Like, just my stay in Delhi was like I was, as I said, I was in hiding. I did not do anything outside. I did not take any SIN number, but on other hand, if I do not to go and live there, I need to get all those basics like SIN – SIN card and all that.

45 **MEMBER:** If you went to Delhi, do you think you would be able to find work there? Or – or Delhi or Mumbai?

**CLAIMANT:** No. I will not find anything that I have experience or do because I am not educated. And I only did farming when I was there, so I do not think I can get any kind of work there.

5 **MEMBER:** Do you think you would be able to find a live if you had to go to Delhi or Mumbai?

**CLAIMANT:** That would not be possible to rent a place because if I would want to rent a place I would need to give my ID and that will open up my whereabouts and I would be arrested.

10 **MEMBER:** Who would arrest you if you were in Mumbai or Delhi?

**CLAIMANT:** Like, because – I would say I would be arrested because BJP is in power and – and there is a continuous update happening. And also, like I have no – there is no chance for me to find a job in either of the cities because of the experience that I can only do farming, so what – what will I – what kind of a job can I really get there?

15 **MEMBER:** I am not quite sure if I understand why you would be arrested in Mumbai or Delhi. Why would you be arrested just because the BJP is in power?

**CLAIMANT:** I could be – I could be arrested anywhere because of the allegations that got put on me.

20 **MEMBER:** Is there any other reason that you could not move to Mumbai or Delhi, other than what you have told me?

(01:05:04)

25 **CLAIMANT:** No, that – that is – that is about it, that I would not be able to find job because of my experience only in farming. And business also I cannot do, so then – then, because I cannot find job, survival is going to be very difficult in both the cities.

30 **MEMBER:** You have managed to survive here in Canada for the last 11 years? How would it be more difficult for you – how would it be more difficult for you to survive in Delhi or Mumbai?

35 **CLAIMANT:** Yeah. Because I am safe here, I can work here and I know that I am safe, whereas, this kind of safety I do not have there. And I can work here, whatever little bit I can do, and I am safe, whereas, this would not happen back home in India.

**MEMBER:** Okay. Thank you, Mister GULJAR SINGH. I do not think I have any other questions for you right now.

40 **CLAIMANT:** Okay.

**MEMBER:** Counsel, I am going to turn it over to you for any questions you might have for your client.

**COUNSEL:** Okay. Just a few, Member, Sir.

45 **MEMBER:** Sure. I will turn my microphone off and you can go ahead whenever you are ready.

**COUNSEL:** Thank you, Member, Sir.

**MEMBER:** Okay.

**COUNSEL:** (inaudible) you told us that you attended the hospital, twice. Why do you not have documents for your treatment?

5

**CLAIMANT:** Because you cannot get those documents from there and if someone makes an effort to get those documents, then that indicates that they – that they are needed to be sent somewhere and the person is overseas. So that is – that is why.

10 **COUNSEL:** Were you not given any documents when – when the doctor treated you on those two occasions?

**CLAIMANT:** No, they did not.

15 **MEMBER:** Why did they not give you any documents?

**CLAIMANT:** Yeah, that is how the treatment is done there. There is no specific record that they make, or anything like that, but they do treat the person. And, more than that, then they say why should we get into the - why should we get into this – the police things and all that, so they never issue any document to anybody.

20

**COUNSEL:** Did the doctor ask you how you got hurt and where those injuries were from?

(01:10:00)

25

**CLAIMANT:** No. They only treated me, but they did not ask me question about why – like how did I get hurt and how all that happened. They – no, I was not asked.

30 **COUNSEL:** You said that they did the treatment and they did not want to get into police things. What do you mean by that?

**CLAIMANT:** Yeah, I am saying that because the police was the one with whom I was beaten up and I had sustained those injuries. But on the part of the doctor, I would say that document like really helped me out to get – to give me treatment.

35

**COUNSEL:** You – you earlier said that Punjab police and Jammu and Kashmir police tortured you when you went back to Kashmir. Why would you go back to Kashmir? Why not go to another part of India?

40 **CLAIMANT:** I tried – I tried to go to Kashmir, thinking that maybe Kashmir may be a safe place for me to go and live.

