

CANADA / JUDGMENT

Celebi v. Canada (Citizenship and Immigration)

2026 FC 528

COURT

Federal Court

DECIDED

20 April 2026

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Decision Content

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Docket: IMM-4463-25

Citation: 2026 FC 528

Ottawa, Ontario, April 20, 2026

PRESENT: The Honourable Justice Fuhrer

BETWEEN:

HASIM CELEBI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview [1] The Applicant Hasim Celebi is a Kurdish citizen of Türkiye. He recounts that his family moved several times during his childhood because of discrimination and mistreatment related to their Kurdish ethnicity, including by classmates and teachers while at school.

- [2] Mr. Celebi narrates that, following his attendance at Nowruz celebrations when he was 16 years old, he was detained by police and beaten. He did not go to the hospital or file a complaint but after this event, he began supporting the People's Democratic Party of Türkiye [HDP] by distributing banners, flyers and flags during the elections.
- [3] Mr. Celebi also recounts that, on the anniversary of the arrest of the HDP's youth branch chairman, he and other HDP youth branch members gathered to protest. The security forces met the protesters with violence. Mr. Celebi alleges that after he returned home, the police raided his house, took him to the police station, and beat him. This time, he went to the hospital the following day to seek treatment and to try to file a police report. The police, however, refused to allow him to file a report of the assault, and he was thrown out of the hospital. Shortly after this event, he decided that the safest option for him would be to leave Türkiye.
- [4] Mr. Celebi found someone who arranged for him to travel to Canada via Mexico and the United States of America [US]. He spent some time in immigration detention in the US before being released. He first arrived in Canada from the US in December 2021 to seek asylum but was deemed ineligible to file a refugee claim because of the operation of the Canada—United States Safe Third Country Agreement. He thus was turned away at the border. He returned to Canada in December 2022 and was found eligible to file a Pre-Removal Risk Assessment [PRRA]. To that end, he was permitted to enter Canada.
- [5] Mr. Celebi filed his PRRA application in April 2024, claiming a forward-facing risk of persecution in Türkiye based on his Kurdish identity and his political beliefs, as a supporter of the HDP. A senior immigration officer [Officer] with Immigration, Refugees and Citizenship Canada refused the application, finding that there was less than a mere possibility that the Applicant would face persecution in Türkiye and, further, that the Applicant would not face, on a balance of probabilities, a danger of torture, a risk to life, or a risk of cruel and unusual treatment or punishment, having regard to sections 96 and 97, respectively, of the Immigration and Refugee Protection Act, SC 2001, c 27.
- [6] Mr. Celebi now challenges the PRRA refusal [Decision], arguing that it was unreasonable. The Respondent contends that the Decision was reasonable, arguing that the onus was on the Applicant to provide sufficient evidence to support his asserted risk.

[7] As explained below, I find that the Officer committed a reviewable error in requiring corroborative evidence from this Applicant in the absence of credibility concerns. The judicial review application thus will be granted.

II. Analysis A. The Decision is Procedurally Unfair and Unreasonable [8] The parties' oral submissions focused on the reasonableness of the Decision with reference primarily to the Officer's treatment of corroborative evidence and determinations regarding the sufficiency of Mr. Celebi's evidence. In my view, some of the latter determinations raise the specter of veiled credibility findings, which engage procedural fairness considerations.

[9] A reasonable decision is one that exhibits the hallmarks of contextual justification, transparency and intelligibility. The party challenging an administrative decision has the burden of showing that it is unreasonable: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 99-100.

[10] Breaches of procedural fairness, on the other hand, generally are considered 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 at para 54. More plainly, the focus of the reviewing court is whether the process was fair and just.

[11] The Federal Court of Appeal guides that "[w]hen an applicant swears to the truth of certain allegations, this creates a presumption that those allegations are true unless there be reason to doubt their truthfulness": *MalDonado v Minister of Employment and Immigration*, 1979 CanLII 4098 (FCA), [1980] 2 FC 302 at 305. I note the Officer did not identify any grounds for doubting Mr. Celebi's credibility. I do not disagree necessarily with the Respondent that an officer is not required to assess credibility if there is insufficient evidence to support an applicant's claims. That is not what occurred here, however, insofar as Mr. Celebi's described detentions and beatings are concerned.

