

CANADA / JUDGMENT

Adeniran v. Canada (Citizenship and Immigration)

2026 FC 418

COURT

Federal Court

DECIDED

31 March 2026

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Citation: 2026 FC 418

Ottawa, Ontario, March 31, 2026

PRESENT: The Honourable Madam Justice Saint-Fleur

BETWEEN:

OLUSOJI DAVID ADENIRAN

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview [1] The Applicant, Olusoji David Adeniran [Applicant], made a refugee claim under sections 96 and 97 of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA]. On February 24, 2025, the Refugee Protection Division [RPD] rejected the Applicant's refugee protection claim [Decision].

[2] The Applicant appealed to the Refugee Appeal Division [RAD] which rejected the appeal for lack of jurisdiction.

[3] The Applicant now seeks judicial review of the RPD's Decision.

[4] The RPD found the Applicant had not established there was a serious possibility of persecution on a Convention ground or, on a balance of probabilities, he would personally be subjected to a danger of torture or face a risk to life or a risk of cruel and unusual treatment or punishment if he returned to Nigeria.

[5] The determinative issue before the RPD was the Applicant's credibility. The RPD designated the Applicant's claim as having no credible basis under subsection 107(2) of the IRPA.

[6] The Applicant argues the RPD breached procedural fairness by failing to adequately accommodate his mental health needs and further claims the no credible basis finding and credibility analysis were unreasonable.

[7] For the following reasons, this judicial review is dismissed.

II. Background Facts [8] The Applicant is a 49-year-old Nigerian citizen who alleges persecution in Nigeria due to his sexual orientation as a gay man. The Applicant alleges he discovered his sexual orientation when he was a teenager and began a three-year-long relationship with another man in 2019.

[9] The Applicant was harassed by the O'odua People's Congress, a militia group, and was forced to flee to Canada after he was the subject of a violent attack in September 2023.

III. Decision Under Review [10] The Applicant satisfied the RPD of his personal and national identity and established a nexus to the Convention ground of membership in a particular social group as a gay man.

[11] The RPD confirmed their awareness of the many difficulties faced by claimants in establishing a claim, including, but not limited to, nervousness and cultural factors. With this in mind, the RPD rephrased and reformulated questions to allow the Applicant to fully participate. The RPD indicated having reviewed and applied the Chairperson's Guideline 8: Accessibility to IRB Proceedings — Procedural Accommodations and Substantive Considerations [Guideline 8]. However, the RPD found the Applicant's difficulties do not

overcome or reasonably explain the credibility concerns outlined in the Decision. The RPD determined there were several reasons to rebut the presumption of truthfulness per *Maldonado v Minister of Employment and Immigration*, 1979 CanLII 4098 (FCA) at 305.

- [12] The RPD also indicated having reviewed and applied the Chairperson's Guidelines 9: Proceedings Before the IRB Involving Sexual Orientation, Gender Identity and Expression, and Sex Characteristics [Guideline 9].
- [13] The Applicant was asked about his sexual orientation, his experience growing up in a homophobic environment, and his religion. The RPD found the Applicant provided superficial responses despite repeated follow-up questions and concluded there was a reasonable expectation the Applicant should be able to provide at least one story of his experiences as a young gay man growing up in Nigeria. Consequently, the RPD drew a negative inference as to the Applicant's credibility.
- [14] The Applicant registered with an LGBTQ+ organization in Toronto, 519, and provided a letter from this organization confirming his membership and attendance at a newcomer information session in November 2024, as well as his self-identification as a member of the LGBTQ+ community. The RPD concluded the letter did not establish the Applicant's sexual orientation. The RPD further concluded the Applicant had not established he was a member of two other Canadian organizations, Rainbow or Kind Space, or that he was associated with an organization MAX prior to January 2025. The RPD also openly noted letters from organizations supporting LGBTQ+ communities is not evidence of one's sexual orientation and assigned them no weight.
- [15] Like these letters, the RPD noted photos of the Applicant's attendance at an inclusive event such as the Ottawa Pride Parade is not evidence of his sexual orientation.
- [16] The RPD questioned the Applicant about his three year-long relationship with a man in Nigeria and found his testimony was vague, superficial, and often contradictory. The RPD concluded the Applicant had not established his relationship with this man and his lack of credibility in this respect undermines his overall credibility.
- [17] The RPD concluded the several adverse credibility findings were central to his claim and irreparably undermined his entire claim. The Applicant's general credibility was impugned and the evidence before the RPD was found to be insufficient or not credible. The Applicant had not established his profile as a gay man in danger in Nigeria.
- [18] Having determined there is no credible or trustworthy evidence on which to render a favourable decision, the RPD found there was no credible basis for the Applicant's claim.

