

Federal Court



Cour fédérale

Date: 20251016

Docket: IMM-22414-24

Citation: 2025 FC 1700

Vancouver, British Columbia, October 16, 2025

PRESENT: The Honourable Madam Justice Turley

BETWEEN:

ISMAIL MOHAMED NUR

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] A citizen of Somalia, the Applicant alleged that he was targeted by the militant group, Al-Shabaab. After fleeing Somalia, the Applicant made a successful asylum claim in Kampala, Uganda. The Applicant then applied for permanent residence in Canada as a member of the Convention Refugee Abroad class or as a member of the Humanitarian-Protected Persons Abroad designated class, under the *Immigration and Refugee Protection Regulations*, SOR 2002-227.

[2] An immigration officer [Officer] denied the Applicant's permanent residence application after interviewing him in Uganda. The Applicant argues that the Officer erred in finding that he failed to meet the requirements for immigration to Canada. I am, however, unable to find any reviewable errors in the Officer's reasoning.

[3] Despite being granted asylum in Uganda, the Officer afforded more weight to the evidence in the Applicant's permanent residence application and his interview. This is consistent with the Court's jurisprudence. Furthermore, the Officer found that the Applicant had not been truthful nor forthcoming with information. An immigration officer's credibility findings are to be afforded significant deference on judicial review. I am therefore dismissing this judicial review application.

II. Analysis

[4] There is no dispute that the applicable standard of review is reasonableness. 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": *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 8 [Mason]. A decision should only be set aside if there are "sufficiently serious shortcomings" such that it does not exhibit the requisite attributes of "justification, intelligibility and transparency": *Vavilov* at para 100; *Mason* at paras 59–61. Furthermore, a reviewing 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.

A. *The Officer's treatment of the Applicant's refugee status in Uganda is reasonable*

[5] The Officer's treatment of the Applicant's refugee status in Uganda is consistent with this Court's jurisprudence. Refugee recognition by another country is not determinative of an applicant's refugee status in Canada. Rather, immigration officers are required to conduct their own assessment of an applicant's eligibility: *Gebrehiwet v Canada (Citizenship and Immigration)*, 2025 FC 972 at para 42 [*Gebrehiwet*]; *Walu v Canada (Citizenship and Immigration)*, 2021 FC 824 at para 69 [*Walu*]; *Gebrewldi v Canada (Citizenship and Immigration)*, 2017 FC 621 at para 28 [*Gebrewldi*]. This includes assessing an applicant's credibility: *Gebrehiwet* at para 42; *Walu* at paras 71–74; *Gebrewldi* at para 35.

[6] Here, the Officer considered the Applicant's refugee status in Uganda but determined that it was “impossible to know under which qualification category a person was designated a refugee by Uganda.” As such, the Officer gave more weight to the Applicant's evidence and information submitted as part of his Canadian permanent residence application: Global Case Management System [GCMS] notes dated October 12, 2024, Certified Tribunal Record [CTR] at 15.

[7] Further, as set out below, after interviewing the Applicant, the Officer had credibility concerns with the Applicant's evidence. On that basis, the Officer was not satisfied that he met the requirements for immigration to Canada either as a member of the Convention Refugee Abroad class or as a member of the Humanitarian-Protected Persons Abroad designated class.

B. *The Officer's credibility determination is reasonable*

[8] In similar cases, this Court has held that an immigration officer's assessment of an applicant's credibility is entitled to significant deference: *Fshatsion v Canada (Citizenship and Immigration)*, 2025 FC 1124 at para 11 [*Fshatsion*]; *Godlu v Canada (Citizenship and Immigration)*, 2025 FC 639 at para 35; *Aghazadeh v Canada (Citizenship and Immigration)*, 2020 FC 211 at paras 26–27, 33. This is due to an officer's subject matter expertise, as well as their unique vantage point of hearing and observing an applicant and watching the way in which their evidence is given: *Fshatsion* at paras 11, 14; *Gebrehiwet* at 30.

[9] During his interview, the Applicant was notified that the Officer had concerns with the credibility of the information he was providing. The Applicant was given the opportunity to allay those concerns but failed to do so. Consequently, the Officer concluded that “[h]aving 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”: Letter dated November 14, 2024, CTR at 2.

[10] The Applicant argues that the Officer's credibility assessment is unreasonable because the Officer expected him to explain the motives of his agents of persecution. For example, the Applicant asserts that he was expected to know why Al-Shabaab did not try to recruit his younger brother, or why they did not kill his father. Reading the Officer's reasons in context, I do not agree. Rather than expecting definitive answers to these questions, the Officer used them to highlight

contradictions and inconsistencies in the Applicant's evidence, as well as his inability to provide sufficient detail. These are reasonable grounds to question an applicant's credibility: *Gebrehiwet* at paras 30, 36; *Saidj v Canada (Citizenship and Immigration)*, 2023 FC 158 at paras 19, 24; *Walu* at paras 55–56; *Rahal v Canada (Citizenship and Immigration)*, 2012 FC 319 at paras 41–45.

