

Federal Court



Cour fédérale

Date: 20250826

Docket: IMM-13962-24

Citation: 2025 FC 1419

Ottawa, Ontario, August 26, 2025

PRESENT: The Honourable Mr. Justice Duchesne

BETWEEN:

ABDIRAHIN HASSAN ALI

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

[1] The Applicant seeks judicial review of the June 4, 2024, decision made by an Immigration, Refugees and Citizenship Canada [IRCC] officer [the Officer] that refused his application for permanent residence as a member of the Convention Refugee Abroad Class or the Humanitarian-Protected Persons Abroad designated class (Country of Asylum class) pursuant to section 96 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], and sections 145 and 147 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [the IRPR].

[2] For the reasons that follow, the application for judicial review is dismissed.

I. **Background**

[3] The Applicant is a 27-year-old man from Mogadishu, Somalia, where his family still resides. He is a citizen of Somalia and holds refugee status in Uganda.

[4] The Applicant claims to fear forcible abduction by Al-Shabaab in relation to an alleged February 2020 event in which Al-Shabaab attacked the school where the Applicant's was studying and sought to abduct the students found there for recruitment purposes. The Applicant claims to have escaped during the attack and fled Mogadishu in March 2020. The Applicant was in his early 20s at the time of the events.

[5] The Applicant arrived in Kampala, Uganda, was granted refugee status in Uganda in July 2020. He has been living there since. He claims that it is difficult to find work due to his status as a refugee and his lack of citizenship.

[6] The Applicant was interviewed by the Officer in Kampala at the Kampala International Organization for Migration on May 15, 2024. He has limited knowledge of English and was interviewed with the assistance of a Somali interpreter. His interview constituted part of the assessment process for his application for permanent residence in Canada. The Applicant did not raise any issues with respect to the interpretation services provided during the interview of afterward.

[7] The Applicant's evidence is that he was born in Somalia, is unmarried and has no children. He says that he entered into Uganda, his country of asylum, on March 9, 2020, alone, from his previous place of residence in Mogadishu, Somalia. He says that he left Mogadishu because Al-Shebaab members entered his school in February 2020 to kidnap kids. The Applicant was at the school at the time and was having a snack. He says that he saw Al-Shebaab members enter the school. Their faces were covered, but they were wearing traditional Pakistani clothes. The Applicant says that the A-Shebaab people had sticks and AK47s. The Applicant says that there were approximately 8 Al-Shebaab people inside the school. There may have been more Al-Shebaab people outside the school. He says that some of his friends were abducted.

[8] The Applicant ran outside the school toward a mosque. He says he could not go home as Al-Shebaab members were in front of his house. The Applicant slept outside the mosque for one night, called his parents on a stranger's phone and was told to keep hiding at his aunt's house while his parents' collected money for him to leave the country. His father told him during their communication that Al-Shebaab was going door to door looking for youths.

[9] The police were called after the incident at the school. The Applicant could not provide an answer as to how Al-Shebaab members remained visible in the community going door to door to look for youths after police had arrived to assist at the school.

[10] The Applicant admitted that the incident at the school was his only interaction with Al-Shebaab, but that he had heard stories of Al-Shebaab abducting and killing people. The Applicant admits that he was not approached by Al-Shebaab or approached to be recruited for

Al-Shebaab before the incident at the school or since. The Applicant was not contacted by Al-Shebaab otherwise. The Applicant had no information about how his father responded to Al-Shebaab being in front of their house or whether anyone from A-Shebaab returned to his parent's house to look for him. The Applicant admitted that no-one came looking for him at his aunt's house.

[11] The Applicant's application was refused by the Officer in their decision dated June 4, 2024.

