

Federal Court



Cour fédérale

Date: 20251114

Docket: IMM-9445-24

Citation: 2025 FC 1825

Ottawa, Ontario, November 14, 2025

PRESENT: The Honourable Madam Justice Tsimberis

BETWEEN:

FRED NNAMDI NZEGWU

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Fred Nnamdi Nzegwu, seeks judicial review of the May 22, 2024 decision [Decision] of the Refugee Appeal Division [RAD] confirming the refusal of his refugee claim by the Refugee Protection Division [RPD] that had previously found he failed to establish the facts underlying his claim with credible and trustworthy evidence. The RAD rejected Mr. Nzegwu's refugee claim on the basis of adverse credibility findings and concluded that he is neither a

Convention refugee under s. 96 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA], nor a person in need of protection under s. 97 of the IRPA.

[2] On judicial review before this Court, Mr. Nzegwu raises eight issues with the Officer's Decision, all of which his counsel maintained at the hearing:

1. Was there a breach of procedural fairness when the RAD used an inconsistency to impugn Mr. Nzegwu's credibility without first raising the inconsistency to him?
2. Did the RAD err by rejecting Mr. Nzegwu's explanation for the inconsistency without giving reasons why?
3. Did the RAD err by finding an omission where there is not one, and failing to distinguish an omission from Mr. Nzegwu's elaboration upon his Basis of Claim [BOC] in testimony?
4. Were the RAD's credibility findings unreasonable in that the RAD exhibited an overzealous approach and overemphasized the import of a few vague statements, and inconsistencies, which are peripheral to the claim?
5. Were the RAD's credibility findings unreasonable, as it rejected a letter submitted as new evidence under section 110(6) of the IRPA, based on illogical reasoning?
6. Were the RPD's findings unreasonable, in that the Board exhibited illogical reasoning and erroneous decision making in her treatment of the supporting documents provided, by assessing them based on what they do not contain, considering documents in isolation, and misconstruing the evidence?
7. Did the Panel err by failing to reasonably explain why the psychotherapist's report and affidavit of the applicant do not provide sufficient explanation for the credibility concerns?

[3] In response, the Minister of Citizenship and Immigration [Minister] submits that the RAD's credibility findings were reasonable, that there was no breach of procedural fairness, and that the RAD provided reasons for rejecting Mr. Nzegwu's explanation for inconsistencies in his visa application.

[4] For the reasons that follow, this Court dismisses the application for judicial review. The Officer reasonably assessed the evidence surrounding Mr. Nzegwu's refugee protection claim and reasonably justified why he did not qualify as a Convention refugee nor a person in need of protection. Moreover, Mr. Nzegwu did not establish that there was a breach of his right to procedural fairness.

II. Background

[5] On March 25, 2023, Mr. Nzegwu, a citizen of Nigeria, arrived in Canada. In April 2023, Mr. Nzegwu filed his BOC. Mr. Nzegwu claimed refugee protection due to fear of returning to Nigeria due to his sexual orientation as a bisexual man.

[6] Mr. Nzegwu alleged that he has had two same-sex relationships in Nigeria, first with "C" when he finished high school and later with "W", whom he met at work in the early 2000s. Mr. Nzegwu alleged that W was arrested with another same-sex partner in February 2023 and that W revealed to Nigerian police that he was also in a relationship with Mr. Nzegwu. Mr. Nzegwu further alleged that on February 16, 2023, the anti-gay group and Nigerian police went to his workplace and house to look for him. He explained the police told his wife that "evidence" had been found in W's possession and threatened to arrest Mr. Nzegwu. Consequently, Mr. Nzegwu went into hiding in Benin and Nigeria. Mr. Nzegwu alleged that the Nigerian police have looked for him and that W's wife has also come to his home to harass his wife. In January 2024, Mr. Nzegwu's wife was approached by the Nigerian police who inquired about Mr. Nzegwu's whereabouts for the crime of being bisexual.

