

CANADA / JUDGMENT

Adekunle v. Canada (Citizenship and Immigration)

2026 FC 491

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Federal CourtDECIDED
14 April 2026

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Date 2026-04-14 Neutral citation 2026 FC 491 File numbers IMM-3106-25 Decision Content Date:
20260414 Docket: IMM-3106-25 Citation: 2026 FC 491 Ottawa, Ontario, April 14, 2026 PRESENT:
The Honourable Madam Justice Turley BETWEEN: MARIAM AJOKE ADEKUNLE Applicant and
THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I.
Overview [1] The Applicant, a citizen of Nigeria, claimed refugee protection on the basis that she
is a bisexual woman who faces a serious possibility of persecution if returned to her home
country. She also asserted an additional fear of harm from relatives seeking to deprive her of the
property she inherited from her late father. The Refugee Protection Division [RPD] rejected the
Applicant's claim, finding material credibility concerns. Furthermore, the RPD determined that
her claim was manifestly unfounded pursuant to section 107.1 of the Immigration and Refugee
Protection Act, SC 2001, c 27.

[2] On judicial review, the Applicant makes a single argument: that the RPD erred in failing to
take her mental health diagnosis into full consideration in assessing the credibility of her
testimony. I disagree. The RPD considered the psychotherapist's report submitted by the
Applicant but found that it did not sufficiently overcome the numerous credibility concerns
arising from her testimony and documentary evidence. It is not this Court's role on judicial
review to reassess and reweigh the evidence before a decision-maker: Canada (Minister of
Citizenship and Immigration) v Vavilov, 2019 SCC 65 at para 125 [Vavilov]. I am therefore
dismissing the application for judicial review. II. Analysis [3] The RPD's credibility
determination is entitled to significant deference on judicial review. As the trier of fact, the
RPD is best placed to assess an applicant's credibility, after having heard their testimony:
Lawani v Canada (Citizenship and Immigration), 2018 FC 924 at paras 15, 19, 31.

- [4] The Applicant's RPD hearing was held over two days (December 9, 2024, and January 9, 2025). On both hearing days, the RPD member found that the Applicant's testimony was inconsistent, evasive, and vague: Reasons and Decision, Refugee Protection Division dated January 28, 2025 [RPD Decision] at paras 6, 9, Certified Tribunal Record [CTR] at 5, 7. Prior to the second day of hearings, the Applicant submitted an amended Basis of Claim [BOC], an amended affidavit from her friend, and a psychotherapist's report.
- [5] At the outset of its decision, the RPD refers to the "Chairperson's Guideline 9: Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics" [Guideline 9]. The RPD member was alive to Guideline 9's requirement to "examine whether there are cultural, psychological or other barriers that may explain the manner in which the testimony is delivered": RPD Decision at para 7, CTR at 6. As a result, the RPD considered the psychotherapist's report and acknowledged that the Applicant suffers from depression and anxiety: RPD Decision at paras 8, 27, CTR at 6, 13.
- [6] Indeed, the RPD recognized that "trauma may impact a person's memory and their ability to provide testimony": RPD Decision at para 27, CTR at 13. However, after reviewing the totality of the evidence, the RPD concluded that the psychotherapist's report did not "reasonably explain the material discrepancies, multiple contradictions, vagueness and problems with the corroborative evidence": RPD Decision at para 8, CTR at 7. As set out below, this conclusion falls within the range of acceptable outcomes defensible in light of the record: Vavilov at para 86.
- [7] The RPD makes clear that its adverse credibility finding was not solely based on the Applicant's "inability to recall specific dates", as alleged by the Applicant: Applicant's Memorandum of Law and Arguments at para 16. In addition to numerous credibility issues with the Applicant's testimony, the RPD identified credibility concerns with her documentary evidence. For example, with respect to the alleged precipitating event that caused the Applicant to leave Nigeria, there were inconsistencies between her BOC, her testimony, and her supporting documentation: RPD Decision at paras 10–14, CTR at 7–9.
- [8] The RPD further drew a negative inference based on the amended documents (an amended BOC narrative and an amended affidavit from her friend) submitted by the Applicant after the first hearing day: RPD Decision at paras 18–22, CTR at 10–12. The Applicant claimed that, after she had been caught with her female partner, she stayed at her friend's house. In his original affidavit, the Applicant's friend stated that she had stayed with him on January 7, 2019. At the first day of the hearing, the RPD member pointed out the inconsistency between the date in her friend's affidavit and the date the Applicant claimed she had stayed at his house in her BOC and her testimony: RPD Decision at paras 12, 22, CTR at 8, 11–12.
- [9] In his amended affidavit, the Applicant's friend changed his evidence to align with the Applicant's BOC, stating that the Applicant had stayed with him on July 7, 2021: RPD Decision at para 18, CTR at 10. He claimed that his earlier affidavit had included errors because he relied on a draft narrative provided by the Applicant. The RPD concluded that

