

CANADA / JUDGMENT

Cocelli v. Canada (Citizenship and Immigration)

2026 FC 120

COURT

Federal Court

DECIDED

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Decision Content

Date: 20260128

Docket: IMM-9012-24

Citation: 2026 FC 120

Ottawa, Ontario, January 28, 2026

PRESENT: Mr. Justice Pentney

BETWEEN:

HAZAR COCELLI

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

- [1] Mr. Hazar Cocelli, the Applicant in this matter, is a citizen of Türkiye. He is of Kurdish descent and an adherent of the Alevi faith. The Applicant seeks judicial review of the decision of the Refugee Protection Division (RPD) that rejected his request for asylum.
- [2] The Applicant claimed refugee protection in Canada for three primary reasons. He feared persecution in Türkiye based on: (i) his involvement with an opposition party that supported the Kurdish people; (ii) his choice to be a conscientious objector to mandatory military service; and (iii) his identity as an Alevi of Kurdish descent. The RPD refused his claim based on negative credibility findings. The Applicant argues that these findings are unreasonable, because the RPD engaged in a selective review of the evidence and based its negative credibility finding on problems with his evidence about a peripheral issue while failing to consider the evidence he provided about two of the three key incidents of persecution. He says the RPD also failed to consider evidence that substantiated his claim.
- [3] For the reasons set out below, the application for judicial review will be dismissed. The RPD's credibility findings are reasonable, and a review of the decision in light of the record confirms that the RPD was aware of, and considered, all of the key factors put forward by the Applicant in support of his claim.

I. Background [4] The Applicant's narrative states that he comes from a politically active family that supported parties fighting for the rights of the Kurdish people. This political activity caused his family to be targeted by state authorities in Türkiye. He says that he also faced discrimination during his elementary and secondary school education because of his identity.

- [5] The Applicant's refugee claim is based on his fear of persecution because of his Kurdish and Alevi identity, and also because of his support for the People's Democratic Party (HDP), which is an opposition party in Türkiye, as well as his choice to be a conscientious objector. The Applicant says he experienced many incidents of discrimination and abuse when he was in school because of his identity as a Kurdish Alevi. He points to three more recent incidents in support of his claim for protection.
- [6] First, the Applicant says that between February and June 2021, he was part of protests in his village objecting to plans to build a biomass power plant. The plant was to be built by a supporter of the governing party, and police intervened to break up the protests. The Applicant claims that his father was physically assaulted by the police. During the RPD hearing, the Applicant testified that his parents were arrested at this protest and then released; he said they went to court and were acquitted of the charges.

- [7] Second, the Applicant states that in March 2022, he attended a Nowruz Day celebration, which is a significant day for Alevis. However, the police intervened and attacked the participants, detaining several people. The Applicant says he was beaten but managed to escape.
- [8] Finally, on December 10, 2022, the Applicant attended a meeting marking International Human Rights Day in front of a Cemevi (an Alevi house of worship). He states that the police intervened, claiming that the gathering was illegal. The Applicant says he was arrested and subjected to physical abuse and threats while in detention, and the police warned him not to attend any activities organized by the HDP.
- [9] The Applicant decided to flee Türkiye after his arrest and detention, in part because of his objection to the mandatory military service he knew he would soon have to serve. He objected to joining the military because of its involvement in the repression of the Kurdish people. He also feared mistreatment by military commanders and other soldiers because of his identity and his choice to be a conscientious objector. With the assistance of a smuggler, the Applicant flew to Mexico, then went to the United States, where he flew from San Diego to New York and then drove to the Canadian border where he claimed asylum.

II. Decision Under Review [10] The RPD rejected the Applicant's refugee claim, based on negative credibility findings and insufficiency of evidence. The RPD also examined the Applicant's prospective risks in Türkiye based on his identity as an Alevi and his Kurdish ethnicity. In the Panel's view, there was no objective basis for finding a prospective risk of persecution based on these identities. The RPD's core findings are summarized below.