[7] On January 24, 2024, the RPD rejected Mr. Nzegwu's claim, based primarily on credibility issues due to inconsistencies, vagueness and a lack of corroborative evidence.

[8] Mr. Nzegwu appealed the RPD's decision to the RAD, asserting the RPD had breached procedural fairness and erred in its credibility assessment. On appeal to the RAD, Mr. Nzegwu provided new evidence to support his claim, including letters from his wife, sister and friend, and a psychotherapist report.

III. Decision Under Review

[9] After conducting an independent review and taking into consideration the Chairperson's Guideline 9: *Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics* [SOGIESC Guidelines], the RAD found that Mr. Nzegwu did not credibly establish that he is bisexual and has not established a serious possibility of persecution due to his sexual orientation if he were to return to Nigeria.

[10] The RAD considered Mr. Nzegwu's new evidence, the letters from his wife, sister and a friend, as well as a psychotherapist report. The RAD did not admit the sister's or friend's letter. Though the sister's letter described a new event, the RAD did not find the letter to be credible and was not satisfied the author is Mr. Nzegwu's sister as the sister's surname is inconsistent with Mr. Nzegwu's BOC and the letter is not accompanied by any identification. The RAD found the friend's letter does not contain new information that is relevant to the claim.

[11] The RAD admitted the wife's new letter, in part, as well as the psychotherapist report as new evidence under subsection 110(4) of the IRPA. Mr. Nzegwu's wife's letter was admitted

into evidence as credible and new, in part, as it described a police inquiry having occurred on the same date as the RPD decision (January 24, 2024). The psychotherapist report was found credible and relevant to Mr. Nzegwu's personal circumstances in that it detailed that Mr. Nzegwu had been experiencing low mood, depressive symptoms and fear of returning to Nigeria after receiving the RPD Decision.

[12] The RAD found Mr. Nzegwu did not establish a breach of procedural fairness due to a lack of comprehension. The RAD noted that Mr. Nzegwu had not established that his mental health prevented him from having a fair hearing and that for those areas where Mr. Nzegwu expressed that he could not understand, the RPD repeated or rephrased the question until Mr. Nzegwu understood the question and was able to respond with comprehensive testimony.

[13] The RAD held that Mr. Nzegwu has not credibly established his claim.

[14] First, the RAD drew a negative inference from Mr. Nzegwu failing to provide corroborative evidence from his friends in Canada, who are aware of his sexual orientation, even though this concern was clearly put to him at the RPD hearing.

[15] Second, the RAD found that Mr. Nzegwu's omission regarding his wife's relocation from his BOC was not explained. Specifically, the RAD noted that this is not a minor detail and is central to his claim as it relates directly to Mr. Nzegwu's allegation that he is wanted by the police and is at risk from community members. Before the RAD, Mr. Nzegwu's evidence was that his wife was compelled to leave her home for her safety, with her children, and relocate to Port Harcourt after she was attacked by police and an anti-gay group who were looking for him.

However, this event is absent from his BOC even if it had occurred prior to his signing the BOC. The RAD drew a negative inference from the omission of this event from his BOC since Mr. Nzegwu did not explain it. This negative inference was further bolstered by Mr. Nzegwu's changing testimony before the RAD, where he originally testified that his wife was in Lagos when he fled the country, but then corrected his answer to say she was in Port Harcourt when he was still in Nigeria.

[16] Third, the RAD highlighted the inconsistency between Mr. Nzegwu's testimony and his BOC regarding Mr. Nzegwu's first same-sex relationship and when he realized he had same-sex attraction. While testifying, Mr. Nzegwu explained he realized his same-sex attraction when he entered into a relationship with C, during the time when he finished high school. However, Mr. Nzegwu's BOC described him as realizing his same-sex attraction when he was 12 years old. The RAD found this inconsistency was not explained credibly by Mr. Nzegwu.