II. **The Decision Under Review**

[12] The Applicant's application was refused. The Officer's Decision reads as follows:

“After carefully assessing all factors relative to your application, I am not satisfied that you are a member of any of the classes prescribed. I do not find it credible that you were the subject of al-Shabaab forced recruitment and/or threats while living in Somalia, based on the interview and documents on your file. I am therefore not satisfied that you have a well-founded fear of persecution or that you have been and continue to be personally and seriously affected by civil war, armed conflict, or human rights abuses. Therefore, you do not meet the requirements of this paragraph.

In your case, on a balance of probabilities, I am not satisfied that you have been truthful and forthcoming with the information you provided in support of this application. At interview, your obligation to be truthful and honest was made clear to you from the outset. Still, you presented information which was not credible. Concerns over the credibility of the information you were providing was made known to you during the interview and you were given an opportunity to respond. Your response, however, did not allay that concern.

Having removed all the information with which there are credibility concerns from the assessment of your application, there remains insufficient evidence remaining with which to be satisfied

that you are not inadmissible to Canada and that you meet the requirements of the Act as stated above.

Subsection 11(1) of Canada's *Immigration and Refugee Protection Act* states that a foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document shall be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act. Subsection 2(1) specifies that unless otherwise indicated, references in the Act to "this Act" include regulations made under it.

Following an examination of your application, I am not satisfied that you meet the requirements of the Act and the regulations for the reasons explained above. I am therefore refusing your application."

[13] The Officer's reasoning in coming to their Decision is set out in their Global Case Management System [GCMS] notes pertaining to the matter which form part of the reasons for the Decision (*Gebrewlidi v. Canada (Citizenship and Immigration)*, 2017 FC 621, at para 29; *Khowaja v Canada (Citizenship and Immigration)*, 2013 FC 823 at para 3; *Kotanyan v Canada (Citizenship and Immigration)*, 2014 FC 507 at para 26). The GCMS notes read as follow:

"At interview, you were informed of the obligation to be truthful. After carefully assessing all factors relative to your application, I am not satisfied that you are a member of any of the classes prescribed. I do not find it credible that you were the subject of al-Shabaab forced recruitment and/or threats while living in Somalia, based on the interview and documents on your file. I am therefore not satisfied that you have a well-founded fear of persecution or that you have been and continue to be personally and seriously affected by civil war, armed conflict, or human rights abuses. Therefore, you do not meet the requirements of this paragraph.

**** PROCEDURAL FAIRNESS ****

I am now going to give you procedural fairness, which means that I will explain to you the concerns that I have with your application. You will have the opportunity to respond, and I will take

everything you say into consideration before making a final decision.

Based on the information you provided during this interview and in your application, I have concerns firstly that you do not meet the requirements of the program you have applied in. In particular, you do not appear to meet A16 – the requirement to tell the truth. I have concerns with your credibility, which affects your eligibility and admissibility, as I have concerns that the information which you have presented in relation to your claim and narrative are not credible.

My concerns are based on the following:

- You have alleged that your private school in Mogadishu was attacked by armed Al-Shabab members in 2020, and that the only security for the school was a man with a stick. You state that after the attack, Al-Shabab remained in the neighbourhood, going door to door looking for students. Your account is in contradiction with well documented sources that indicate that Al-Shabab was not in control of Mogadishu at that time and would not have been able to carry out such an attack over a period of hours without intervention by local and international security forces.

I have further concerns that you do not meet Section 96 of the Act which defines a Convention refugee as a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion is outside the country of the person's nationality. I have concerns that you also do not meet section 147 of the Regulations which states that a foreign national is a member of the country of asylum class if they have been determined by an officer to be in need of resettlement because they are outside all of their countries of nationality and habitual residence; and they have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries.

My concerns are based on the following:

- If your account was true, I don't believe that what you have described amounts to personal persecution based on a convention ground. What you have described is a fear about general insecurity in Somalia. Furthermore, you have not described a situation that would amount to a forward looking fear.

The alleged attack was on youth at your school, and you are now a 27 year old man. You now have the opportunity to respond to my concerns. I will take everything you say into consideration before making a final decision. If your response does not allay my concerns, your application may be refused.

