

Federal Court



Cour fédérale

**Date: 20250908**

**Docket: IMM-15676-24**

**Citation: 2025 FC 1481**

**Toronto, Ontario, September 8, 2025**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**TESFALDET KINDIKULOM EYASU**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Delivered orally from the bench on September 8, 2025)**

[1] The Applicant seeks judicial review of a decision refusing his application for overseas protection made by an officer (“Officer”) of Immigration, Refugees, and Citizenship Canada.

[2] The Officer refused the application based on the implausibility of the Applicant’s escape from prison and his flight to safety. The Officer found it implausible that the Applicant was able to escape undetected, despite the fact that the Applicant explained that he escaped after getting

permission to go to the toilet, and that the guards assumed he would not be able to escape because he was underage and weak.

[3] The Officer also found it improbable that the Applicant was able to flee home undetected by foot over 4 to 5 days, despite the Applicant's explanation that he and his companion were undetected because it was dark at night, and they hid. The Applicant stated that he was weak and underfed, but there is no indication that he stated he was incapacitated.

[4] Credibility determinations based solely upon implausibility must meet a high threshold. The threshold for implausibility is not mere unlikelihood of an event but situations that are "outside the realm of what could reasonably be expected," "in the clearest of cases" or where evidence reveals the events asserted by the claimant "could not have happened" (*Zaiter v. Canada (Minister of Citizenship and Immigration)* 2019 FC 908 at para 8). The Officer's implausibility findings do not meet this threshold, particularly given the explanations provided by the Applicant, which were not inherently implausible.

[5] As such, the decision is unreasonable based on the Officer's misapprehension of the Applicant's evidence (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 126).

**JUDGMENT in IMM-15676-24**

**THIS COURT’S JUDGMENT is that:**

1. The application for judicial review is granted, the refusal of the Applicant’s application is set aside, and the matter is remitted to a different officer for redetermination.
2. There is no order regarding costs and no question for certification.

“Michael Battista”

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Judge

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

**DOCKET:** IMM-15676-24

**STYLE OF CAUSE:** TESFALDET KINDIKULOM EYASU v.  
MINISTER OF CITIZENSHIP AND  
IMMIGRATION

**PLACE OF HEARING:** BY VIDEOCONFERENCE

**DATE OF HEARING:** SEPTEMBER 8, 2025

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** SEPTEMBER 8, 2025

**APPEARANCES:**

Liyusew Kidane	FOR THE APPLICANT
Mary Matthews	FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

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