[11] In his written narrative, the Applicant stated that he had fled Somalia because Al-Shabaab was kidnapping young boys of his age to add to their militia: Schedule 2, CTR at 39. During his interview, the Officer probed the Applicant for details about his claim. When asked why he fled Somalia, the Applicant said he was targeted by Al-Shabaab for recruitment, as were all young men his age [emphasis added]. He stated that Al-Shabaab visited his home and told his father they wanted to recruit him: GCMS notes dated October 12, 2024, CTR at 7. The Officer then questioned why his brother, close in age to him, had not been taken at that time. In response, the Applicant changed his evidence, stating that “only the eldest male child is forcibly recruited”: GCMS notes dated October 12, 2024, CTR at 16. This inconsistency in the Applicant's evidence is critical as it underpins his claim as to why he fled Somalia.

[12] Further, the Officer noted that, according to open-source information, Al-Shabaab regularly recruited underage children to join their ranks. Based on this information, the Officer reasoned that made the Applicant's “younger male siblings prime recruitment targets”: GCMS notes dated October 12, 2024, CTR at 16–17. According to his application, the Applicant has four younger brothers and at least three were underage at the time: Schedule 2, CTR at 42. Yet, there was no evidence that they were also targeted by the Al-Shabaab for recruitment.

[13] The Applicant stated in his interview that Al-Shabaab killed family members who stood in their way. The Officer pointed out that his father had not been killed when he refused to cooperate. The Applicant did not have a response: GCMS notes dated October 12, 2024, CTR at 16. I am not persuaded that, in the circumstances, the Officer was expecting the Applicant to explain “the mindset of the persecutors”. Rather, the Officer was pointing out the contradiction and giving him an opportunity to offer an explanation.

[14] The Applicant told the Officer that, after visiting his home, Al-Shabaab phoned him and “threatened him to join up or else”: GCMS notes dated October 12, 2024, CTR at 7. The Officer noted that the Applicant “could not explain in any detail who contacted him other than ‘Al Shabab’”: GCMS notes dated October 12, 2024, CTR at 16. Contrary to the Applicant’s assertions, the Officer did not expect him to name the person on the phone, but rather, simply noted that the Applicant was unable to provide further details about the phone call. Given its centrality to his claim, it was reasonable for the Officer to expect that the Applicant would be able to provide more details about the phone conversation that led him to flee Somalia.

[15] When asked about the whereabouts of his extended family, the Officer noted that the Applicant “suddenly” stated that he spoke to them a week prior to his interview. He said that they had moved to Ethiopia in 2022, fleeing Al-Shabaab, and that they were residing in a refugee camp. However, when asked to elaborate, the Applicant once again could not provide any additional details: GCMS notes dated October 12, 2024, CTR at 6, 10. It is reasonable to expect that the Applicant would have been able to provide more information, given his stated recent communication with his family.

[16] Based on the foregoing, the Officer determined that the Applicant had failed to provide “plausible or credible information at his interview”: GCMS notes dated October 12, 2024, CTR at 17. I am satisfied that the Officer’s adverse credibility findings are reasonable. The Applicant’s submissions amount to a request for the Court to reweigh the evidence and make different credibility findings. This is not the Court’s role: *Vavilov* at para 125.

C. *Other alleged errors*

[17] The Applicant further argues that the Officer erred in stating that he had said, in Schedule 2 of his application, that “he cannot return to Kismayo due to the Al Shabab recruitment threat” because he never lived there: GCMS notes dated October 12, 2024, CTR at 15; Applicant’s Memorandum of Fact and Law at para 32. I agree with the Respondent that nothing turns on this. It is a “minor misstep” that is immaterial to the merits of the decision: *Vavilov* at para 100. As the Respondent points out, the Applicant’s Schedule 2 mentions that he had travelled through Kismayo when leaving Mogadishu for Uganda: Schedule 2, CTR at 39.

[18] Finally, Applicant’s counsel raised an entirely new issue at the hearing — the contemporaneous nature of the Officer’s GCMS notes. As I said then, new issues cannot be raised for the first time in oral submissions as it prejudices the opposing party and leaves the Court unable to fully assess the merits of the new argument: *Mihalaiche v Canada (Citizenship and Immigration)*, 2025 FC 318 at para 24; *Munoz Ramirez v Canada (Citizenship and Immigration)*, 2024 FC 221 at para 30; *Kabir v Canada (Citizenship and Immigration)*, 2023 FC 1123 at para 19; *Omomowo v Canada (Citizenship and Immigration)*, 2023 FC 78, at paras 26–28.

[19] I acknowledge that the CTR included a more comprehensive version of the GCMS notes than what was provided when the Applicant filed his application for leave and for judicial review. However, the Applicant had the opportunity to file a Further Memorandum of Argument after he received the CTR but failed to do so. As a result, I declined to entertain this new argument at the hearing.

III. Conclusion

[20] The Applicant has failed to establish any reviewable errors in the Officer's decision. The application for judicial review is therefore dismissed. The parties did not raise a question for certification, and I agree that none arise.

JUDGMENT in IMM-22414-24

THIS COURT’S JUDGMENT is that:

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

“Anne M. Turley”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-22414-24

STYLE OF CAUSE: ISMAIL MOHAMED NUR v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: HELD BY WAY OF VIDEOCONFERENCE

DATE OF HEARING: OCTOBER 8, 2025

JUDGMENT AND REASONS: TURLEY J.

DATED: OCTOBER 16, 2025

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