- [11] The first main finding related to the Applicant's credibility due to inconsistencies in his evidence about his passport. He first claimed that Canadian authorities took it from him at the Port of Entry, saying he had his passport and national ID card in his bag, but when officials returned the bag to him the passport was missing. The RPD examined the Applicant's travel history, noting that he had taken a flight from San Diego to New York just prior to driving to the Canadian border. Based on that, the RPD concluded that it was probable that the Applicant had his passport shortly before entering Canada, because he would have needed it to be able to board the flight. Upon further questioning, the Applicant changed his story, saying that he must have lost his passport when he was in the United States. His counsel noted that American authorities regularly seize migrants' passports and do not return them, but the RPD rejected that because the Applicant had been able to board a flight in the United States. Moreover, the Applicant had not provided a notice of seizure which he would have received from American authorities.
- [12] Based on the Applicant's evolving narrative, the RPD concluded that it was probable that he had possession of his passport until shortly before he entered Canada. The RPD stated: "for reasons unknown to the Panel, [the Applicant] had deliberately made his passport unavailable to Canadian authorities when he entered Canada and made a claim." (RPD Decision, para 18). The RPD continued:

- [19] I find that the claimant is not credible in respect of the location of his passport, and is, on balance, attempting to mislead the panel, and Canadian officials as to certain details within his passport by failing to provide the original version. I therefore draw a negative inference as to the claimant's overall credibility, in respect of the claimant's evolving testimony, and his deliberate attempts to hide his passport.
- [13] Next the RPD considered the Applicant's evidence regarding his political profile as a supporter of the HDP. The RPD found there was little evidence of his involvement with the party and no documents to support his narrative. While the Applicant claimed that his parents had been arrested during the February 2021 protests, and that they went to court and were acquitted of the charges, there were no documents about this. The RPD rejected the Applicant's explanation that his counsel had advised him not to submit the documents because they were not necessary. The RPD noted that it was highly unlikely that experienced counsel would provide such advice, and the Applicant had filed a newspaper article about the protests which indicated he knew that corroborating evidence was important to support his claim. The RPD found the Applicant's evidence about his family's involvement in the protests and his parents' arrest to be spontaneous fabrications. The Applicant's credibility on this point was diminished because the letter from his father did not mention any arrest or court appearance.
- [14] The RPD's conclusion on the Applicant's political profile was as follows:
- [26] There is no other documentation provided which would corroborate the claimant's political profile as a HDP member or supporter. Other than the claimant's testimony, which confirms that he has never attended any official HDP events, and his father's letter, which for the reasons noted above, I do not find credible, there is no credible nor trustworthy evidence connecting the claimant to the HDP party or the protests, so on this basis, the claimant's political profile as a HDP supporter is not established on a balance of probabilities.
- [15] Third, the RPD concluded that there was no prospective risk of persecution stemming from the Applicant's Kurdish Alevi identity. The Panel considered the two letters of support from Kurdish and Alevi community centres in Canada but found that the objective evidence did not establish that the Applicant would automatically be persecuted upon return to Türkiye owing to his profile. Although the RPD accepted that there is discrimination against Kurdish Alevi individuals in Türkiye, the evidence did not demonstrate that this was so widespread or systematic as to amount to persecution. While the RPD accepted that low level supporters of the HDP are often targeted, the Panel stated that the Applicant had not established that he was politically involved with the HDP.
- [16] Finally, the RPD concluded that the Applicant would not experience persecution or harm relating to mandatory military service in Türkiye. The RPD found that on balance the Applicant would not be considered a draft evader upon return to Türkiye as he had applied for a Canadian work permit prior to his departure, and the country condition evidence indicated that authorities would accept this as a reason for not serving in the military. Even

if he was discovered, the RPD indicated that Türkiye lacks capacity to follow up regarding his failure to serve. The final point on this issue is the RPD's finding that the Applicant could "buy out" his military time if required, which would cost a third of the price he was willing to pay to the agent that assisted him in fleeing to Canada.

[17] Overall, the RPD found the Applicant lacked credibility, his evidence of political involvement was insufficient, and the objective evidence did not support his fear of persecution for being Kurdish Alevi, or that he would be targeted because of his refusal to attend mandatory military service. Based on this analysis, the RPD found the Applicant not to be a Convention refugee or a person in need of protection.

[18] The Applicant seeks judicial review of this decision.