[17] Fourth, while agreeing with Mr. Nzegwu that the RPD erred in finding him to be evasive because the repeated questions were related to connectivity issues, the RAD found that Mr. Nzegwu was unable to explain his vague testimony about past partners. Specifically, the RAD found the testimony to be vague, lacking in detail such that the testimony was not consistent with someone who has had a very long and serious relationship as alleged. Notably, Mr. Nzegwu was unable to provide answers to basic questions and to give spontaneous details regarding his relationship with W, such as his birthday, hobbies, names of his wife and children, where W lived and how often they would visit during certain periods.

[18] Finally, the RAD found that the supporting documents do not overcome the credibility concerns with Mr. Nzegwu. Notably, the RAD found the wife's new letter insufficient to overcome the credibility concerns and the psychotherapist report did not provide any clear findings regarding Mr. Nzegwu's memory at the time of the RPD hearing and any reasonable explanation for the lack of credibility in Mr. Nzegwu's testimony.

[19] The RAD concluded that there was insufficient credible evidence to establish that Mr. Nzegwu has a serious possibility of persecution due to his sexual orientation if he were to return to Nigeria, leading to the dismissal of his appeal.

IV. Issues and Standard of Review

[20] Although Mr. Nzegwu identifies eight distinct issues with the Decision, I find the issues can be grouped and better addressed by answering the following three questions:

- A. Did the RAD unreasonably decline to admit new evidence?
- B. Did the RAD breach Mr. Nzegwu's right to procedural fairness by using an inconsistency to impugn his credibility without first raising this inconsistency with him?
- C. Did the RAD err in its assessment of the evidence such that its Decision is unreasonable?

[21] Mr. Nzegwu raises both issues of procedural fairness as well as issues with the unreasonableness of several of the RAD's findings.

[22] The presumptive standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25. To avoid intervention on

judicial review, the decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility: *Vavilov* at para 99. A reasonable decision will always depend on the constraints imposed by the legal and factual context of the particular decision under review: *Vavilov* at para 90. The Court must avoid reassessing and reweighing the evidence before the decision-maker; a decision may be unreasonable, however, if the decision-maker “fundamentally misapprehended or failed to account for the evidence before it”: *Vavilov* at paras 125-126.

[23] The party challenging the decision bears the onus of demonstrating that the decision is unreasonable: *Vavilov* at para 100. For the reviewing court to intervene, the party challenging the decision must satisfy the court 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” and that the alleged flaws “must be more than merely superficial or peripheral to the merits of the decision”: *Vavilov* at para 100. The reviewing court must ultimately be satisfied that the decision-maker’s reasoning “adds up”: *Vavilov* at para 104.

[24] Breaches of procedural fairness in administrative contexts have been considered reviewable on a correctness standard or subject to a “reviewing exercise ... ‘best reflected in the correctness standard’ even though, strictly speaking, no standard of review is being applied”: *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 [*Canadian Pacific*] at para 54. The duty of procedural fairness “is ‘eminently variable’, inherently flexible and context-specific”; it must be determined with reference to all the circumstances, including the non-exhaustive list of factors referenced in *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at paragraphs 22-23: *Vavilov* at

para 77. In sum, the focus of the reviewing court is whether the process was fair. In the words of the Federal Court of Appeal, the ultimate or fundamental questions are:

[56] No matter how much deference is accorded administrative tribunals in the exercise of their discretion to make procedural choices, the ultimate question remains **whether the applicant knew the case to meet and had a full and fair chance to respond**. It would be problematic if an a priori decision as to whether the standard of review is correctness or reasonableness generated a different answer to what is a singular question that is fundamental to the concept of justice—**was the party given a right to be heard and the opportunity to know the case against them?** Procedural fairness is not sacrificed on the altar of deference.

(*Canadian Pacific* at para 56, emphasis added.)

