

Federal Court



Cour fédérale

**Date: 20260121**

**Docket: IMM-23588-24**

**Citation: 2026 FC 90**

**Edmonton, Alberta, January 21, 2026**

**PRESENT: Madam Justice Whyte Nowak**

**BETWEEN:**

**ABDIAZIZ ISMAIL MOHAMED**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

I. Overview

[1] The Applicant, Abdiaziz Ismail Mohamed [the Applicant], seeks judicial review of a decision of an immigration officer of the High Commission of Canada in Tanzania [the Officer] dated November 14, 2024 [the Decision] refusing the Applicant's permanent resident application [PR Application]. The Officer found that the Applicant had not credibly demonstrated a well-founded fear of persecution by a local Somali militant group and there was insufficient

evidence to find that the Applicant had met the requirements under the *Immigration and Refugee Protection Act*, SC 2001, c 27 [Act] and the *Immigration and Refugee Protection Regulations*, SOR/2002-227 [Regulations] as a member of either the Convention Refugees Abroad Class or Country of Asylum Abroad Class.

[2] The Applicant submits that the Officer failed to assess his risk of returning to Somalia upon which his claim to membership was based, irrespective of the Officer's negative credibility finding. The Applicant therefore requests that the Decision be set aside and remitted back to the High Commission of Canada in Tanzania for reconsideration.

[3] For the reasons that follow, this application is dismissed as I find that the Decision is reasonable in assessing the Applicant's forward-facing risk and the Applicant has failed to demonstrate any basis for this Court's intervention.

## II. Facts

### A. *Background*

[4] The Applicant reported that he fled Somalia on October 21, 2019, after an encounter earlier that month with a local militant group, Al Shabaab, in his hometown of Bardere. Members of Al Shabaab intercepted him on his way to sell goats and sheep and took some of his livestock by force. He later received a call from Al Shabaab demanding that he surrender half of the money he earned for the sale of 100 goats. The Applicant insisted that he had only sold 30 goats, however, the caller was not convinced and refused his request for more time to meet the

demand. The Applicant stopped going to the animal market, however, he received a call from Al Shabaab telling him that he cannot hide and that they would come to his home in search of him. The Applicant fled Bardere on foot because he feared for his safety and there was no authority to protect him.

[5] The Applicant arrived in Kampala, Uganda by bus where he registered as a refugee with Ugandan authorities and was granted status on November 26, 2019.

B. *The Applicant's refugee claim and interview*

[6] On February 12, 2022, the Applicant submitted a PR Application as a refugee outside of Canada as a member of the Convention Refugees Abroad Class and Country of Asylum Abroad Class.

[7] At an interview held on October 15, 2024, in Kampala, Uganda, the Applicant was informed of "several contradictory and non credible statements made by the Applicant." The Officer explained that he did not find it credible that Al Shabaab, who are not known to be sophisticated record keepers, would track the Applicant down five years after his encounter with them. The Officer suggested that the Applicant could return to Bardere since his parents and most of his siblings were there and noted that the Applicant did not provide any evidence that Al Shabaab visited his family home to threaten him or his family since he left, nor had he provided evidence that Al Shabaab is actively looking for him. The Applicant maintained that he still fears Al Shabaab having been targeted. According to the Global Case Management System [GCMS] notes that accompanied the Decision, the Applicant had no response to the Officer's

concern that he is a small-time businessman and not a prime target for an outdated extortion attempt.

[8] The Officer advised the Applicant that there are reasonable grounds to believe that any ongoing interest Al Shabaab had in the Applicant “evaporated” when he left the country. The Applicant replied that Al Shabaab “is everywhere” and they are still looking for him. The GCMS notes show that having provided no proof to support this claim, the Officer did not consider the Applicant’s statement to be credible.

C. *The Decision*

[9] On November 14, 2024, the Officer declined the Applicant’s PR Application by reason that the Officer was not satisfied that the Applicant meets the definition for membership as part of the Convention Refugees Abroad Class by demonstrating a well-founded fear of persecution (pursuant to section 145 of the *Regulations* and section 96 of the *Act*) and the Officer was not satisfied that the Applicant continues to be seriously and personally affected by civil war, armed conflict or massive violation of human rights as a member of the Country of Asylum Class (pursuant to section 147 of the *Regulations*).