III. Issues and Standard of Review [19] The issue in this case is whether the RPD decision is unreasonable. The Applicant argues that it is, because the RPD was unduly focused on his passport loss, which was peripheral to his refugee claim, and its analysis of the merits of his claim focused on only one incident, ignoring the other instances of persecution.

[20] The RPD's decision must be assessed under the framework for reasonableness review set out in Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 [Vavilov], and confirmed in Mason v Canada (Citizenship and Immigration), 2023 SCC 21 [Mason].

[21] In summary, under the Vavilov framework, a reviewing court is to review the reasons given by the administrative decision maker and determine whether the decision is based on an internally coherent chain of reasoning and is justified in light of the relevant legal and factual constraints (Vavilov at para 85; Mason at para 8). The onus is on the Applicant to demonstrate that "any shortcomings or flaws ... are sufficiently central or significant to render the decision unreasonable" (Vavilov at para 100). Absent exceptional circumstances, reviewing courts must not interfere with the decision-maker's factual findings and cannot reweigh and reassess evidence considered by the decision-maker (Vavilov at para 125).

IV. Analysis A. The RPD's analysis of the passport issue was reasonable [22] The Applicant submits that the RPD was unduly focused on the evidence about his passport, and that it failed to consider that he was quite young when he arrived in Canada, and his evidence simply reflected his efforts to recall precisely what had happened. The Applicant contends that the RPD's conclusion that he deliberately sought to mislead Canadian authorities was not justified, in the circumstances.

[23] I am not persuaded. Credibility assessments are often based, in whole or in large part, on the consistency of the evidence on a particular point, including the documents a claimant submitted, any notes from interviews with that person and their testimony before the RPD: Lawani v. Canada (Citizenship and Immigration), 2018 FC 924 at paras 20-26. While minor differences of peripheral details should not be seized on to support significant credibility findings, the RPD is entitled to consider differences relating to important aspects of a claimant's narrative in assessing credibility. On this point, a refugee claimant's travel history

is often an important part of their claim; that is why the Basis of Claim form asks claimants to provide so much detail about it: see *Ogaulu v. Canada (Citizenship and Immigration)*, 2019 FC 547 at para 18; *Hartono v. Canada (Citizenship and Immigration)*, 2017 FC 601 at paras 18-22.

- [24] In this case, the RPD examined the Applicant's evidence about his passport, noting inconsistencies and his evolving narrative as he was questioned. The Applicant submits that this was peripheral to his refugee claim, because the RPD accepted his identity and there was documentary evidence supporting his narrative about the route he took to travel to Canada.
- [25] I accept that the location of the Applicant's passport was not central to the merits of his refugee claim, in the sense that the RPD had to analyze that aspect separately. However, I am not persuaded that the RPD's credibility analysis is unreasonable, given the Applicant's evolving on the question of where his passport was and when he lost possession of it. The Applicant's evidence was inconsistent and evolved under questioning. The RPD considered and rejected his explanations and found that his evidence on this point diminished his credibility. The RPD's credibility findings are entitled to deference if they are based in the evidence and clearly explained. That is the case here, and I can find no basis to conclude that the credibility findings are unreasonable.

B. The RPD did not ignore the other incidents of persecution [26] The Applicant submits that the decision is unreasonable because the RPD only discussed the first of the three incidents of persecution he experienced. His Basis of Claim form and testimony referred to three recent incidents of persecution: the February/June 2021 demonstrations against the biomass plant; the March 2022 Nowruz celebration; and the December 2022 celebration of International Human Rights Day. The Applicant says the RPD's decision does not deal with the latter two incidents, and in particular the last one where his experience of being detained, assaulted and threatened caused him to decide to flee Türkiye. He says this is unreasonable, because the RPD failed to consider his cumulative experience of persecution, as an Alevi, a Kurd and a supporter of the HDP.

