

Federal Court



Cour fédérale

**Date: 20250702**

**Docket: IMM-4639-24**

**Citation: 2025 FC 1177**

**Ottawa, Ontario, July 2, 2025**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**ABDULLAHI AHMED MOHAMUD**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Mr. Abdullahi Ahmed Mohamud (the “Applicant”) seeks judicial review of the decision of an immigration officer (the “Officer”), refusing his application for permanent residence in Canada as a member of the Convention Refugee Abroad class or a member of the Humanitarian - Protected Person Abroad designated class as described in the *Immigration and Refugee Protection Regulations*, S.O.R./2002-227 (the “Regulations”).

[2] The Applicant is a citizen of Somalia. He fled his country of nationality due to fear of Al-Shabaab, a terrorist group. He was granted status as an UNHCR refugee in Uganda. His first application for permanent residence in Canada was rejected on credibility grounds. His application for leave and judicial review of that negative decision was settled and his application was re-determined.

[3] The re-determination yielded another negative decision, again on the grounds of credibility.

[4] The Applicant now argues that the Officer breached his right to procedural fairness by failing to defer his interview in order to allow his counsel the opportunity to make additional submissions. Otherwise, he submits that the Officer failed to take into account his status as an UNCHR refugee, recognized by the government of Uganda.

[5] The Minister of Citizenship and Immigration (the “Respondent”) contends that there was no breach of procedural fairness and that the decision is reasonable.

[6] Any issues of procedural fairness are reviewable on the standard described by the Federal Court of Appeal in *Canadian Pacific Railway Company v. Canada (Attorney General)*, 2018 FCA 69, 1 F.C.R. 121.

[7] Following the decision of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653, the merits of the decision are reviewable on the standard of reasonableness.

[8] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision”; see *Vavilov, supra*, at paragraph 99.

[9] It is not necessary for me to address the arguments about procedural fairness since I am satisfied that the Officer did not reasonably take into account the Applicant’s status as an UNHCR refugee that was recognized by the government of Uganda.

[10] I refer to paragraph 58 of the decision in *Ghirmatsion v. Canada (Citizenship and Immigration)*, [2013] 1 F.C.R. 261, where the Court noted that although status as a UNHCR refugee is not determinative, it is an important factor that an officer is obliged to consider. An officer is not bound by an applicant’s UNHCR status but must provide an explanation for why a different conclusion was reached.

[11] In this case, the Officer did not give a reasonable explanation for why he reached a different conclusion.

[12] In the result, the application for judicial review will be allowed, the decision of the Officer will be set aside and the matter be remitted for redetermination by a different officer. There is no question for certification.

**JUDGMENT in IMM-4639-24**

**THIS COURT’S JUDGMENT is that** the application for judicial review is allowed, the decision of the Officer is set aside and the matter is remitted to a different officer for redetermination. There is no question for certification.

“E. Heneghan”

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Judge

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

**DOCKET:** IMM-4639-24

**STYLE OF CAUSE:** ABDULLAHI AHMED MOHAMUD v. THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** FEBRUARY 26, 2025

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** JULY 2, 2025

**APPEARANCES:**

|                   |                    |
|-------------------|--------------------|
| Naseem Mithoowani | FOR THE APPLICANT  |
| Kareena Wilding   | FOR THE RESPONDENT |

**SOLICITORS OF RECORD:**

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|---|--------------------|
| Mithoowani Waldman<br>Immigration Law Group<br>Toronto, Ontario | FOR THE APPLICANT  |
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