V. Analysis

A. *Did the RAD unreasonably decline to admit new evidence?*

[25] Mr. Nzegwu submits that the Decision not to admit his friend's letter as new evidence is illogical, as the letter contains new information on Mr. Dame-Odion's February 6, 2024 discussion with Mr. Nzegwu's mother, Elizabeth Onyibe Nzegwu. Mr. Nzegwu submits that the RAD failed to explain why the statements made by his mother to his friend are not relevant. The statements are that his mother is afraid Mr. Nzegmu would soon be coming to Nigeria, will be eventually found by the police and punished for having a relationship with a man, especially since W's wife is actively accusing him of the arrest of her husband W. Second, Mr. Nzegwu also points to the fact that the letter explains the discussion occurred on February 6, 2024, which falls after the RPD decision dated January 24, 2024.

[26] To accept new evidence, the RAD explained it must meet the requirements of paragraph 110(4) of the IRPA, as well as the implied conditions of credibility, relevance and newness:

Singh v Canada (Citizenship and Immigration), 2016 FCA 96 [*Singh FCA*] at paras 44-47. The RAD found Mr. Dame-Odion's letter inadmissible as it "does not contain new information that is relevant to the claim".

[27] In this case, relevance must be understood as any information tending to prove or disprove Mr. Nzegwu's sexual orientation, given the determinative issue for the RAD (and the RPD before it) was the credibility issue surrounding Mr. Nzegwu being bisexual. The letter does not provide any evidence tending to prove Mr. Nzegwu is bisexual. I agree with the Minister that the letter merely speaks to the writer's views about Mr. Nzegwu's continued risk of persecution due to his alleged sexual orientation.

[28] In the circumstances, and when considering the factors laid out by the Federal Court of Appeal in *Singh FCA* and *Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385, the RAD's finding to decline to admit the friend's letter is not unreasonable.

B. Did the RAD breach Mr. Nzegwu's right to procedural fairness by using an inconsistency to impugn his credibility without first raising this inconsistency with him?

[29] At paragraph 36 of the Decision, the RAD noted that Mr. Nzegwu's visa application indicates he worked as a Unit Head with Zenith Security in Lagos, Nigeria, from 2003 to 2012. However, during his testimony, Mr. Nzegwu stated that he worked at Zenith Bank as a bank teller from 2003 to 2013, in Port Harcourt, Nigeria, when he met and began a relationship with W.

[30] Mr. Nzegwu submits that the RAD erred by using an inconsistency to make a negative credibility finding against him without raising the inconsistency to him. According to Mr. Nzegwu, he is entitled to participate and put forward his views and have this fully considered by the decision-maker, which is particularly true if the inconsistency is used to impugn credibility: *Shmihelsky v Canada (Citizenship and Immigration)*, 2016 FC 123 at para 15.

[31] I disagree with Mr. Nzegwu. In this case, the RAD did not raise a new issue on appeal requiring notice to the parties and an opportunity to respond as a matter of procedural fairness to Mr. Nzegwu. As the Minister correctly submits, this Court has consistently held that there is no procedural fairness issue when the RAD finds an additional basis to question the applicant's credibility using the evidentiary record before the RPD and where, as here, the credibility of Mr. Nzegwu was already at issue before the RPD: *Oluwaseyi Adeoye v Canada (Citizenship and Immigration)*, 2018 FC 246 at paras 12-13, citing *Sary v Canada (Citizenship and Immigration)*, 2016 FC 178 at paras 27-32.

C. *Did the RAD err in its assessment of the evidence such that its Decision is unreasonable?*

(1) Legal Framework on Credibility findings

[32] Credibility findings are part of the fact-finding process of the decision-maker and are afforded significant deference upon judicial review: *Onwuasoanya v Canada (Citizenship and Immigration)*, 2022 FC 1765 [Onwuasoanya] at para 10 citing *Fageir v Canada (Citizenship and Immigration)*, 2021 FC 966 [Fageir] at para 29, *Tran v Canada (Citizenship and Immigration)*, 2021 FC 721 [Tran] at para 35, and *Azenabor v Canada (Citizenship and Immigration)*, 2020 FC 1160 [Azenabor] at para 6. Such determinations by the RPD and the