**COUNSEL:** Would your family be able to join you in Mumbai or Delhi if you go and live there?

45 **CLAIMANT:** No. How can they come? They will not come because if the authorities get to know, then it will be more easier for them to trace me. So they will not join me.

**COUNSEL:** Are you still in possession of the voter ID card or Indian driver's license?

**CLAIMANT:** The voter card was kept by them and my driving license, I gave it ICBC.

**COUNSEL:** When you say, they kept the voter card, what do you mean by they?

5 **CLAIMANT:** That was kept by the immigration officer who said that they are going to keep that driving license, even though they do not think it is genuine, but still they would want to keep it.

(01:15: 07)

10 **COUNSEL:** Was this the driver's license or voter card?

**CLAIMANT:** Voter card.

15 **COUNSEL:** So immigration kept the voter card. And why would you give your driver's licence to ICBC?

**CLAIMANT:** Because I did (inaudible) like for number five license and I need – and then they get my license from India in their possession and they gave me the one here that is class five.

20 **COUNSEL:** Do you have the British Columbia driver's license with you?

**CLAIMANT:** Yes, I do.

25 **COUNSEL:** Those are all my questions, Member, Sir. Thank you.

**CLAIMANT:** Okay.

**MEMBER:** Thank you, Counsel.

30 Just give me one moment here, please.

**CLAIMANT:** Okay.

35 **MEMBER:** Okay, Counsel, are you ready to go ahead with your submissions?

**COUNSEL:** Yes, Member, Sir.

**MEMBER:** Okay. I will turn my microphone off again and I will let you go ahead.

40 Do you require interpretation of your submissions?

**COUNSEL:** No, Member, Sir.

45 **MEMBER:** Okay.

Mister GULJAR SINGH, your counsel now is going to make legal submissions about why I should accept your claim, but they are not going to be interpreted. Are you okay with that, Mister GULJAR SINGH, if they are not interpreted?

**CLAIMANT:** Yes, I am okay.

**MEMBER:** Okay, Counsel, whenever you are ready. And, Counsel, I will just ask you to slow down a little bit because I am going to be taking notes while you give these submissions.

5

**COUNSEL:** Thank you, Member.

**INTERPRETER:** Before you do that, I wanted to ask you if you can – if I can excuse myself, since I am not required for the submissions?

10

**MEMBER:** How long are your submissions going to be, Counsel?

**COUNSEL:** Just a few minutes. It will not be long, Member, Sir. It will not be long.

15

**MEMBER:** Just a few minutes?

Madam Interpreter, can I ask you to stay, just so that after the submissions Mister GULJAR SINGH understands what the next steps are?

20

**INTERPRETER:** Okay. No problem. So just I wanted to get an idea.

So, Mister Kharia, we will be done by 1:50, you think, in another 20 minutes?

**COUNSEL:** Before that. Before.

25

**INTERPRETER:** Oh, perfect. Then that is great. No problem. Yeah, that is fine.

**MEMBER:** Okay. Thank you, Madam Interpreter.

30

Whenever you are ready, Counsel.

**COUNSEL:** Thank you, Member, Sir.

35

Member, Sir, the claimant has been a credible person during his testimony, has provided very detailed testimony about the fear he is facing, due to this political opinions. Identity was a concern in the beginning, but the claimant did produce a B.C. ID during the testimony. And also, Member, Sir, he has testified that he has a classified British Columbia license, which was issued by ICBC and I can undertake to provide a copy of that after we are done with the hearing, when the claimant provides me that.

40

And also, the voter card from Indian authorities is with the immigration officer who interviewed Mister SINGH. And as – as you suggested earlier, as the Panel suggested earlier, you will look into why it was not produced, Member, Sir.

(0:01:20:09)

45

Member, Sir, it is a Section 95 case. It is due to the appellant's political opinion. He was (inaudible)...

**MEMBER:** Sorry. Sorry. Sorry, Counsel, I heard you say it was a Section 95 case. I just want to make sure you are talking about Section 96, is that correct?