Applicant responds: - I don't have anything else to add.

INFORMED APPLICANT THAT APPLICATION WOULD BE REVIEWED AND A DECISION PROVIDED TO THEM.
INTERVIEW ENDED.”

III. **Issue**

[14] While the Applicant argues in his memorandum of fact and law that the only issue on this application is whether the Decision is reasonable, he also argues that the Officer breached the Applicant's rights of procedural fairness but not providing him with an adequate opportunity to present his views and evidence fully before the Officer prior to the Decision being made.

[15] The issues under consideration are therefore:

- a) Was there a breach of procedural fairness? and,
- b) is the Decision reasonable.

IV. **Standard of Review**

[16] The parties agree that the standard of review to be applied to the Decision is reasonableness (*Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 [Vavilov]) while the standard near to correctness applies with respect to the issue of procedural fairness (*Etwaroo v. Canada (Citizenship and Immigration)*, 2021 FC 1160, at para 13;

Canadian Pacific Railway Company v Canada (Attorney General), 2018 FCA 69 at para 54 [*CP Rail*]). I agree.

[17] As explained in *Vavilov* at paragraphs 12-13 and 84, the reasonableness standard of review is a robust form of review that ensures that courts intervene in administrative matters only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process. It finds its starting point in the principle of judicial restraint and demonstrates a respect for the distinct role of administrative decision makers. However, it is not a “rubber-stamping” process or a means of sheltering administrative decision makers from accountability. A reviewing court must begin its inquiry into the reasonableness of a decision by examining the reasons provided with “respectful attention” and seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion.

[18] A reasonable decision is one that is both based on an internally coherent reasoning and justified in light of the legal and factual constraints that bear on the decision. The reviewing court asks whether the decision 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 (*Vavilov* at pas 99).

[19] The burden is on the party challenging the decision to show that it is unreasonable. Before a decision can be set aside on this basis, the reviewing court must be satisfied that there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency. Any alleged flaws or

shortcomings must be more than merely superficial or peripheral to the merits of the decision. It would be improper for a reviewing court to overturn an administrative decision simply because its reasoning exhibits a minor misstep. Instead, the court must be satisfied that any shortcomings or flaws relied on by the party challenging the decision are sufficiently central or significant to render the decision unreasonable (*Vavilov* at para 100).

[20] The central question for issues of procedural fairness is whether the procedure was fair having regard to all of the circumstances including the factors enumerated in *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at paras 21-28 [*Baker*], *CP Rail*). The reviewing exercise is “best reflected in the correctness standard” even though, strictly speaking, no standard of review is being applied (*CP Rail*, at para 54).

V. The Applicable Legislation

[21] Sections 139(1)(e), 144, 145, 146 and 147 of the IRPR provide as follow:

General requirements

139 (1) A permanent resident visa shall be issued to a foreign national in need of refugee protection, and their accompanying family members, if following an examination it is established that

(e) the foreign national is a member of one of the classes prescribed by this Division;

Convention Refugees Abroad

Exigences générales

139 (1) Un visa de résident permanent est délivré à l'étranger qui a besoin de protection et aux membres de sa famille qui l'accompagnent si, à l'issue d'un contrôle, les éléments suivants sont établis :

e) il fait partie d'une catégorie établie dans la présente section;

Réfugiés au sens de la Convention outre-frontières

Convention refugees abroad class ***Catégorie***

144 The Convention refugees abroad class is prescribed as a class of persons who may be issued a permanent resident visa on the basis of the requirements of this Division.

144 La catégorie des réfugiés au sens de la Convention outre-frontières est une catégorie réglementaire de personnes qui peuvent obtenir un visa de résident permanent sur le fondement des exigences prévues à la présente section.

Member of Convention refugees abroad class ***Qualité***

145 A foreign national is a Convention refugee abroad and a member of the Convention refugees abroad class if the foreign national has been determined, outside Canada, by an officer to be a Convention refugee.