- [27] The Respondent argues that the RPD's decision must be read in light of the record, including its questioning of the Applicant during the hearing. The transcript shows that the RPD did ask questions about each of these incidents, but in the end, it was not persuaded that the Applicant's evidence was credible. The Respondent submits that this was a reasonable finding, and the RPD cannot be faulted for not discussing each incident in detail. It was clearly aware of all of the Applicant's allegations, and its negative credibility finding extended to his evidence on each of the three incidents.
- [28] I am not persuaded that the RPD's failure to discuss each of the incidents in detail makes the decision unreasonable. As the Respondent has submitted, I am required to examine the decision in light of the record, and this includes the transcript of the RPD hearing. I have reviewed that transcript, and it is abundantly clear that the Applicant was questioned about

each of the incidents that formed the basis for his claim. It is also clear that the RPD was aware that his claim was based on his ethnic and religious identity as well as his political affiliation.

- [29] In examining the Applicant's argument on this point, it bears repeating that the RPD made several findings on key issues. On the Applicant's connection with the HDP, the RPD reviewed the Applicant's evidence about the February 2021 protests, noting the discrepancy between his evidence about his parents' arrest and detention and the lack of any reference to this in his father's letter. Finding that the Applicant's failure to provide corroborative documents diminished his credibility, and that his answers to questions amounted to spontaneous fabrications, the RPD made the following finding:
- [26] There is no other documentation provided which would corroborate the claimant's political profile as a HDP member or supporter. Other than the claimant's testimony, which confirms that he has never attended any official HDP events, and his father's letter, which for the reasons noted above, I do not find credible, there is no credible nor trustworthy evidence connecting the claimant to the HDP party or the protests, so on this basis, the claimant's political profile as a HDP supporter is not established on a balance of probabilities.
- [30] While it would undoubtedly have been preferable for the RPD to discuss the Applicant's evidence about the threats he received during his detention after the December 10, 2022 celebration of International Human Rights Day, I am not persuaded that its failure to do so makes the decision unreasonable. First, the RPD was clearly aware of the allegation in the Basis of Claim form, because it is mentioned in the decision when the Applicant's claim was summarized. In addition, the Applicant testified about it during the hearing. Second, although the Applicant claims that the police threatened him if he participated in future HDP events, it is not clear that he alleged that he was detained or mistreated as a result of his political affiliation. If anything, the Applicant's evidence would tend to show that he was caught up in police actions against the Kurdish and/or Alevi community rather than because of his involvement with a political party. The RPD simply did not believe that the Applicant had established that he was an active member of the HDP, and I can find no basis to disturb its finding on that matter.
- [31] The Applicant's claim and his testimony did not draw a bright line between his alleged persecution based on his political beliefs and that based on his religion and ethnicity. The RPD considered the totality of the evidence and the Applicant was questioned about all of the elements of his claim by the RPD and his own counsel during the hearing. The Applicant's counsel also made comprehensive submissions. The RPD was clearly aware of all of the elements of the Applicant's claim.
- [32] I reject the argument that the RPD failed to consider the cumulative effect of persecution. The decision analyzed several incidents, finding the evidence to be lacking and causing the RPD to question the Applicant's overall credibility. The RPD also examined the Applicant's prospective risks based on his identity as a Kurdish Alevi in Türkiye, finding that while he

may experience some discrimination (as he says he did during his schooling), this did not rise to the level of persecution. The breadth of the RPD's consideration of the Applicant's claim is demonstrated in the following passage in the Conclusion section of the decision:

- [46] I have found there to be significant credibility concerns and a lack of sufficient evidence with respect to the claimant's political profile. There is a lack of objective evidence that the claimant would be persecuted resulting from his ethnicity and religion as a Kurdish Alevi. He would likely not be pursued and targeted from his refusal to attend military service.
- [33] Viewed in light of the record, I am not persuaded that the RPD ignored the other incidents cited by the Applicant. I can find no basis to conclude that the RPD's conclusion is unreasonable because it is based on a consideration of the evidence and clearly explained in the decision.
- [34] For these reasons, I cannot accept the Applicant's claim that the RPD engaged in a selective review of the evidence he submitted in support of his claim.

V. Conclusion [35] Based on the analysis set out above the application for judicial review will be dismissed.

[36] There is no question of general importance for certification.

JUDGMENT in IMM-9012-24

THIS COURT'S JUDGMENT is that:

The application for judicial review is dismissed.

There is no question of general importance for certification.

"William F. Pentney"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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IMM-9012-24

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