

Federal Court



Cour fédérale

Date: 20250925

Docket: IMM-13082-24

Citation: 2025 FC 1583

Ottawa, Ontario, September 25, 2025

PRESENT: The Honourable Mr. Justice Thorne

BETWEEN:

KHADAR ADEM MOHAMED

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant seeks judicial review of a decision by an overseas Migration officer [the “Officer”] dated June 18, 2024 [the “Decision”] that refused his application for permanent residence as a member of the Convention Refugee Abroad or the Humanitarian-Protected Persons Abroad class, pursuant to Sections 145 and 147 of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [the “Regulations”].

[2] He argues that the Decision was unreasonable, stating that the Officer erred in finding that certain omissions and evolutions in his evidence had fatally undermined his credibility. The Applicant further asserts that the totality of his evidence needed to be considered by the Officer.

[3] For the following reasons, this application is dismissed as I do not find the Decision to be unreasonable.

II. Background

[4] The Applicant is a citizen of Somalia, who had lived in the city of Mogadishu. He states that he and his family were threatened by Al Shabaab terrorists ["AS"] on multiple occasions, leading him to flee to Uganda, where he now resides as a Convention refugee. More particularly, he states that on October 14, 2017 AS bombed his father's small warehouse and market stall in Mogadishu. He also states that on July 8, 2018 AS called his father, accusing him and the Applicant of being spies for the government and threatening to kill them. As a result, they stopped delivering their goods for a month. However, he alleges that once they resumed his father went on a delivery run to a nearby town and was abducted by AS, on October 1, 2018.

[5] The Applicant states that his father then telephoned the family to tell them that he had been abducted and that, during the call, a member of the AS came on the line to tell the Applicant that they knew the location of the family store and that "all infidels will be brought to justice". The Applicant alleges that he then went to stay at a friend's house on October 3, 2018, fled the city on October 5, 2018, and arrived in Uganda on October 19, 2018. He notes that on

September 30, 2019, he became a documented Convention refugee in Uganda. He also states that his mother and siblings remain in Mogadishu.

[6] The Applicant was later sponsored as a member of the Convention Refugee Abroad class or the Humanitarian-Protected Persons Abroad class under the Canadian Private Sponsorship of Refugees program. As part of this sponsorship process he was interviewed by the Officer at the International Organization for Migration office in Kampala, Uganda on May 28, 2024.

[7] In that interview, for the first time, the Applicant claimed that during the time he had gone to a friend's house after learning of the abduction of his father, members of AS had also come to his mother's home searching for him. He also stated that it was after learning of this visit by AS that he had decided to flee Somalia. In the interview, the Officer noted that this event had not been in his initial application narrative, and that it caused significant credibility concerns. The Officer then gave him the opportunity to address this omission and inconsistency. In response, the Applicant stated that he was not educated and that a friend had prepared the application for him.

[8] In the June 18, 2024 Decision, the Officer denied the Applicant's permanent resident application on the basis of credibility. In particular, the Officer held that he did not find the Applicant credible given the inconsistencies in the information that he had presented. The Decision noted, in part:

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.

[9] The Decision went on to find the credibility of the alleged threats from AS undermined, and therefore that it had not been established that the Applicant had a well-founded fear of persecution, or that he had been and continued to be personally and seriously affected by civil war, armed conflict, or human rights abuses. He accordingly was not found to qualify as a member of any of the applicable asylum classes under the Regulations.

III. Issue and Standard of Review

[10] The sole issue at play in this matter is whether the decision under review is reasonable.

[11] In this respect, the role of a reviewing court is to examine the decision-maker's reasoning and to determine whether the decision is based on an "internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision-maker": *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [Vavilov]. at para 85; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 64. Although the party challenging the decision bears the onus of demonstrating that the decision is unreasonable (*Vavilov* at para 100), the reviewing court must assess "whether the decision bears

the hallmarks of reasonableness—justification, transparency and intelligibility”: *Vavilov* at para 99.

IV. Analysis

A. *The Decision was reasonable*

[12] The Applicant’s counsel made few arguments that directly pertained to the core issue of the Officer’s credibility findings in the Decision and, in fact, rescinded many of the central arguments that had been presented in his initial (and only) Memorandum of Argument. This was to his credit, as those submissions were essentially boilerplate recitations of general legal precepts that did not correspond to the factual circumstances or reasoning of the Decision at hand. Ultimately, counsel conceded that the omission and evolution of the Applicant’s evidence in relation to whether AS had come searching for him at his mother’s home did undermine his credibility. However, counsel argued that the Officer needed to consider the totality of the Applicant’s evidence and submitted that even without the incident at his mother’s home, there was other evidence indicating AS posed a threat to him, justifying his subjective fear. In essence, counsel argued that it was unreasonable for the Officer to have found this evolution of the Applicant’s evidence sufficient to generally undermine his credibility, or his claims of facing life-threatening danger from Al Shabaab.