145 Est un réfugié au sens de la Convention outre-frontières et appartient à la catégorie des réfugiés au sens de cette convention l'étranger à qui un agent a reconnu la qualité de réfugié alors qu'il se trouvait hors du Canada.

Humanitarian-protected Persons Abroad

Personnes protégées à titre humanitaire outre-frontières

Person in similar circumstances to those of a Convention refugee

Personne dans une situation semblable à celle d'un réfugié au sens de la Convention

146 (1) For the purposes of subsection 12(3) of the Act, a person in similar circumstances to those of a Convention refugee is a member of the country of asylum class.

146 (1) Pour l'application du paragraphe 12(3) de la Loi, la personne dans une situation semblable à celle d'un réfugié au sens de la Convention appartient à la catégorie de personnes de pays d'accueil.

Humanitarian-protected persons abroad

Personnes protégées à titre humanitaire outre-frontières

(2) The country of asylum class is prescribed as a humanitarian-protected persons abroad class of persons who may be issued permanent resident visas on the basis of the requirements of this Division.

(2) La catégorie de personnes de pays d'accueil est une catégorie réglementaire de personnes protégées à titre humanitaire outre-frontières qui peuvent obtenir un visa de résident permanent sur le fondement des exigences prévues à la présente

section.

Member of country of asylum class

147 A foreign national is a member of the country of asylum class if they have been determined by an officer to be in need of resettlement because:

(a) they are outside all of their countries of nationality and habitual residence; and

(b) they have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries.

Catégorie de personnes de pays d'accueil

147 Appartient à la catégorie de personnes de pays d'accueil l'étranger considéré par un agent comme ayant besoin de se réinstaller en raison des circonstances suivantes :

a) il se trouve hors de tout pays dont il a la nationalité ou dans lequel il avait sa résidence habituelle;

b) une guerre civile, un conflit armé ou une violation massive des droits de la personne dans chacun des pays en cause ont eu et continuent d'avoir des conséquences graves et personnelles pour lui.

[22] These provisions refer back to section 96 of the IRPA and its wording as it pertains to Convention refugees:

Convention refugee

96 A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

(a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of each of those countries; or

(b) not having a country of

Définition de réfugié

96 A qualité de réfugié au sens de la Convention — le réfugié — la personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un groupe social ou de ses opinions politiques :

a) soit se trouve hors de tout pays dont elle a la nationalité et ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de chacun de ces pays;

b) soit, si elle n'a pas de

nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.	nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle, ne peut ni, du fait de cette crainte, ne veut y retourner.
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VI. **Arguments and Analysis**

A. ***There was no breach of procedural fairness.***

[23] The Applicant argues that the Officer breached their duty of procedural fairness because they failed to give the Applicant an opportunity to present evidence in response to the Officer's concerns during or subsequent to their interview of the Applicant. The Applicant argues that the Officer rendered their decision following the interview, without giving the Applicant an opportunity after the interview to provide further evidence of his residence in Uganda.

[24] The Respondent argues relying on *Perez v. Canada (Citizenship and Immigration)*, 2020 FC 1171, at para 20, that the principle of procedural fairness is the overarching right to be heard. This overarching right is not an untrammelled right to be heard but rather the right to a reasonable opportunity to be heard. Where a party does not take advantage of that opportunity, or their actions or omissions result in them being unable to do so, procedural fairness does not give them an automatic right for another opportunity to be heard (*Council of Canadians with Disabilities v VIA Rail Canada Inc*, 2007 SCC 15 at paras 238–245).

[25] The Applicant's argument must be rejected.

[26] The GCMS notes reflect that the Applicant was convoked for an interview on April 10, 2024, and that the interview itself was held more than one month later on May 15, 2024. The Applicant had effective notice that he was going to be interviewed in connection with his application and had time to marshal, prepare and be ready to present the evidence he desired to provide to the Officer in addition to what he had submitted in and with his application.