IV. Issues and Standard of Review [19] The issues to be decided by this Court include whether the RPD breached procedural fairness and whether the Decision was reasonable.

- [20] Accordingly, the standard of review, as agreed by the parties, is reasonableness. A finding of no credible basis is reviewable on a standard of reasonableness (*Iyombe v Canada (Citizenship and Immigration)*, 2016 FC 565 at para 4; *Hernandez v Canada (Citizenship and Immigration)*, 2016 FC 144 at para 3).
- [21] In this respect, the role of the reviewing court is to examine the decision-maker's reasoning and determine whether the decision is based on an "internally coherent and rational chain of analysis" and is "justified in relation to the facts and law that constrain the decision maker" (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at para 85 [Vavilov]; *Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 64). A decision will be reasonable if, when read as a whole and taking into account the administrative setting, it bears the hallmarks of justification, transparency, and intelligibility (Vavilov at paras 91-95, 99-100).
- [22] The internal rationality of the decision may be called into question where "if the reasons exhibit clear logical fallacies, such as circular reasoning, false dilemmas, unfounded generalizations or an absurd premise" (Vavilov at para 104). However, the Supreme Court of Canada warns administrative decision makers should not be held to such formalistic or academic standards. The important question is whether the reasoning, "adds up" (Vavilov at para 104). It is also not the role of this Court to reweigh and reassess the evidence or intervene in the factual findings of a decision maker absent of exceptional circumstances (Vavilov at para 125).
- [23] Procedural fairness arguments are to be reviewed on a standard of correctness or akin to correctness for which "the ultimate question remains whether the applicant knew the case to meet and had a full and fair chance to respond" (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 56; *Schofer v Attorney General of Canada*, 2025 FC 50 at para 15; see also *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35).

V. Analysis A. Procedural Fairness [24] The Applicant submits the RPD did not implement reasonable accommodations for the Applicant's Post-Traumatic Stress Disorder [PTSD]. The Applicant's social worker noted the Applicant would require follow-up questions and repetition, and yet, the RPD allegedly dismissed his testimony as erroneous rather than as a symptom of his trauma. According to the Applicant, such PTSD-related memory gaps cannot ground negative credibility findings.

- [25] The Applicant cites *Del Carmen Aguirre Perez v Canada (Citizenship and Immigration)*, 2019 FC 1269 [Del Carmen Aguirre Perez] for the Court's comments on a decision maker's failure to adequately apply the Guidelines. In particular, the Court held it was insufficient to "merely mention the Guidelines without demonstrating their application" and the RPD did not provide "due consideration" in respect of the other possibilities and explanations (*Del Carmen Aguirre Perez* at paras 17-18). However, the Court concluded the decision in *Del Carmen Aguirre Perez* "severely lacked sensitivity and demonstrated a disregard" for the

applicant's narrative, and "ignored relevant facts and instead rested on a fictionalized caricature of trauma response", an allegation not made here (Del Carmen Aguirre Perez at para 27).