**COUNSEL:** Yeah, correct (inaudible).

**MEMBER:** Okay. Go ahead, Counsel.

5

**COUNSEL:** Yeah.

10 It – it – due to his political opinion, he has provided credible testimony that he was member of Akali Dal and he was – he – he was asked to join other party and he did not. And he has also testified that he – he was not an active participant of the party, he was just a supporter of the party and he was tortured numerous times. Once, by unidentified people and twice by the police force. And also, the police continues to look for him, to find him. He has testified that his wife has told him that the frequency of police visits is approximately – initially it was after a month, now it is every – after every two or three months.

15

20 The appellant – sorry, the claimant did delay to file his case. He was here – he is here in Canada since 2013 and did not file his claim until 2020. He was in hiding. He – he is not a sophisticated person, as he said, he does not even know whether he has passed his grade 12 or not and he does not know English. And he has been hiding all (inaudible), relying on the community, where he said he went to the store and the person told him do not file the claim. And, later, the person at the temple told him he could, and then he made arrangements to file that claim in Montreal, where he was told he could go and file the claim.

25 Also, there has been delays in – in the claimant's – he suggested there was COVID and he could not produce those documents, and he fears for his family's security and that is why he could not get the supporting documents, Member, Sir.

30 And also, due to – and also, the – the cities proposed for internal flight alternative, Mumbai and Delhi, the appellant has been to Delhi but was in hiding there and he cannot make a fair assessment whether he would be safe in Delhi or not because he was always in hiding in Delhi. And also, his only experience has been agriculture and these are big cities where he cannot find no work for agriculture and he has no other skills there too.

35 And also, if he goes out to find a place to live, he – he would have to present his identification and he fears that might lead the police to him and he would be traced and he would be apprehended by the police and tortured again, Member, Sir.

And also, he – his family would not be able to live with him because he fears that the parties would know where his where – whereabouts would be and they would trace him and find him, Member, Sir.

40 Looking at the evidence and testimony, Member, Sir, it is my request that his claim be allowed.

Thank you, Member, Sir.

**MEMBER:** Thank you very much, Counsel.

45

Mister GULJAR SINGH, you said that you had your B.C. driver's license with you. Can you show me that? Okay, thank you, Sir.

Counsel, I do not think you need to send in a copy of that. I have seen it on the screen there. That – that is fine.

**COUNSEL:** Thank you.

5

**MEMBER:** Okay. Mister GULJAR SINGH, that is going to conclude our proceeding for today. I am going to be providing you with a written decision. It will probably take me some time to get that decision. It will probably take me some time to get that decision to you because I have several others to write before I will be able to write yours.

10

(01:25:19)

**CLAIMANT:** Okay.

15

**MEMBER:** But I will certainly try to get it to you as soon as I can because I know you will be anxious to get that.

**CLAIMANT:** Yes.

20

**MEMBER:** It is important that, if you do change your address, that you make sure that you update it with the Immigration and Refugee Board so that that decision does get to you.

**CLAIMANT:** Okay.

25

**MEMBER:** Do you have any questions before we go, Sir?

**CLAIMANT:** No question.

30

**MEMBER:** Okay. Thank you, everyone.

Thank you, Madam Interpreter, for doing such a great job for us this morning.

**INTERPRETER:** Thank you so much. Thank you.

35

**MEMBER:** Thank you, counsel, for your submissions.

**COUNSEL:** Thank you, Member, Sir.

40

**MEMBER:** And, Mister GULJAR SINGH, I will wish you all the best going forward.

**CLAIMANT:** Okay.

**MEMBER:** That will conclude our proceeding today.

45

I am just going to stop the recording and we will go off the record.

Thank you, everyone.

**INTERPRETER:** Okay.

COUNSEL: Thank you. Good day.

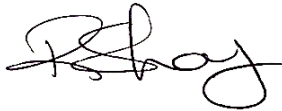
INTERPRETER: Same thing. Have a good weekend to all. Bye-bye.

5

----- HEARING CONCLUDED -----

I HEREBY DECLARE THAT THIS IS A TRUE  
TRANSCRIPT OF THE RECORDING AND THAT I HAVE  
SWORN THE OATH OF SECRECY

10



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Rebecca Shay – Transcriptionist  
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