[27] The record reflects that the Officer provided the Applicant with a meaningful opportunity to present his evidence during the interview itself and to respond to the Officer's concerns with the Applicant's application as communicated to him during the interview. The Officer explicitly provided the Applicant with an opportunity to respond to the Officer's concerns prior to a decision being made. The Applicant responded that he did not have anything else to add to his application. The Applicant was informed that his application would be reviewed and that a decision would be provided to him.

[28] The record establishes that the Applicant did not take advantage of the opportunity to be heard when it was before him. There is no breach of procedural fairness on these facts.

B. *The Decision is reasonable.*

(1) No evidence of trauma or translation issues

[29] The Applicant argues that the Decision is unreasonable because the Officer conducted a microscopic analysis of his interview of the Applicant without taking into account that some of

their questions were vague or that there were misunderstandings between the Officer and the Applicant due to interpretation issues caused by the Somalian interpreter.

[30] The Applicant also argues that the Officer unreasonably expected the Applicant to recall detailed information about a traumatic attack from which he barely escaped. The Applicant argues that the Officer presumed that the Applicant: a) would have observed the full extent of the school's security during the attack, despite the fact that the Applicant's primary focus at the time was fleeing for his life; b) would know when the police arrived to assist, without inquiring whether the Applicant was still on the premises or had already escaped; and, c) assumed that because the Applicant mentioned sleeping outside for several days, following his parents' advice and out of fear of Al-Shabaab, that Al-Shabaab had remained in the neighbourhood for an extended period.

[31] The Applicant argues that the Officer's expectations failed to consider the profound trauma the Applicant has endured throughout his life in Somalia due to Al-Shabaab's terrorist activities, particularly during the school raid. The Applicant argues that he has either witnessed or been directly subjected to violent attacks, forced recruitment efforts targeting youth, and exposure to extreme violence, including bombings and executions. He has lived in constant fear of being targeted or caught in the ongoing conflict. As a consequence of this sustained trauma, his memory of specific events is understandably unclear, making it difficult to recall precise details.

[32] The Respondent argues that there is no evidence in the record to support any of these arguments.

[33] Concerns regarding translation must be raised at the first reasonable opportunity (*Muradi v Canada (Minister of Citizenship and Immigration)*, 2024 FC 1661, at para 39). There is no evidence in the record of any translation issues being raised the Applicant at any time.

[34] There is also no evidence in the record of any misunderstandings between the Officer and the Applicant due to interpretation issues caused by the Somalian interpreter, by the vagueness of questions, or of the Applicant's alleged trauma as argued.

[35] There is also no evidence in the record that the Applicant suffers from profound trauma as argued.

[36] The arguments advanced by the Applicant on these bases have no evidentiary support in the record before the Court. The Applicant's arguments that the Decision was unreasonable based on these unsubstantiated allegations must be rejected as arguments made without basis in fact.

(2) The section 147 RPR analysis was reasonable

[37] The Applicant argues that the Decision is unreasonable because there is no proper assessment or reasons set out in the Decision.

[38] The Applicant argues that the Officer rests their decision on findings of credibility and plausibility without setting out the evidentiary basis and analysis that supports the findings. In this regard, the Applicant argues that the Officer failed to distinguish and properly assess the criteria for Convention Refugee and Country of Asylum classes and that this failure alone makes the Decision unreasonable for failing to provide sufficient, responsive and transparent reasoning to support the refusal of his application (*Saeed v. Canada (Citizenship and Immigration)*, 2024 FC 129 [*Saeed*]; *Sedoh v. Canada (Citizenship and Immigration)*, 2021 FC 1431; *Khedri v. Canada (Citizenship and Immigration)*, 2015 FC 326; *Anku v. Canada (Citizenship and Immigration)*, 2021 FC 125).

