

Federal Court



Cour fédérale

Date: 20250811

Docket: IMM-11571-23

Citation: 2025 FC 1364

Ottawa, Ontario, August 11, 2025

PRESENT: Madam Justice Pallotta

BETWEEN:

**ANNA BERKS REBECCA ISAAC
JOHNSON**

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] In this application for judicial review, Ms. Isaac Johnson asks the Court to set aside an immigration officer's decision that refused her application for permanent residence made under subsection 25(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA].

[2] Ms. Isaac Johnson has lived in Canada since 2009. She and her daughter were found to be Convention refugees and became permanent residents in 2013. However, their status was

revoked in December 2021, because Ms. Isaac Johnson had misrepresented material facts about the refugee claims.

[3] In January 2022, Ms. Isaac Johnson filed an application for permanent residence from within Canada, arguing that humanitarian and compassionate (H&C) factors warranted an exemption from the requirement that such applications be made outside Canada. She included her daughter on the application. She also has a son who was not included because he is a Canadian citizen.

[4] To support the application, Ms. Isaac Johnson relied on her establishment in Canada, her relationship with her brother who lives in Canada, the best interests of her children, and the hardships she would face if returned to Nigeria.

[5] An immigration officer refused the application in August 2023. The officer's primary reason was that Ms. Isaac Johnson did not establish her identity. The officer had concerns about her credibility and the documents she relied on to prove her identity. Ms. Isaac Johnson had used different names, dates of birth, and nationalities to enter Canada and obtain refugee protection as well as to apply for status in the United Kingdom. The officer interviewed her and found that she was not able to credibly explain certain inconsistencies and contractions or how she obtained the documents she relied on to prove her identity. The officer concluded:

Overall, I find that the applicant's lack of credibility, repeated use of fraudulent documentation in attempting to establish her identity, and lack of sufficient explanation for the source of these documents leaves me unable to find the applicant has credibly established her identity as required by the IRPA on a balance of probabilities.

[6] While the officer found that the failure to prove identity was sufficient to reject the application, the officer went on to make other findings—that Ms. Isaac Johnson failed to establish she is not inadmissible to Canada for criminality, and that the H&C factors she presented did not warrant an exemption from the legislative requirement that she apply for permanent residence from outside of Canada.

[7] Ms. Isaac Johnson alleges that the officer's decision was unreasonable. She contends the officer took an overzealous approach to identity, failed to assess the identity evidence contextually, and did not meaningfully engage with evidence that could have overcome the identity concerns.

[8] Ms. Isaac Johnson also alleges that that the officer's assessment of H&C factors was unreasonable. However, it is not necessary to address those allegations because I agree with the respondent that identity was a determinative finding and the officer reasonably found that Ms. Isaac Johnson had not proven her identity.

[9] The guiding principles for reasonableness review are set out in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65. The Court's role is to conduct a deferential but robust form of review that considers whether the decision, including the reasoning process and the outcome, was transparent, intelligible, and justified: *Vavilov* at paras 13, 99.

[10] As the respondent correctly points out, "[i]t is axiomatic that a person seeking status in Canada must establish their identity – in simple terms, who they are and where they are from":

Farah v Canada (Citizenship and Immigration), 2023 FC 503 at para 62. H&C applicants who are unable to prove their identity can ask the H&C officer to exempt them from this requirement. However, Ms. Isaac Johnson did not ask to be exempt from proving her identity. She states she did not need to because she proved who she is and where she is from.

[11] As was the case in *Farah*, Ms. Isaac Johnson's personal and national identity were essential aspects of her request for permanent resident status. Furthermore, the H&C grounds Ms. Isaac Johnson relied on to support her request were premised on the consequences of being returned to Nigeria. It was open to the officer to reject her application for failing to prove identity.

[12] I do not agree with Ms. Isaac Johnson that the officer was overzealous and did not consider the evidence contextually. The officer's concerns were not minor points—there were material gaps in the identity evidence. For example, the officer found that Ms. Isaac Johnson's Nigerian birth certificate was likely fraudulent, and that she had been unable to explain how she was able to change her name in Ontario or obtain a Nigerian passport using the documents she said she used, which had different names on them. The officer stated they assessed all of the identity evidence and made the identity finding based on a cumulative assessment. Having reviewed the reasons in light of the record before the officer, I find the officer did so.

[13] Ms. Isaac Johnson submits that the officer's identity finding was unreasonable because the officer did not consider a letter from her brother and a DNA test showing they are biological siblings. She contends this was probative evidence that was capable of contradicting the identity

finding. Ms. Isaac Johnson argues that the officer's reasons do not discuss whether the DNA test and letter were considered, how they were assessed, or why they were insufficient to prove identity, and that the officer failed to explain why this evidence could not rehabilitate her credibility. I disagree.

[14] Officers are presumed to have considered all the evidence before them. They do not have to refer to and explain how they dealt with every piece of evidence: *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) at para 16. However, where an officer fails to address important evidence that directly contradicts an essential finding, a reviewing court may infer that the finding was made "without regard to the evidence," which is an error: *Cepeda-Gutierrez* at para 17.

[15] The letter and DNA evidence did not contradict the officer's identity finding. As the respondent points out, Ms. Isaac Johnson's brother did not provide evidence of his own identity or any independent evidence of Ms. Isaac Johnson's identity or nationality. Furthermore, Ms. Isaac Johnson was separated from her brother for many years. He was not in a position to establish her identity, and I am not persuaded that his evidence could overcome the officer's concerns with Ms. Isaac Johnson's credibility and the documentary evidence that she put forward.

[16] For these reasons, I must dismiss this application. There is no question to certify.

JUDGMENT IN IMM-11571-23

THIS COURT'S JUDGMENT is that:

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

"Christine M. Pallotta"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-11571-23

STYLE OF CAUSE: ANNA BERKS REBECCA ISAAC JOHNSON v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 14, 2025

JUDGMENT AND REASONS: PALLOTTA J.

DATED: AUGUST 11, 2025

APPEARANCES:

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