- [26] The Applicant argues the social worker's report on file put the RPD on notice of his vulnerability and transferred the onus to the RPD to ensure appropriate accommodations were in place. Moreover, the Applicant submits the presence of counsel or a social worker at the hearing does not alleviate the RPD's duty to consider and implement accommodations.
- [27] The Respondent submits the Applicant now improperly attempts to raise a procedural fairness issue which should have been raised during the hearing. Failure to raise this issue at the first opportunity constitutes a deemed waiver of the Applicant's right to later raise this objection (*Uppal v Canada (Minister of Citizenship and Immigration)*, 2006 FC 338 at para 52). Moreover, Guideline 8 is intended to provide procedural accommodations for vulnerable persons whose ability to present their case has been significantly and considerably impaired. Counsel for the Applicant did not make a request for a vulnerable person accommodation or note issues of psychological or physical incapacity. It is the role of the Applicant's counsel to notify the RPD of any incapacity on the day of the hearing or object at any time if he believed the Applicant was indisposed.
- [28] The Applicant testified at his RPD hearing with the assistance of an interpreter, represented by his counsel, and with his social worker present. The Applicant's social worker tendered a report outlining the Applicant's PTSD diagnosis by a physician and recommendations. The Applicant testified he was not impaired and understood the nature of the proceedings, and the RPD confirmed the Applicant demonstrated no signs of distress or agitation and was informed he could take a break if required. The RPD reformulated and repeated questions for the Applicant to accommodate his difficulties in offering testimony. Moreover, counsel for the Applicant did not submit documentation to support a need for a designated representative or a vulnerable person accommodation. Nevertheless, the RPD meaningfully applied Guideline 8 and was sensitive to the Applicant's needs.
- [29] Despite the accommodations he received, the Applicant often did not answer questions, either providing erroneous answers or information not asked of him. Furthermore, as pointed out by the Respondent, the Applicant does not indicate what possible accommodations were required but not made. There is no evidence on file indicating to me that the Applicant was unable to adequately present his case before the RPD. I conclude the RPD adequately accommodated the Applicant's mental health needs and did not breach procedural fairness.
- [30] The Applicant further submits the RPD erred by rejecting the letter from his friend in Nigeria due to its late submission. According to the Applicant, the refusal to admit this document denied him a full opportunity to present his case, violating the duty of fairness articulated in *IPP v Canada*, 2018 FC 123 and claims the Refugee Protection Division Rules, SOR/2012-256 [RPD's Rules] permit the flexible admission of evidence.

- [31] The Respondent submits the RPD properly exercised its discretion and considered whether, despite its lateness, the letter should be accepted according to the criteria outlined in Rule 36 of the RPD's Rules (*Alvarez Rivera v Canada (Citizenship and Immigration)*, 2021 FC 99 at paras 27-29).
- [32] In this case, the Applicant provided a letter from his friend indicating the Applicant is being sought by his agents of persecution in Nigeria and replicated a public notice. Not only did the RPD identify the applicable rules, but they noted the letter was submitted after the permitted timeframes listed in Rule 34(3). The RPD considered the letter vague and noted it offered no new information. Furthermore, the passport verifying the Applicant's friend's identity was blurry and could not be read. As such, the RPD reasonably rejected the request for post-hearing submissions. The RPD did not breach procedural fairness.

B. Reasonableness [33] The Applicant submits the Decision is unreasonable because the RPD misapplied Guideline 9 by imposing unrealistic expectations on the Applicant's testimony and community involvement. The RPD allegedly criticized the Applicant for his failure to provide details on meetings of LGBTQ+ organizations despite Guideline 9 not requiring participation in LGBTQ+ culture. The Applicant further submits the rejection of the Applicant's volunteer work with MAX because the coordinator's letter does not mention his work at a pride event which contradicts the principle that administrative decision makers are required to assess the evidence holistically per *Vavilov*. The Applicant also argues the RPD dismissed photos of the Applicant at a pride event contrary to this Court's case law suggesting requiring the decision maker to consider the evidence holistically (*Ogunrinde v Canada (Public Safety and Emergency Preparedness)*, 2012 FC 760 at para 50).

- [34] The Applicant argues the RPD's conclusion as to his relationship with another man is similarly unreasonable as the RPD allegedly improperly faulted the Applicant for his failure to recall details of the circumstances of the relationship. The Applicant submits trauma survivors cannot be expected to recall mundane details of past relationships. According to the Applicant, the RPD relied on stereotypes and on a western framework which is cautioned against pursuant to section 2.6 of Guideline 9.
- [35] The Respondent submits the RPD provided clear justification for its findings that the Applicant had not established his membership in two LGBTQ+ organizations and why his testimony on the photographs was not proof of his sexual orientation. The Respondent argues the RPD did not impose a western lens in its assessment or fail to consider his cultural background when considering his relationship. I agree with the Respondent's arguments on these points.
- [36] Firstly, as pointed out by the Respondent, the start date and nature of the Applicant's involvement with MAX were contradicted by the coordinator's letter and by his own lack of knowledge regarding his work as a volunteer. Given this, I find it was reasonable for the RPD to conclude the Applicant failed to establish his volunteer work for MAX or any association with them before January 2025. Additionally, where section 6.1 of Guideline 9 warns against

relying on stereotypes that individuals would actively participate or become involved in LGBTQ+ culture or organizations, here the RPD simply and reasonably concluded the letters from organizations supporting LGBTQ+ communities and photos of the Applicant's attendance at an inclusive event are not evidence of his sexual orientation, given that there were several discrepancies and deficiencies in the Applicant's evidence.