[10] The Officer found that the Applicant had not been truthful and forthcoming with the information provided in the PR Application and his responses did not alleviate the Officer’s concerns. The Officer found that, having removed the information with which there are credibility concerns from the assessment of the application, there was insufficient evidence

remaining with which to be satisfied that the Applicant meets the requirements of the *Act* given the lack of proof that Al Shabaab was still pursuing him.

### III. Preliminary Issue

[11] The Respondent objects to certain paragraphs of the affidavit filed by the Applicant in support of his application for judicial review which the Respondent submits amounts to new evidence [New Evidence] that was not before the Officer contrary to the long-standing authority of *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22. Counsel for the Applicant did not make submissions in writing or orally at the hearing as to why the paragraphs should be admitted; accordingly, the New Evidence will not be considered on this application.

### IV. Issues and Standard of Review

[12] The only issue raised on this application is whether the Decision is reasonable. In conducting a reasonableness review of the merits of a decision, a reviewing court must examine the outcome of the decision and reasons provided by the decision maker (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 116 [*Vavilov*]) to ensure that it consists of internally coherent reasoning that is rational and logical and that the decision is justified, transparent and intelligible (*Vavilov* at paras 99 and 102).

V. Analysis

[13] The Applicant submits that the Decision is unreasonable as there was sufficient evidence apart from the evidence rejected as lacking credibility, to support his membership in both the Convention Refugees Abroad Class and the Country of Asylum Abroad Class.

[14] With respect to the Convention Refugees Abroad Class, the Applicant submits that a finding that a refugee claimant is not a credible witness is not determinative of the question of whether the claimant is a convention refugee where there is evidence that otherwise satisfies the subjective and objective components of the test for refugee status (citing *Attakora v Minister of Employment and Immigration* (1989), 99 NR 168 (FCA) at para 13). The Applicant suggests that the Officer failed to account for material evidence as to why the Applicant is at risk if he returns to Somalia. The Applicant's evidence was that: (i) Al Shabaab threats never evaporate since Somalia is comprised of "ethnic clans where everybody knows each other"; and (ii) while Bardere is safe for his parents and siblings, it is a "death trap" for him since Al Shabaab would seek revenge on the Applicant for disobeying their orders in 2019. The Applicant emphasizes that his evidence is presumed to be true unless there is a valid reason to doubt its truthfulness (citing *Durrani v Canada (Citizenship and Immigration)*, 2014 FC 167 at para 6).

[15] The Applicant has not shown that the evidence he points to undermines the Officer's reasoning, which focused on the lack of evidence that Al Shabaab continued to pursue the Applicant or threatened his family in Bardere based on the outdated incident he described. While the Applicant's counsel was critical of the Officer's focus on threats to the Applicant's

family, this was not unreasonable given that the Applicant and his family lived in Bardere and the threat made by Al Shabaab (as articulated by the Applicant himself), was that Al Shabaab would find him there.

[16] With respect to the Country of Asylum Abroad Class, the Applicant submits that the Officer ignored objective country condition evidence including an International Crisis Group article which states that it is well documented that Al Shabaab operates extortion rackets targeting businesses including local enterprises based on Al Shabaab's calculations of their profits. Not only did the Officer appear to have grappled with this evidence in noting the Applicant's profile as a small-time businessman, but as the Respondent points out, general country conditions in Somalia cannot be the basis for a claim for protection under section 147 of the *Regulations* without credible personal evidence of a continuing threat (citing *Walu v Canada (Citizenship and Immigration)*, 2021 FC 824 at para 78).

[17] I agree with the Respondent that the Applicant has not shown that the Officer unreasonably discounted the Applicant's evidence nor did the Officer ignore material information; rather, the Applicant did not satisfy his onus to establish his claim.

## VI. Conclusion

[18] As the Applicant has not shown the Decision to be unreasonable, this application is dismissed.

**JUDGMENT in IMM-23588-24**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed; and
2. There is no question for certification.

"Allyson Whyte Nowak"

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Judge

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

**DOCKET:** IMM-23588-24

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

**PLACE OF HEARING:** EDMONTON, ALBERTA

**DATE OF HEARING:** JANUARY 19, 2026

**JUDGMENT AND REASONS:** WHYTE NOWAK J.

**DATED:** JANUARY 21, 2026

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