[39] The Respondent argues that the Officer's finding that the Applicant would not satisfy the requirements of either the refugee abroad class or the country of asylum class as he was essentially describing a fear of the generalized security situation in Somalia is adequately justified without engaging in a detailed analysis with respect to the requirements of each class.

[40] The Applicant replies that while he may not have been personally targeted, he remains a member of a group that is targeted by Al-Shebaab. The Applicant argues that the reason the militants did not pursue him was that he stayed in hiding after the attack while his parents' secured funds for his escape from Somalia.

[41] Madam Justice Catherine M. Kane wrote at paragraph 48 of *Saeed* that the Convention Refugee and Country of Asylum classes are distinct classes that engage the consideration of distinct criteria. Justice Kane considered *Saiffee v Canada (Citizenship and Immigration)*, 2010

FC 589 at paras 39-40 [*Saiffee*] and its explanation of the distinctions between the two classes as follows:

[39] Members of the country of asylum class need not meet the definition of Convention refugee, and consequently need not demonstrate a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion. Rather, they must demonstrate that they are displaced outside of their country of nationality and habitual residence, and have been and continue to be seriously affected by civil war, armed conflict or massive violations of civil rights, and that there is no reasonable prospect within a reasonable period of a durable solution elsewhere for them.

[40] Indeed, a foreign national may well never have been persecuted for one of the reasons set out in the definition of Convention refugee and still be eligible for protection as a member of the country of asylum class. It is consequently crucial not to confuse the cases of foreign nationals meeting the definition of Convention refugee with those meeting the criteria of the country of asylum class.

[42] Justice Kane went on to hold on the facts in *Saeed* that the decision at issue and the GCMS notes did not distinguish the criteria for the Country of Asylum class from that of a Convention refugee, and that the decision merely stated that the applicants did not meet the definition of refugee in paragraph 147(b) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227. Justice Kane found that the lack of rationality in the decision before her lay in the Officer simply applying the conclusion that the applicants were not Convention refugees to conclude that they did not meet the criteria for the Country of Asylum class, rather than assessing whether they meet the Country of Asylum class requirements. Justice Kane found that the officer's failure to meaningfully assess whether the applicants met the criteria for the Country of Asylum class was a "fatal flaw" requiring the Court to find that the officer's decision is not reasonable, and that the application be redetermined.

[43] No country conditions documentation appears to have been placed before the Officer for consideration in connection with the Applicant's application in this case.

[44] The Decision and GCMS notes reflect that the Officer considered the Applicant's evidence and interview answers in light of the requirements of section 96 of the IRPA and of section 147 of the IRPR. The Officer concluded in their GCMS notes that what the Applicant described as the events that caused him to flee Somalia did not amount to personal persecution based on a *Convention* ground. Rather, the description of events provided by the Applicant reflected a fear about general insecurity in Somalia, and not a forward-looking fear at that.

[45] While the Decision appears at first blush to rest on the Officer's finding that the Applicant is not credible, a closer review shows that the Officer came to their Decision through two analyses. The first analysis and conclusion rested on the Applicant's lack of credibility with respect to his fear of persecution or with respect to his being personally and seriously affected by civil war, armed conflict or massive violations of civil rights. The second analysis was with respect to whether there was sufficient evidence led by the Applicant that he met the requirements of the IRPA if all the information tainted by credibility concerns were disregarded. The results of both analyses were the same: the Applicant had not led evidence to meet the requirements of the legislation.

[46] The GCMS notes highlight that the Officer turned their mind to whether the Applicant met the section 147 IRPR requirements and that they had concerns that the Applicant did not. The Officer went on to conclude in their reasons that the Applicant did not meet the section 147

IRPR requirements due to an absence of credibility despite not setting out an explicit analysis of whether the Applicant satisfied the section 147 IRPR requirements in their GCMS notes.