- [37] Secondly, contrary to the Applicant's submissions, the RPD did not impose a western framework in its assessment or fail to consider his cultural background when considering his relationship with another man. When the RPD questioned the Applicant about his three year-long relationship with a man in Nigeria, he was unable to provide basic information. The Applicant could not accurately remember the year or the circumstances under which he met this man and testified in vague terms as to how his relationship progressed. His testimony lacked personal details as he provided only vague and superficial responses. The Applicant was unable to speak about the only man he has ever been in a relationship with in either Nigeria or Canada despite the RPD having given him several opportunities to provide such details. He also contradicted himself in respect of his evidence on this relationship. The Applicant first stated he and his future partner met at a business seminar where they were seated at the same table, but later changed his testimony to say he was standing by himself when the man introduced himself and asked him about his sexual orientation. This relationship was central to the Applicant's claim. Therefore, it was reasonable for the RPD to conclude that the Applicant had not established, on a balance of probabilities, his relationship with this man. The Applicant's lack of credibility in this respect undermines his overall credibility and his sexual orientation claim.
- [38] Thirdly, section 7.6.1 of Guideline 9 specifies, "[t]estimony about same-sex relationships that is vague and lacking in detail may support a negative credibility inference". Regardless, the Applicant has an obligation to produce credible and probative evidence to substantiate his claim which is not alleviated nor assisted by the Guidelines. As pointed out by the Respondent, although the RPD applied Guideline 9, it was entitled to assess the truthfulness and quality of the Applicant's testimony and evidence (*Islam v Canada (Citizenship and Immigration)*, 2024 FC 1671 at para 67).
- [39] Fourthly, the RPD questioned the Applicant about his sexual orientation, his experience growing up in a homophobic society, and his religion. Again, the Applicant provided superficial responses despite repeated follow-up questions. In these circumstances, the RPD concluded there was a reasonable expectation that the Applicant should be able to provide at least one story of his experiences as a young gay man growing up in Nigeria and drew a negative inference as to the Applicant's credibility as a homosexual man. This finding is reasonable.

[40] Finally, the RPD was entitled to assign probative value and draw conclusions it considered appropriate and did so considering the Applicant's vulnerabilities, the corroborative evidence, and the presumption of truth (*Jimenez v Canada (Immigration, Refugees and Citizenship)*, 2018 FC 1225 at para 21). Credibility determinations are at the core of the RPD's jurisdiction and demand deference (*Liang v Canada (Citizenship and Immigration)*, 2020 FC 720 at para 12).

[41] I find it was reasonable for the RPD to conclude the claimant introduced vague testimony and evidence, both of which contain numerous discrepancies and contradictions and are deemed to be neither credible nor sufficient to establish his allegations.

[42] Having determined there is no credible or trustworthy evidence on which to render a favourable decision, the RPD's determination that there was no credible basis for the Applicant's claim is reasonable. A finding of no credible basis can be made where no other evidence, other than the Applicant's own, links the Applicant to the harm or fear he alleges (*Rahaman v Canada (Minister of Citizenship and Immigration) (C.A.)*, 2002 FCA 89 at para 29).

VI. Conclusion [43] The Applicant has not met his burden of establishing the RPD's decision was unreasonable either in its outcome or in the reasons provided. The Decision complies with the requirements of justification, transparency, and intelligibility imposed by the Supreme Court in *Vavilov*. Therefore, this application for judicial review is dismissed.

[44] Neither party proposed a question for certification, and I agree none arises.

JUDGMENT in IMM-6069-25

THIS COURT'S JUDGMENT is that:

The application for judicial review is dismissed.

There is no question to be certified.

"L. Saint-Fleur"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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