[13] For its part, the Respondent stressed that deference was due to the Decision of the Officer. The Respondent noted that the Officer was based in Uganda, specially trained and knowledgeable with respect to these issues, and had the benefit of personally interviewing the

Applicant as part of their review. The Respondent also argued that the Officer's Decision only needed to fall within a spectrum of reasonable decisions, and that the issue was not whether the Court could have come to a different decision based on the evidence, but whether the rationale and thought process of the Officer in the Decision was logical, discernable and exhibited the hallmarks of reasonableness. The Respondent disagreed with the Applicant, stating that the alleged visit by AS was a central issue, sufficient to generally undermine the credibility of the Applicant. They noted that if AS had specifically come searching for the Applicant, this was the key event that established that the Applicant actually faced a personalized risk of danger, separate from the danger faced by his father. They also stated that the evidentiary issues with respect to the search of his mother's home cast doubt on what had been the precipitating incident that had caused him to decide to leave the country. The Respondent noted that in the interview, this was cast as the reason the Applicant had fled from Somalia, whereas that had not been the case in his original narrative.

[14] Finally, the Respondent argued that it was reasonable that the Officer had been unmoved by the Applicant's explanation for the discrepancy (that he lacked education and that a friend had prepared his application and narrative). The Respondent stated that the omission of such a fundamental incident could not be explained by a lack of education, as the Applicant's friend would have merely recorded what the Applicant had told him, and regardless of his level of education, the Applicant would have been sensitive to omitting such a key event. The Respondent stressed that the original narrative of an Applicant cannot be bolstered during their interview, and that the excuse that someone else had prepared their materials, without further explanation, could reasonably be found insufficient by the Officer.

[15] The Respondent is correct that a significant level of deference is afforded to decision-makers. In *Walu v Canada (Citizenship and Immigration)*, 2021 FC 824, which also considered at an immigration officer's assessment of an application for permanent residency in the same regulatory classes, Justice Kane summarized the decision-maker's expertise and the reviewing court's deference in the following way:

[16] According to *Vavilov*, the Court should begin by examining the reasons for the decision with respectful attention, seeking to understand the reasoning process followed by the decision-maker to arrive at a conclusion. 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 paras 85, 102, 105–110). The Court does not assess the reasons against a standard of perfection (*Vavilov* at para 99).

...

[18] It is also well established that the decision-makers that hear the testimony and review the evidence are ideally placed to assess credibility: *Aguebor v Canada (Minister of Employment and Immigration)*, [1993] FCJ No 732 (QL) at para 4, 160 NR 315 (CA). The credibility findings of the decision maker should be given significant deference: *Lubana v Canada (Minister of Citizenship and Immigration)*, 2003 FCT 116 at para 7, 228 FTR 43; *Lin v Canada (Citizenship and Immigration)*, 2008 FC 1052 at para 13, [2008] FCJ No 1329 (QL); *Fatih v Canada (Citizenship and Immigration)*, 2012 FC 857 at para 65, 415 FTR 82).

[16] Despite the submissions of the Applicant, I am not persuaded that it was unreasonable for the Officer to conclude that the omission of the claim that AS had come to the Applicant's mother's home searching for him, and the evolution of his evidence when this assertion was later added during his interview, was sufficient to generally undermine his credibility. A review of the Officer's GCMS notes makes clear that the Officer considered the entirety of the Applicant's account and all the events he had described. The GCMS notes also establish that the event in

question was a seminal incident, that does appear to be described as the precipitating incident which caused the Applicant to decide to flee to Uganda. The Officer also questioned the Applicant in some depth about this incident, along with the others, and directly raised their credibility concerns with the Applicant to give him a chance to explain the discrepancy. Regardless of whether a different conclusion could possibly have been reached based on all this information, it cannot be said that there is not a rational chain of analysis or that the Officer's line of thinking cannot be discerned. Nor is it unreasonable that a decision-maker could conclude that this evolution of evidence was sufficient to undermine the credibility of his claims, despite the other information that had been presented by the Applicant.

[17] While I can appreciate that the Applicant has a different perspective on how the information before the Officer should have been considered, this effort to have the Court re-evaluate the evidence does not correspond with its role on judicial review. The Officer did not disregard or ignore evidence that ran contrary to its conclusions. Rather, the Applicant simply disagrees with the way the Officer weighed the evidence and is essentially asking this Court to also do so and to step in to displace the Officer's conclusion with its own. That is not the role of this Court on judicial review: *Vavilov* at para 125.

[18] The burden is on the Applicant to show that the Decision is unreasonable by establishing that there are sufficiently serious shortcomings in the Decision such that it could not be said to exhibit the requisite degree of justification, intelligibility and transparency: *Vavilov* at para 100. Considering the evidence on the record, I am not satisfied this burden has been met. Regardless

of whether I, or others, would otherwise have come to the same conclusion at first instance, in my view the Officer's findings are reasonable and call for deference.

V. Conclusion

[19] For the reasons set out above, this application for judicial review is dismissed. The parties proposed no question for certification, and I agree that none arises.

JUDGMENT in IMM-13082-24

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. No question of general importance is certified.
3. No costs are awarded.

“Darren R. Thorne”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-13082-24

STYLE OF CAUSE: KHADAR MOHAMED v. MINISTER OF CITIZENSHIP
AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: AUGUST 12, 2025

JUDGMENT AND REASONS: THORNE J.

DATED: SEPTEMBER 25, 2025

APPEARANCES:

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