

Federal Court



Cour fédérale

**Date: 20250211**

**Docket: IMM-1516-24**

**Citation: 2025 FC 270**

**Toronto, Ontario, February 11, 2025**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**BRHANE BERHE GBEREMESKEL**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(delivered orally from the Bench on February 11, 2025)**

[1] The Applicant applied for permanent residence as a privately sponsored refugee. His claim was based partly on his experience of detention and torture, which the Officer disbelieved. It was also based on his profiles as a young man at risk of conscription, and as a citizen who left Eritrea illegally. In support of his application, he presented documentation indicating that he was recognized as a refugee by the United Nations High Commissioner for Refugees (UNHCR).

[2] The Officer refused the application solely based on credibility concerns with the Applicant's description of his detention. The Applicant excused his poor recollection based on the passage of time and on the fact that a third party wrote out the description of his arrest and detention.

[3] There is reason to be concerned about the reasonableness of the Officer's credibility findings. However, the judicial review application is granted because the Officer failed to resolve whether the Applicant's fears were well-founded based on his profile, and also failed to reasonably explain their departure from the determination made by the UNHCR. This renders the decision unreasonable (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 99).

[4] As previously stated, the Applicant clearly expressed fears based on his evasion of military service and his illegal departure from Eritrea in his written narrative. These fears were distinct from his experience of detention which was doubted by the Officer. The Officer erred by failing to resolve the question of whether the Applicant had a well-founded fear of persecution for these reasons, rendering the decision unreasonable (*Isaac v Canada (Citizenship and Immigration)*, 2022 FC 940 at para 27).

[5] The decision is also unreasonable for failing to reasonably explain its departure from the Applicant's recognition as a refugee by the UNHCR (*Amanuel v Canada (Citizenship and Immigration)*, 2021 FC 662 at para 54). The Officer indicated that the UNHCR designation did not address their credibility concerns. However, as stated above, there were no expressed credibility concerns with the Applicant's profile, which was advanced as a basis for his fears. It

was not justified for the Officer to dismiss the UNHCR designation on the basis of credibility concerns that related to only one part of the claim.

**JUDGMENT in IMM-1516-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is granted, the decision made on the Applicant's application for permanent residence is quashed, and the matter is returned for redetermination by a different officer.
2. There is no order regarding costs and no question for certification.

"Michael Battista"

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-1516-24

**STYLE OF CAUSE:** BRHANE BERHE GBEREMESKEL v THE  
MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** FEBRUARY 11, 2025

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** FEBRUARY 11, 2025

**APPEARANCES:**

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Meenu Ahluwalia	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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