[12] His evidence included not only his personal narrative, but also a letter from his mother who recounted looking after her son's injuries after he was released from two detentions. I thus find that it was unreasonable for the Officer to require corroborative evidence of Mr. Celebi's alleged incidents of detention, without explaining why the letter from his mother, which partially corroborates his claims that he was twice detained and beaten, was insufficient corroborative evidence.

[13] This unreasonable lack of explanation is underscored, in my view, when considered against the backdrop of Mr. Celebi's statement that when he tried to obtain an assault report from a hospital, the doctor called the police who told him that they could not give him a report and threw him out of the hospital. The Officer inexplicably requires an arrest report to corroborate the detentions, notwithstanding the following bulleted acknowledgement in the recitation of facts at the beginning of the Officer's reasons: "He went to the hospital the next morning and attempted to make a police report but the police instead threw him out." I am satisfied that the Officer's request for other corroborative evidence, in the circumstances, is

indicative of a veiled credibility concern that should have been put to Mr. Celebi for an opportunity to respond before a decision on his PRRA was rendered, resulting in procedural unfairness warranting the Court's intervention.

- [14] Although the procedural unfairness determination is determinative, I turn briefly to the issue of unreasonableness because this matter will be returning to a different officer for redetermination.
- [15] Mr. Celebi also points in his written submissions to several statements in the Decision that represent a significant inconsistency on a central premise of his asserted risk – his support for the HDP. The Officer states at the outset that, “it is accepted that [Mr. Celebi] was a member of the HDP in Turkey.” I note that the certified tribunal record contains a translation of Mr. Celebi's membership application and a receipt from the HDP for payment of fifty Turkish liras, albeit from 2023 when Mr. Celebi already was in Canada.
- [16] Later in the decision, however, the Officer states that, “the evidence provided does not demonstrate that his role is beyond that of a supporter. He has not presented a HDP membership card or other evidence to demonstrate that he played an active, high-profile role in the HDP.” I find that the Officer has not explained why, if they accepted that Mr. Celebi was a member of the HDP in Türkiye, they state that the evidence does not demonstrate a role beyond that of a supporter.
- [17] In my view, this inconsistency involves more than a minor misstatement. I find that, at the very least, along with the Officer's failure to address the mother's letter, the foregoing are indicative that the Officer did not review Mr. Celebi's evidence carefully (i.e. the HDP membership information of record points to membership as of 2023 when Mr. Celebi already was in Canada) and effectively rebut the general presumption that all the evidence was considered by the administrative decision-maker: *Cepeda-Gutierrez v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 8667 (FC) [Cepeda-Gutierrez].
- [18] In addition, I find the Officer unintelligibly equates an HDP membership card with evidence that demonstrates an active, high-profile role in the HDP. Further, there is no explanation of why the HDP letter dated December 20, 2019, describing Mr. Celebi's participation in various HDP activities, including his support for youth branches in the 2018 general elections, was insufficient to confirm his active profile in the HDP.
- [19] As for whether it was necessary for Mr. Celebi to show that he had a high-profile in the HDP which could put him at risk upon return to Türkiye, I find that the Officer unreasonably engaged in a selective review of the United Kingdom Home Office Country Policy and Information Note [UK Home Office Reports] – one on Kurds [UK Home Office Report: Kurds] and the other on the HDP [UK Home Office Report: HDP] – on which they heavily relied in their reasons.

- [20] I do not disagree necessarily with the Respondent's position that it was not unreasonable for the Officer to rely on objective country condition evidence. I agree with the Applicant, however, that, in this case, the Officer "cherry-picked" on which portions of these reports to rely – especially the executive summaries – when considered in the context of relevant portions of the reports that align more closely with Mr. Celebi's situation and, seemingly, contradict the information on which the Officer relied.
- [21] Although I already have expressed my doubt about whether the Officer considered all of Mr. Celebi's evidence, I also find that the presumption the Officer considered all other evidence, such as the UK Home Office Reports here, may be rebutted where the Officer fails to deal with or account for evidence that is contrary to the Officer's position: Cepeda-Gutierrez, above at para 15. In my view, evidence from the UK Home Office Report: HDP directly contradicts the Officer's view that Mr. Celebi – who the Officer accepts is, at the very least, a low-level supporter of the HDP who attended some meetings and distributed flyers – would not be at risk because of his profile as a Kurd and his HDP-related activities. The Officer should have grappled with this highly relevant adverse information, examples of which are provided below. I add that the Officer also unreasonably siloed Mr. Celebi's identity as a Kurd, from his activities as a supporter of the HDP, rather than considering their intersection and the consequent intersectional risk posed. The examples below from the UK Home Office Report: HDP highlight this relevant intersectionality.
- [22] I start by noting that, as acknowledged by the Officer, the Executive Summary of the UK Home Office Report: HDP states in its Executive Summary:

In general, simply being a member or supporter of the HDP/YSP is not likely to result in a person facing persecution. However, the risk faced will depend on the person's profile and activities. If the person is a senior member of the HDP, [...] or has otherwise come to the adverse attention of the authorities because of suspected involvement with the PKK or support for greater autonomy for Kurdish people, they may be at risk of arrest under the government's broad interpretation of terrorism-related charges.

- [23] I further note that the Executive Summary of the UK Home Office Report: Kurds states that, "[i]n general, any discrimination faced by Kurds does not, by its nature or repetition, even when taken cumulatively, amount to a real risk of persecution and/or serious harm; t]he onus is on the person to demonstrate otherwise."
- [24] Here, however, as accepted by the Officer, Mr. Celebi is both a Kurd and a supporter and member of the HDP. The UK Home Office Report: HDP indicates (at 12.9) that "individuals who are critical of the government, including journalists, human rights defenders and lawyers, are often targeted by the Turkish authorities" [emphasis added]. The word "including" means, in my view, that the ensuing examples are not limiting. In fact, the report continues (at 12.9.2) to provide unconstrained examples of individuals who may be targeted, such as persons accused of having links to the PKK and, hence, may be subject to imprisonment for 6 months; the "person does not need to be well-known to receive such

treatment.”

[25] In answer to the question of what would make the authorities suspect that a person has links to the PKK, the report states that “Kurds are assumed to be PKK members/supporters.” Further, “[e]ven low-level activities, such as leafletting, rallies and use of social media to make political statements could attract the attention of the authorities, as would any criticism of the government.”

[26] I determine that, in addition to the foregoing, portions of section 12.4 “Profiles of those targeted” in the UK Home Office Report: HDP also contradict the Officer’s findings. These include:

12.4.1: “low-level HDP members are targeted by the authorities and [...] anyone who criticises the President is likely to be arrest[ed], detained, imprisoned and criminalised”;

12.4.4: “‘Being ethnically Kurdish and outspoken politically’, could cause the authorities to suspect an HDP member/supporter of supporting the PKK”;

12.4.5: “any of the following may attract the attention of the authorities: [...] Canvassers (knocking on doors, leafletting)” [emphasis added];

12.4.10: “the list below indicates some factors that could lead to negative attention from the Turkish authorities. The list should by no means be considered exhaustive: HDP membership in itself; observing elections; Participating in HDP demonstrations; Participating in HDP press conferences; Participating in HDP election campaigns; Attending HDP gatherings; Posting and sharing pro-HDP posts on social media [...]; Possessing and distributing HDP pamphlets; Possessing certain types of literature” [emphasis added].

[27] While not determinative, “[p]ast events may be a good indication of whether there are conditions that could mean that looking forward, persecution is a real possibility”: *Soltani v Canada (Citizenship and Immigration)*, 2021 FC 1135 at para 29. The Officer recognized this principle, but, in my view, because of an unreasonable parsing of the UK Home Reports, failed to explain why the Applicant’s past cumulative experiences of discrimination, coupled with evidence of detentions and beatings by Turkish authorities, did not establish, or tend to establish, a forward-facing risk of persecution.

III. Conclusion [28] For all the above reasons, I conclude that the Decision is procedurally unfair and unreasonable. It therefore will be set aside, with the matter remitted to a different officer for redetermination.

[29] Neither party proposed a serious question of general importance for certification. I find that none arises in the circumstances.

JUDGMENT in IMM-4463-25

THIS COURT’S JUDGMENT is that:

The judicial review is granted.

The December 3, 2024 decision of a senior immigration officer rejecting the Applicant's application for a pre-removal risk assessment is set aside.

The matter will be remitted to a different officer for redetermination.

There is no question for certification.

"Janet M. Fuhrer"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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