

Federal Court



Cour fédérale

Date: 20251020

Docket: IMM-20664-24

Citation: 2025 FC 1702

Ottawa Ontario, October 20, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

AZMERA FSAHA BERHE

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Ms. Azmera Fsaha Berhe (the “Applicant”) seeks judicial review of the decision of a resettlement officer (the “Officer”), refusing her application for Permanent Residence in Canada as a member of the Convention Refugees Abroad and Humanitarian-Protected Persons Abroad classes as addressed in section 144 and subsection 146 (1) of *the Immigration and Refugee Protection Regulations* (SOR/2002-227) (the “Regulations”).

[2] The Applicant is a citizen of Eritrea. She fled her country and went to Ethiopia, where she was recognized as a Convention refugee. In an interview with the Officer, she said that she fled her country of nationality to flee persecution from Eritrea and to improve her financial situation so that she can support her family.

[3] The Officer decided that the Applicant did not meet the criteria of a Convention refugee.

[4] The Applicant now argues, among other things, that the Officer failed to address her status in Ethiopia as a Convention refugee. She submits that the decision is unreasonable.

[5] The Minister of Citizenship and Immigration (the “Respondent”) argues that the Officer reasonably assessed the evidence and made no reviewable error.

[6] Following the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019] 4 S.C.R. 653 the decision is reviewable on the standard of reasonableness.

[7] In considering reasonableness, the Court is to ask if the decision under review “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 that decision”; see *Vavilov*, *supra* at paragraph 99.

[8] I agree with the submissions of the Applicant. Although the Officer was not bound by the recognition of the Applicant as a Convention refugee by the Ethiopian government, this was a

relevant fact that could not be dismissed without an explanation. I refer to the decision in *Ghirmatsion v. Canada (Citizenship and Immigration)*, [2013] 1 F.C.R. 261 where the Court noted that although status as a UNHCR refugee is not determinative, it is an important factor that an officer is obliged to consider. An officer is not bound by an applicant's UNHCR status but must provide an explanation for why a different conclusion was reached.

[9] It is not necessary to engage with the other submissions of the parties.

[10] The application for judicial review will be allowed, the decision of the Officer will be set aside, and the matter will be remitted to another officer for redetermination. There is no question for certification.

JUDGMENT IN IMM-20664-24

THIS COURT’S JUDGMENT is that the application for judicial review is allowed, the decision of the Officer is set aside, and the matter is remitted to another officer for redetermination. There is no question for certification.

“E. Heneghan”
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-20664-24

STYLE OF CAUSE: AZMERA FSAHA BERHE v. THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: SEPTEMBER 24, 2025

REASONS AND JUDGMENT: HENEGHAN J.

DATED: OCTOBER 20, 2025.

APPEARANCES:

Teklemichael Ab Sahlemariam	FOR THE APPLICANT
Nicole John	FOR THE RESPONDENT

SOLICITORS OF RECORD:

The Law Office of Teklemichael Ab Sahlemariam Toronto, Ontario	FOR THE APPLICANT
Attorney General of Canada Toronto, Ontario	FOR THE RESPONDENT