RAD demand a high level of judicial deference and should only be overturned “in the clearest of cases”: *Liang v Canada (Citizenship and Immigration)*, 2020 FC 720 at para 12. Credibility determinations have been described as lying within “the heartland of the discretion of triers of fact [...] and cannot be overturned unless they are perverse, capricious or made without regard to the evidence”: *Fageir* at para 29; *Tran* at para 35; *Edmond v Canada (Citizenship and Immigration)*, 2017 FC 644 at para 22, citing *Gong v Canada (Citizenship and Immigration)*, 2017 FC 165 at para 9.

[33] A reviewing court can neither substitute its own view of preferable outcome to credibility and plausibility questions, nor can it reweigh the evidence, and must not intervene with the RPD’s or the RAD’s decision, so long as the panel came to a conclusion that is transparent, justifiable, intelligible and within the range of possible acceptable outcomes that are defensible in respect of the facts and the law: *Lawani v Canada (Citizenship and Immigration)*, 2018 FC 924 [*Lawani*] at para 16.

[34] The default presumption of the decision-maker should be that a refugee claimant’s testimony is truthful unless there is a reason to doubt it: *Akinola v Canada (Citizenship and Immigration)*, 2019 FC 1308 at para 39. This presumption is rebuttable when an omission in the original recounting (such as in a BOC form) or subsequent testimony of an event, or an inconsistency between them, gives sufficient reason to require some corroborating evidence as long as the decision-maker is able to articulate why they are suspicious of the claim: *Maldonado v Canada (Minister of Employment and Immigration)*, 1979 CanLII 4098 (FCA), [1980] 2 FC 302 (FCA) at p 305.

[35] Generally, a claim cannot be rejected based on lack of corroborative evidence if the applicant's credibility is not in question: *Dayebga v Canada (Citizenship and Immigration)*, 2013 FC 842 [*Dayebga*] at para 26, citing *Ahortor v Canada (Minister of Employment and Immigration)*, (1993), 1993 CanLII 17650 (FC), 65 FTR 137 (Fed TD) at para 45. However, if the decision-maker has raised a credibility concern and the facts suggest it is appropriate, corroborative evidence can reasonably be expected to be available to the applicants, and a failure to produce such evidence makes drawing a negative inference reasonable: *Dayebga* at para 30, citing *Mendez Lopera v Canada (Minister of Citizenship and Immigration)*, 2011 FC 653 [*Lopera*] at para 31.

(2) Application to the Decision under Review

[36] Mr. Nzegwu submits that not one but at least three of the RAD's credibility findings are unreasonable. Before I consider each of these credibility findings in turn, I must say that Mr. Nzegwu's submissions ask this Court to do what *Vavilov* cautions a reviewing court against doing, which is to dissect the RAD's Decision and engage in a line-by-line treasure hunt for an error.

(a) *Material omission and inconsistency regarding wife's relocation*

[37] At paragraphs 22-24 of the Decision, the RAD made a negative credibility finding with respect to Mr. Nzegwu omitting his wife's relocation from Lagos to Port Harcourt in his BOC. Before the RPD and the RAD, Mr. Nzegwu alleged that his wife was compelled to leave her home, with her children, and move to another city for her safety, after she was attacked by an anti-gay group searching for him. The RAD found this was a central allegation directly relating

to Mr. Nzegwu's allegations of risk and observed that Mr. Nzegwu was unable to explain why this event was not mentioned in his BOC.

[38] Relying on *Djama v Canada (Citizenship and Immigration)*, 2019 FC 86, Mr. Nzegwu submits that the RAD errs if it draws an adverse credibility inference in cases where the contradictions are not sufficiently serious or material to warrant an adverse credibility finding. Mr. Nzegwu submits that in this case, he did not omit the event from his BOC. In his testimony, Mr. Nzegwu was providing further explanation that was consistent with his BOC narrative. Therefore, he argues no adverse inference should have been drawn.