[47] While it might have been preferable for the Officer to set out a more fulsome connection between section 147 IRPR requirements and an absence of evidence before them on those issues, I cannot find that the failure to do so constitutes a failure of justification. The Officer's analysis of the Applicant's evidence as reflected in the GCMS notes establish a clear line of reasoning that allows one to "connect the dots" between the analysis engaged in and the conclusions set out in the Decision (*Vavilov* at para 97). The facts and the Decision make this case distinguishable from *Saeed and Saifee v Canada (Citizenship and Immigration)*, 2010 FC 589.

[48] The Applicant has not established that the Officer's section 147 IRPR analysis was lacking as to constitute a serious shortcoming that is sufficiently central or significant to render the Decision unreasonable.

(3) Section 96 IRPA Analysis was not required due to the credibility findings.

[49] The Applicant argues that the Officer's conclusion that the Applicant's fear constituted a generalized risk rather than a well-founded fear of persecution is inconsistent with the established standard applicable to section 96 IPRA claims. The assessment of fear, the Applicant argues, must consider both subjective and objective components, ensuring that the fear is not merely speculative but supported by a reasonable and serious possibility of persecution (*Canada (Attorney General) v. Ward*, 1993 CanLII 105 (SCC), [1993] 2 S.C.R. 689 at p. 723; *Rodriguez v. Canada (Minister of Citizenship and Immigration)*, 2002 FCT 292 at paras 28-29; *Adjei v.*

Canada (Minister of Employment and Immigration), 1989 CanLII 9466 (FCA), [1989] 2 F.C. 680 at page 683).

[50] The Officer's GCMS notes reflect that the Officer cited section 96 of the IRPA and its requirement that the Applicant have a well-founded fear of persecution on a Convention ground. The GCMS notes then reflect that the Officer cited section 147 of the IRPR and its requirement that the Applicant be seriously and personally affected by civil war, armed conflict or massive violation of human rights in Somalia.

[51] The GCMS notes reflect that the Officer reasoned that the Applicant had not established that he faced a personal prosecution on *Convention* grounds and therefore failed to meet his evidentiary burden pursuant to section 147 of the IRPR because he was not credible with respect to Al-Shebaab forced recruitment and/or threats while he was living in Somalia. The GCMS notes also reflect that the Officer used the same credibility concerns to conclude that the Applicant had not established a well-founded fear of persecution within the meaning of section 96 of the IPRA.

[52] The GCMS notes establish that the Applicant's lack of credibility was the basis of the Officer's findings and Decision. The credibility findings made by the Officer are owed significant deference by this Court on judicial review (*Onwuasoanya v Canada (Citizenship and Immigration)*, 2022 FC 1765 at para 10) and were sufficient to form the basis of the rejection of the Applicant's claim without requiring the Officer to engage in an explicit bipartite section 96 IRPA analysis (*Ameni v. Canada (Citizenship and Immigration)*, 2016 FC 164, at para 13; *Dessi*

v. Canada (Citizenship and Immigration), 2025 FC 708). The facts of this proceeding distinguish this proceeding from *Saifee* and *Saeed*. The Applicant's argument that the Decision is unreasonable because it rests on an incomplete section 96 IRPA analysis is therefore rejected.

VII. **Conclusions**

[53] The Applicant has not established that the Decision is unreasonable. The Decision and the GCMS notes reflect a rational, intelligible and justified line of reasoning that leads to an outcome that is within the range of possible, acceptable outcomes in light of the facts and the law. The Decision is reasonable. The Applicant's application will be dismissed.

[54] The parties have not suggested that there is any question to be certified in this proceeding. I agree with them.

JUDGMENT in IMM-13962-24

THIS COURT’S JUDGMENT is that:

1. The Applicant’s application for judicial review is dismissed.
2. There is no question to be certified.
3. There are no costs awarded in connection with this proceeding.

“Benoit M. Duchesne”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-13962-24

STYLE OF CAUSE: ABDIRAHIN HASSAN ALI v. MCI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JULY 22, 2025

JUDGMENT AND REASONS: DUCHESNE, J.

DATED: AUGUST 26, 2025

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