the amended affidavit was unreliable and unreasonable, noting that a witness with personal knowledge of events should not depend on an applicant's draft narrative: RPD Decision at para 20, CTR at 11. The RPD also found that the Applicant was unable to explain the amendments to her BOC: RPD Decision at paras 21–22, CTR at 11–12.

- [10] With respect to the Applicant's allegation of risk to her life based on her inheritance, the RPD noted "numerous inconsistencies with respect to the date of her father's passing". Significantly, different documents submitted in support of her claim (the Applicant's BOC, her Application Summary form, her friend's original affidavit and a Nigerian Police Report) cited contradictory dates for her father's death: RPD Decision at para 30, CTR at 15.
- [11] Finally, the RPD determined that the Applicant had failed to establish her relationship with her female partner, with whom she claimed to be in a relationship for two years: RPD Decision at paras 23–28, CTR at 12–14. In making this finding, the RPD acknowledged that the Applicant may be unable to provide details of past events due to depression and anxiety. However, the RPD found that there was nothing in the psychotherapist's report that adequately explains why the Applicant was "unable to provide even the most basic information about her partner of 2 years", such as what the Applicant liked about her partner: RPD Decision at paras 27–28, CTR at 13–14.
- [12] The Applicant argues that the RPD unreasonably minimized the psychotherapist's evidence by characterizing her symptoms as "self-reported", thus undermining the psychotherapist's analysis without justification: Applicant's Memorandum of Law and Arguments at para 11. With respect, there is no merit to this argument. Rather, read in context, the RPD was simply summarizing what the psychotherapist's report had stated about the Applicant's symptoms.
- [13] The psychotherapist's report explains the Applicant's "presenting problem" as follows: "She complained of having severe trouble concentrating, remembering details, unable to make decisions, and having body aches, pains, and headaches": Psychotherapist Report at 2, CTR at 324. The RPD essentially quotes this passage verbatim when it states as follows: "However, I find that my credibility concerns go beyond those attributable to the claimant's self-reported symptoms of difficulty concentrating, remembering details, body aches and pains and inability to make decisions": RPD Decision at para 8, CTR at 7. Viewed in this light, the RPD was simply making a factual statement that these are the symptoms the Applicant had reported to the psychotherapist.
- [14] For these reasons, I find that the RPD reasonably concluded that the psychotherapist's report was insufficient to explain the numerous credibility concerns with both the Applicant's oral testimony and documentary evidence: The psychological report cannot serve as a cure-all for the very serious credibility issues that arose in the two sittings, and does not suffice to overcome the numerous issues with the claimant's testimony as well as documents. RPD Decision at para 28, CTR at 14

[15] Moreover, the RPD's approach is wholly consistent with this Court's jurisprudence concerning the assessment of psychological reports in evaluating an applicant's credibility: *Adefule v Canada* (Citizenship and Immigration), 2021 FC 1227 at para 32; *Zararsiz v Canada* (Citizenship and Immigration), 2020 FC 692 at paras 82–89; *Kaur v Canada* (Citizenship and Immigration), 2012 FC 1379 at paras 33–34, 36–37. III. Conclusion [16] Based on the foregoing, the application for judicial review is dismissed. The parties did not propose a certified question and, I agree that none arise in this case. JUDGMENT in IMM-3106-25 THIS COURT'S JUDGMENT is that: The application for judicial review is dismissed. No question is certified for appeal. "Anne M. Turley" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-3106-25 STYLE OF CAUSE: MARIAM AJOKI ADEKUNLE v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: BY VIDEOCONFERENCE DATE OF HEARING: aPRIL 13, 2026 judgment and reasons: TURLEY J. DATED: APRIL 14, 2026 APPEARANCES: Shokur Fahd For The Applicant Pavel Filatov For The Respondent SOLICITORS OF RECORD: Globe Immigration Barristers and Solicitors Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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Prepared on 26 October 2026 · Esheria