

Federal Court



Cour fédérale

**Date: 20250722**

**Docket: IMM-10724-24**

**Citation: 2025 FC 1300**

**Ottawa, Ontario, July 22, 2025**

**PRESENT: Madam Justice McDonald**

**BETWEEN:**

**YISMAW AMBAW GEBRU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant, Yismaw Ambaw Gebru, seeks judicial review of a decision dated May 27, 2024, in which an Officer from Immigration Refugees and Citizenship Canada (IRCC) refused his application for permanent residence under the Convention Refugee Abroad Class and the

Country of Asylum Class. The Officer found that the Applicant lacked credibility due to his failure to disclose prior United States visa applications and possession of a valid Ethiopian passport.

[2] The Applicant argues that he was denied procedural fairness due to inadequate interpretation services during his interview and that the Officer failed to reasonably assess the surrounding circumstances, including his language barriers and reliance on assistance in completing forms. He also submits that the Officer failed to conduct a distinct analysis under the Country of Asylum Class.

[3] For the reasons that follow, I have found the Officer's decision reasonable and I am dismissing this judicial review application.

## II. Background and decision under review

[4] The Applicant is a 30-year-old citizen of Ethiopia, currently residing in South Africa. He alleges persecution by the ruling party of Ethiopia (formerly the Ethiopian Peoples' Revolutionary Democratic Front now the Prosperity Party) due to his political involvement with the opposition party (All-Amhara People's Organization (AAPO)) and his Amhara ethnicity.

[5] The Applicant submitted his second application for permanent residence under the Convention Refugee Abroad Class. On February 21, 2024, the Applicant was interviewed in-person by an Immigration Officer in Pretoria, South Africa regarding his permanent residence application. An interpreter was present. The Officer advised the Applicant to raise any concerns

about interpretation during the interview. During the interview, the Applicant was asked whether he had reviewed the forms, whether the information was truthful, and whether he had anything to correct. He responded affirmatively and did not raise any concerns.

[6] On April 12, 2024, the Applicant received a Procedural Fairness Letter (PFL) from IRCC. The Officer raised concerns that the Applicant had failed to disclose two prior United States visa applications and possession of a valid Ethiopian passport, contrary to subsection 16(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[7] On April 20, 2024, the Applicant responded to the PFL. He acknowledged the omissions but attributed them to a misunderstanding caused by interpretation issues and reliance on a third party who assisted him with the forms.

[8] On May 27, 2024, the Officer issued a refusal decision. The Officer found that the Applicant had not answered questions truthfully on two separate occasions and that his explanations were insufficient. Specifically, the Officer found that the Applicant had been fingerprinted at the Embassy of the United States in Addis Ababa, Ethiopia on January 25, 2016, and February 18, 2016, for non-immigrant visa applications; that he was in possession of a valid passport issued by the Government of Ethiopia; and that this passport was valid both when he allegedly left Ethiopia and when he applied for permanent residence in Canada. The Officer concluded that the Applicant failed to meet the requirements of subsections 11(1) and 16(1) of the *IRPA* and was not eligible for permanent residence.

[9] The May 27, 2024 refusal decision is the decision currently under review and reads, in part, as follows:

Following an examination of your application, I am not satisfied that you meet the requirements of the Act and are not inadmissible to Canada due to the untruthful information you have provided. The untruthful information you provided at interview and in the application forms affects your eligibility and your admissibility to Canada. I am therefore refusing your application.

[10] The Global Case Management System (GCMS) notes, which comprise part of the decision, reads as follows:

I am not satisfied the applicant meets the requirements of Section 16(1) of the Act. I am not satisfied that the applicant has responded to all questions truthfully.

The applicant was not truthful about having had a valid passport at the time he left Ethiopia, as well as having made two applications to the USA. The applicant had a valid passport that was not expired on the date he filled out the IMM008 on 12 May 2020, yet he did not declare this. The untruthful information raises concerns regarding both his admissibility and his eligibility. The untruthful information raises further questions as to his truthfulness, including how, why, and when the applicant left Ethiopia, as well as how the applicant entered South Africa.

Applicant was provided the opportunity to address these concerns. I have taken his responses into account. The applicant alleges that he misunderstood the question in both the Schedule A and at interview. The applicant places the blame on the interpreter at interview; this does not explain why he also failed to declare this information in the forms. The applicant was interviewed with the assistance of a qualified interpreter and raised no concerns regarding interpretation or communication at interview. The applicant alone is responsible for his truthfulness under Section 16(1).

I am not satisfied the applicant is not inadmissible to Canada and meets the requirements of the Act, as required under Section 11(1) of the Act, due to the untruthful information provided.

Application refused. [Footnotes omitted.]

