

Federal Court



Cour fédérale

**Date: 20260129**

**Docket: IMM-2152-25**

**Citation: 2026 FC 134**

**Toronto, Ontario, January 29, 2026**

**PRESENT: The Honourable Justice Battista**

**BETWEEN:**

**MOHAMUD ISSE ARTAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

(delivered orally from the bench on January 29, 2026)

[1] The Applicant applied for permanent residence as a privately sponsored refugee. His application was refused based on an Officer's determination that his evidence regarding his experience with his feared persecutors, Al-Shabaab, was not credible.

[2] The Officer accepted that Al-Shabaab engages in extortion and that attacks occur as part of these extortion activities.

[3] The major concern for the Officer was the implausibility that the Applicant's persecutors did not treat him more severely, killing him rather than first warning him that he would be killed.

[4] It is trite law that plausibility findings should only be made in the clearest of cases (*Valtchev v Canada (Minister of Citizenship and Immigration)*, 2001 FCT 776 at para 7). The Court has found it unreasonable to expect persecutors to behave rationally or justifiably (*Franco Taboada v Canada (Citizenship and Immigration)*, 2008 FC 1122 at para 35), and has found it unreasonable to expect a "reasonable extortionist" to extort predictably (*Venegas Beltran v Canada (Citizenship and Immigration)*, 2011 FC 1475 at para 8).

[5] There is justification for the Applicant's concerns with the reasonableness of the Officer's other findings but given that this unreasonable plausibility finding was the Officer's major concern, it justifies the granting of the judicial review application.

**JUDGMENT in IMM-2152-25**

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

1. The application for judicial review is granted, the decision refusing the Applicant's permanent residence application is quashed, and the application is remitted to a different officer for reconsideration.
  
2. There is no order regarding costs and no question for certification.

"Michael Battista"

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Judge

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

**DOCKET:** IMM-2152-25

**STYLE OF CAUSE:** MOHAMUD ISSE ARTAN V. THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** JANUARY 29, 2026

**JUDGMENT AND REASONS:** BATTISTA J.

**DATED:** JANUARY 29, 2026

**APPEARANCES:**

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