[39] I disagree with Mr. Nzegwu. It was reasonably open for the RAD to agree with the RPD when it found that the omission of his wife's relocation from his BOC narrative was not a "minor detail". It was reasonably open for the RAD to find that his wife's relocation was central to Mr. Nzegwu's allegation that he is wanted by the Nigerian police and is at risk from community members. I agree with the Minister that the RAD's finding is supported by this Court's jurisprudence that all important facts and details of a claim must be included in a BOC and the failure to include such important facts and details of a claim can affect the credibility of all or part of a claimant's testimony: *Ogaulu v Canada (Citizenship and Immigration)*, 2019 FC 547 at paras 18-19; *Talanov v Canada (Citizenship and Immigration)*, 2020 FC 484 at paras 60-62; *Lawani* at paras 20-26, 37-38.

(b) *Inconsistency regarding first same-sex relationship*

[40] At paragraphs 25-27 of the Decision, the RAD found Mr. Nzegwu's BOC narrative and testimony were inconsistent with respect to the timing of Mr. Nzegwu's first same-sex relationship.

[41] Mr. Nzegwu submits that the RAD's seizing onto this minor contradiction is particularly overzealous, considering his explanation in his affidavit that he was struggling to answer questions due to immense mental depression, and the psychotherapist report that indicates that he has serious comprehension problems. According to Mr. Nzegwu, the contradictions are not sufficiently serious or material: *Lubana v Canada (Minister of Citizenship and Immigration)*, 2003 FCT 116 at para 25; *Rahal v Canada (Citizenship and Immigration)*, 2012 FC 319 [*Rahal*] at para 43).

[42] Mr. Nzegwu asserts that the RAD's statement that he has not explained the inconsistency is false, as it is explained in both his affidavit found in the Applicant's Record at 352-353, and as his psychotherapist report specifically references his issues with confused thinking.

[43] Moreover, Mr. Nzegwu submits that the RAD erred by dismissing the supporting evidence based on what it does not contain, rather than assessing it for what it does contain, citing *Yurtsever v Canada (Citizenship and Immigration)*, 2020 FC 312 at para 19. More particularly, Mr. Nzegwu submits that the RAD dismissed the psychotherapist report because it does not contain how many times the psychotherapist met with Mr. Nzegwu, if the serious mental health issues were a result of a denial, or if he always had serious mental health issues.

Mr. Nzegwu argues the RAD should have assessed the conclusions of the report and explained how the report was not sufficient as an explanation to the lack of credibility.

[44] In response, the Minister submits that the evidence in the record and the psychotherapist report did not support that Mr. Nzegwu was suffering from serious mental health issues during his RPD hearing, such that it would explain the credibility concerns.

[45] I agree with the Minister for a number of reasons.

[46] First, in Mr. Nzegwu's BOC, he stated that his first relationship with a male, "C", began when he finished high school, at age 16. In his testimony, Mr. Nzegwu repeatedly stated that he was 12. This is a clear inconsistency going to the heart of Mr. Nzegwu's claim of being bisexual. It is not surprising then that the RAD found that Mr. Nzegwu's age when he first entered a same-sex relationship was central to the claim.

[47] Second, I disagree with Mr. Nzegwu's characterization that the RAD only assessed the psychotherapist report for "what it does not say." It is clear from the reasons that the RAD assessed the psychotherapist for what it was, but that the conclusions in the report simply did not speak to the root of the credibility concerns. The RAD gave numerous reasons why the psychotherapist report did not alleviate the credibility concerns at paragraphs 18, 24, 42-43 of the Decision. For example, the RAD considered the psychotherapist report that reported Mr. Nzegwu began experiencing a low mood, depressive symptoms and fear of returning to Nigeria after receiving his negative RPD decision. The RAD reasonably noted at paragraph 42 of its Decision that the psychotherapist report did not speak to Mr. Nzegwu's memory at the time of

the RPD hearing, nor did the report explain whether Mr. Nzegwu had been suffering from more serious mental health issues at the time of his hearing. The Decision, read as a whole and not “line by line” looking for an error, provide cogent and intelligible reasons as to why the psychotherapist report was not sufficient to alleviate the RAD’s concerns regarding the numerous inconsistencies in this case.