III. Standard of review and issues

[11] The Applicant raises both reasonableness and procedural fairness issues as follows:

- A. Do procedural fairness issues arise with the interpretation services during the February 21, 2024 interview?
- B. Did the Officer err in its subsection 16(1) analysis under the IRPA?
- C. Did the Officer err in assessing whether the Applicant met the definition of Country of Asylum Class?

[12] Upon conducting a reasonableness review, this Court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible, and justified (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 12, 15 [*Vavilov*]). 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).

[13] Regarding procedural fairness, the Court looks to whether the procedure allowed the applicant to know the case to meet, and whether the applicant had a full and fair opportunity to respond (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at paras 54, 56).

IV. Analysis

A. *Do procedural fairness issues arise with the interpretation services during the February 21, 2024 interview?*

[14] The Applicant argues that the Amharic language interpreter failed to convey the appropriate meaning of the Officer's questions and the Applicant's response, and that this led the Officer to determine that the Applicant failed to disclose his previous United States visa applications and possession of a valid Ethiopian passport.

[15] Regarding the adequacy of interpretation, interpretation need not be perfect and the Applicant bears the onus of demonstrating "that the alleged translation error was serious and non-trivial, that it hindered [their] ability to present [their] allegations and to answer questions and that it was material to the [decision maker's] findings" (*Mekengo v Canada (Citizenship and Immigration)*, 2025 FC 132 at para 16 citing *Paulo v Canada (Citizenship and Immigration)*, 2020 FC 990 at para 27).

[16] The Applicant explains that he answered "no" to the question "Have you ever had a valid passport or refugee travel document?" because he understood it to ask whether he *currently* had a passport in his possession, which he did not at the time.

[17] Similarly, the Applicant says he answered "no" to the question "have you ever previously applied to visit, study, or work in any country?" because he understood it to ask about ongoing

visa applications, of which he had none. The Applicant attempted to clarify interpretation errors in his PFL response.

[18] Even if the interpreter's translation was imperfect, that does not explain the Applicant's failure to answer truthfully on his permanent residence application. The questions about the possession of a passport and other visa applications were clear and not complicated. The Applicant says someone helped him complete the form, but he answered "no" to the question asking whether he received assistance.

[19] The interpretation issues that the Applicant raises about the interview do not account for the misstatements in the application forms submitted beforehand.

[20] In my view, these facts do not give rise to any procedural fairness issues.

B. *Did the Officer err in its subsection 16(1) analysis under the IRPA?*

[21] The Applicant argues that the Officer failed to assess the "surrounding circumstances" that led to his omission of a previous visa application. In his PFL response, he explains that due to his limited English proficiency, he relied on a third party to complete the forms. He says this individual did not ask specific questions about previous visa applications, and he was unaware of where such questions were located on the form.

[22] In my view, the Applicant's claim that reliance on the help of a third party explains his lack of truthfulness has no merit. At all times, the duty was on the Applicant to ensure that his

application and the supporting materials were complete, accurate and truthful (*Tofangchi v Canada (Citizenship and Immigration)*, 2012 FC 427 at para 40 and *Damangir v Canada (Citizenship and Immigration)*, 2024 FC 599 at para 38).

[23] The Officer reasonably concluded that the Applicant failed to meet the duty of candour required under subsection 16(1) of the *IRPA*. Casting blame on an unknown third party is not a valid explanation under the *IRPA* or the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [*IRPR*].

C. *Did the Officer err in assessing whether the Applicant met the definition of Country of Asylum Class?*

[24] The Applicant submits that the Officer's negative credibility finding is unreasonable because it applies only to the Convention Refugee Abroad Class and fails to address the Country of Asylum Class. The Applicant notes that neither the decision letter nor the GCMS notes distinguish between the criteria for these two classes, and merely states that the Applicant did not meet the definition of a refugee under the *IRPR*.

[25] In my view the Officer's Convention Refugee analysis and findings regarding section 16 of the *IRPA* are determinative and were a sufficient basis to deny the application. The same credibility issues would also apply to any consideration of the Country of Asylum Class claim, therefore it is inconsequential that the Officer did not explicitly reference the Country of Asylum Class.



V. Conclusion

[26] The Officer's decision is reasonable and this judicial review application is dismissed.

**JUDGMENT IN IMM-10724-24**

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

1. This judicial review application is dismissed.
2. There is no question for certification.

"Ann Marie McDonald"

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Judge

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

**DOCKET:** IMM-10724-24

**STYLE OF CAUSE:** GEBRU V MCI

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JUNE 10, 2025

**JUDGMENT AND REASONS:** MCDONALD J.

**DATED:** JULY 22, 2025

**APPEARANCES:**

Teklemichael Ab Sahlemariam

FOR THE APPLICANT

Charles Julian Jubenville

FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

The Law Office of Teklemichael  
Ab Sahlemariam  
Toronto, Ontario

FOR THE APPLICANT

Attorney General of Canada  
Toronto, Ontario

FOR THE RESPONDENT