[48] Third, the RAD reasonably noted in its Decision that Mr. Nzegwu was represented by a lawyer during his hearing who failed to raise any concerns relating to Mr. Nzegwu’s mental health or his ability to understand at the hearing. Mr. Nzegwu does not address or challenge this finding.

[49] Additionally, the RAD found that the RPD asked simple questions, and clarified or repeated questions when necessary. My review of relevant excerpts of the transcript confirmed the RAD’s finding.

[50] In sum, Mr. Nzegwu was given numerous opportunities to address the inconsistency, and he was unable to do so.

(c) *Inability to testify to basic information about same-sex partners*

[51] The RAD considered the SOGIESC Guidelines and held that the cases that pertain to diverse sexual orientation, gender identity and gender expression are not different from other cases and decision-makers can draw negative inferences from credibility concerns such as material inconsistencies or contradictions in the evidence that have not been reasonably explained. The RAD relied on the Federal Court’s holdings in *Okunowo v Canada (Citizenship*

and Immigration), 2020 FC 175, at para 66 and *Singh v Canada (Citizenship and Immigration)*, 2020 FC 179 at para 19 that SOGIESC guidelines cannot act as a cure-all to repair adverse credibility.

[52] In this case, there were numerous negative credibility findings that went to the core of Mr. Nzegwu's claim that could not be reasonably explained, including his inability to testify to basic information about either of his alleged same-sex partners in Nigeria, one of whom he was involved with romantically for over 15 years. I agree with the Minister that the matter before me is similar in that way to *Okunowo* where Justice Kane held:

[66] The RAD considered the SOGIE guidelines and recognized that it was a challenge for a claimant to establish their sexual orientation. However, the RAD reasonably found that given the several credibility findings, Mr. Okunowo's evidence was not trustworthy or probative and did not establish that he was in a same-sex relationship. The credibility findings relate to core elements of the Applicants' claim. The SOGIE guidelines are not a cure-all for such findings of credibility.

(d) *Supporting documents do not overcome credibility concerns*

[53] For the reasons that follow, I find that the RAD reasonably reviewed all of the supporting documents and held that they do not overcome the numerous credibility concerns.

[54] First, Mr. Nzegwu submits that, as in *Teganya v Canada (Citizenship and Immigration)*, 2012 FC 42 at paragraph 25 and *Warsame v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 118 at paragraph 18, the RAD failed to consider the letters from his wife and brother in their entirety and instead considering them as isolated parts.

[55] Respectfully, I do not agree with Mr. Nzegwu. The RAD reasonably found the RPD was correct in that the letters from his wife and brother do not overcome the credibility concerns. On the one hand, the information provided in the wife's letter regarding her relocation was found to not be credible, on the other hand, the brother's letter was not accompanied by identification, and it was not a firsthand account of events. As for the new letters from his wife, the RAD reasonably found that this evidence, on its own, was insufficient to establish the core allegations that Mr. Nzegwu is bisexual. When considering the numerous adverse credibility findings, Mr. Nzegwu did not overcome the credibility concerns raised before the RAD, and before this Court, Mr. Nzegwu only reiterates the same arguments as the ones previously raised before the decision-maker.

[56] Second, Mr. Nzegwu submits that the RAD's statement at paragraph 46 of the Decision that his wife's medical letter does not overcome the credibility concerns is not indicative of transparent decision-making. According to Mr. Nzegwu, the RAD did not explain why the wife's explanation should not be believed.

[57] Again, I do not agree with Mr. Nzegwu. The RAD has not stated that they do not believe her, but rather agreed with the RPD that the letter was insufficient to establish that the medical conditions listed were related to the Mr. Nzegwu's sexual orientation, therefore that it does not speak to the central allegations or help resolve any credibility concerns. I note that the letter explains that finding out about Mr. Nzegwu's sexuality affected her health to the point of hospitalization, and she reported it to her doctor. However, as the RAD correctly noted at paragraph 46, the Federal Court has held that the recounting of events to medical personnel does

not make these events more credible and the resulting medical report cannot confirm Mr. Nzegwu's allegations: *Kivalo v Canada (Citizenship and Immigration)*, 2016 FC 728 at para 50.

[58] Finally, Mr. Nzegwu submits that the RAD failed to address the fact that the letter from 519 (Toronto Agency serving 2SLGBTQ+ refugee claimants) states that Mr. Nzegwu has been "accessing the 519's programs and services, including those specific to 2SLGBTQ-identified refugee claimants." By stating that he is attending the organization generally, rather than acknowledging he is attending programs specifically for LGBTQ persons, Mr. Nzegwu argues the RAD misstated and mistreated the evidence.

[59] The RAD found that the letter from 519 indicating that he had accessed their services did not overcome the serious credibility concerns identified in the Decision. It was reasonably open to the RAD to conclude that any person, irrespective of their sexual orientation, can access services through the 519 organization, and that it does not overcome the serious credibility concerns noted through the Decision. It is important to note that the RAD considered this Court's jurisprudence in *Oviawe v Canada (Citizenship and Immigration)*, 2021 FC 204 [Oviawe] at para 38, which held that such reasoning is not unreasonable.

[60] The Minister submits that this Court has repeatedly held that while membership in an LGBTQ organization such as the 519 is only one factor to be considered in SOGIESC claims and that "it will seldom be sufficient on its own to establish this": *Oviawe* at para 38; *Abolupe v Canada (Citizenship and Immigration)*, 2020 FC 90 at para 58; *Alio v Canada (Citizenship and Immigration)*, 2025 FC 340 at paras 44-45; *Kanagendren v Canada (Citizenship and Immigration)*, 2015 FCA 86 at para 36.

VI. Conclusion

[61] This Court should not disabuse itself of the significant deference owed to the credibility findings on Mr. Nzegwu's mere insistence to the contrary: *Onwuasoanya* at paras 10 and 14; *Fageir* at para 29, *Tran* at para 35; *Azenabor* at para 6. While Mr. Nzegwu is correct on pointing out that the deference owed to credibility findings is captured by *Vavilov*'s reasonableness analysis, it remains that Mr. Nzegwu's submissions regarding the RAD's credibility findings are an attempt to reweigh the evidence to arrive at a different conclusion, which is not the role of this Court: *Vavilov* at para 125.

[62] The judicial review application must therefore be dismissed, as the Decision under review was reasonable, both as to the resulting outcome and the decision-making process followed. There was no procedural fairness issue in this matter requiring the Court's intervention.

[63] The parties confirmed that there is no serious question of general importance that ought to be stated. This is a conclusion shared by the Court.

JUDGMENT in IMM-9445-24

THIS COURT'S JUDGMENT is that:

1. The judicial review application is dismissed.
2. There is no question for certification to be stated pursuant to Section 74 of the
Immigration and Refugee Protection Act.

"Ekaterina Tsimberis"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-9445-24

STYLE OF CAUSE: FRED NNAMDI NZEGWU v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: AUGUST 14, 2025

JUDGMENT AND REASONS: TSIMBERIS J.

DATED: NOVEMBER 14, 2025

APPEARANCES:

STEVEN BLAKEY	FOR THE APPLICANT
AMANDA BITTON	FOR THE RESPONDENT

SOLICITORS OF RECORD:

WALDMAN & ASSOCIATES TORONTO, ON	FOR THE APPLICANT
ATTORNEY GENERAL OF CANADA TORONTO, ON	FOR THE RESPONDENT