

CANADA / JUDGMENT

Dirie v. Canada (Citizenship and Immigration)

2026 FC 264

COURT

Federal Court

DECIDED

26 February 2026

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

Dirie v. Canada (Citizenship and Immigration)

Court (s) Database

Federal Court Decisions

Date

2026-02-26

Neutral citation

2026 FC 264

File numbers

IMM-3630-25

Decision Content

Date: 20260226

Docket: IMM-3630-25

Citation: 2026 FC 264

Toronto, Ontario, February 26, 2026

PRESENT: The Honourable Mr. Justice Southcott

BETWEEN:

YASIN MOHAMED DIRIE

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Overview [1] This is an application for judicial review of a decision dated December 19, 2024 [the Decision] by an Immigration Officer [the Officer] at the High Commission of Canada in Tanzania, refusing the Applicant's application for a permanent resident visa as a member of the Convention refugee abroad class or as a member of the country of asylum class.

[2] As explained in further detail below, this application for judicial review is dismissed, because the Decision is reasonable.

II. Background [3] The Applicant is a national of Somalia and is currently residing in Uganda. He applied for permanent residence in Canada as a member of the Convention refugee abroad class or as a member of the country of asylum class [the Application].

[4] On December 4, 2024, the Officer interviewed the Applicant to assess his eligibility and admissibility under the Application [the Interview].

[5] When asked whether there was a specific event that prompted him to leave Somalia on February 20, 2020, the Applicant stated that members of Al-Shabaab had ordered him to stop selling items to customers who were members of African peacekeeping forces and the Somalia police. The Applicant further stated that Al-Shabaab threatened him with death and later destroyed his shop with a bomb, followed by a call to the Applicant informing him that he was still a target of Al-Shabaab.

[6] At the Interview, as a matter of procedural fairness, the Officer raised concerns that the Applicant did not have a forward-facing fear of persecution, because the events occurred about five years ago and it was unlikely that the Applicant would be targeted again, as he was not a high value target and Mogadishu was now under the control of the federal government. Further, the Officer noted that the Office of the United Nations High Commissioner for Refugees [UNHCR] was voluntarily repatriating people back to Mogadishu because the situation was safer.

[7] The Officer also advised the Applicant of credibility concerns about the Applicant's narrative, because it did not seem credible to the Officer that Al-Shabaab would detonate a bomb at the Applicant's shop when (as the Applicant had stated) they had not determined whether he was present, only to later threaten him with death.

[8] In response to the Officer's concerns, the Applicant stated that the problem in Somalia was still ongoing, that Al-Shabaab were in the community and still targeting people, and that they may still target the Applicant. The Applicant also asserted that he had not seen UNHCR and that the government was not able to protect people.

III. Decision under Review [9] In a December 19, 2024 letter conveying the Decision [the Decision Letter], the Officer refused the Application because the Officer was not satisfied that the Applicant was a member of the Convention refugee abroad class or a member of the county of asylum class pursuant to, respectively, section 145 or section 147 of the Immigration and Refugee Protection Regulations, SOR/2002-227 [IRPR].

- [10] The Officer explained that the concerns in relation to the Applicant failing to meet the definition of the claimed classes were put to the Applicant during the Interview, but the Applicant's responses did not allay the Officer's concerns.
- [11] The Officer's notes in the Global Case Management System [GCMS], which also inform an understanding of the reasons for the Decision, indicate that the Officer gave more weight to the evidence in the Application and the Interview than the Applicant's proof of refugee status granted by the Government of Uganda [Uganda], because Uganda does not require the Applicant to be "personally and seriously affected" or "continue to be affected" as in the IRPR definition, and it was impossible to know under which qualification category a person was designated as a refugee by Uganda.
- [12] The GCMS notes indicate that the Officer was not convinced that the Applicant satisfied the Convention refugee definition pursuant to section 96 of Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA], requiring demonstration of a well-founded fear of persecution, for the following reasons:

There was no forward-facing risk of persecution upon return, as the withdrawal of Al-Shabaab in the Mogadishu region remained complete, and the city was under the control of government forces and security officials;

The Applicant was an ordinary civilian who did not face a real risk of a serious and individual threat to their person, as he was not in the government or the military, was not wealthy, did not work with an NGO, and was not a prominent person in Somalia, which are the carefully selected targets that could still be targeted by Al-Shabaab in the Mogadishu region;

As the event narrated by the Applicant happened approximately 4 years ago and was linked to a small shop where he has no link anymore, it would not be consistent with the Officer's information related to Al-Shabaab for it to target an ordinary civilian of no high importance so long after the event, particularly in the Mogadishu region;

While the Applicant indicated that a few "Amisom" personnel were buying chargers and small speakers in his small shop, this was not a meaningful reason for Al-Shabaab to still pursue him in a region where they have no control approximately 4 years later; and

UNHCR was currently doing voluntary repatriation in Somalia, as the situation is stable and secure enough to conduct such return to Somalia, which indicated that a return to Somalia was viable.

[13] Additionally, the GCMS notes demonstrate that the Officer was not convinced that the Applicant satisfied the country of asylum class, because the Officer was not satisfied that the Applicant had been and continued to be seriously and personally affected by civil war, armed conflict, or human rights abuses. The Officer noted this assessment to be based on the following:

The Applicant had not been personally and severely affected; and

The Applicant was an ordinary civilian who did not face a real risk of a serious and individual threat to their person.

[14] The GCMS notes also identify particular country condition evidence [CCE] that the Officer consulted in making the Decision.

IV. Legislative Provisions [15] Section 96 of the IRPA defines a Convention refugee as follows:

Convention refugee

96 A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

- (a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of each of those countries; or
- (b) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.

Définition de réfugié

96 A qualité de réfugié au sens de la Convention — le réfugié — la personne qui, craignant avec raison d'être persécutée du fait de sa race, de sa religion, de sa nationalité, de son appartenance à un groupe social ou de ses opinions politiques :

- a) soit se trouve hors de tout pays dont elle a la nationalité et ne peut ou, du fait de cette crainte, ne veut se réclamer de la protection de chacun de ces pays;
- b) soit, si elle n'a pas de nationalité et se trouve hors du pays dans lequel elle avait sa résidence habituelle, ne peut ni, du fait de cette crainte, ne veut y retourner.

[16] Section 145 of the IRPR defines as follows a member of Convention refugees abroad class:

Member of Convention refugees abroad class

145 A foreign national is a Convention refugee abroad and a member of the Convention refugees abroad class if the foreign national has been determined, outside Canada, by an officer to be a Convention refugee.

Qualité

145 Est un réfugié au sens de la Convention outre-frontières et appartient à la catégorie des réfugiés au sens de cette convention l'étranger à qui un agent a reconnu la qualité de réfugié alors qu'il se trouvait hors du Canada

[17] Section 147 of the IRPR defines a member of country of asylum class as follows:

Member of country of asylum class

147 A foreign national is a member of the country of asylum class if they have been determined by an officer to be in need of resettlement because

- (a) they are outside all of their countries of nationality and habitual residence; and
- (b) they have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries.

Catégorie de personnes de pays d'accueil

147 Appartient à la catégorie de personnes de pays d'accueil l'étranger considéré par un agent comme ayant besoin de se réinstaller en raison des circonstances suivantes :

- a) il se trouve hors de tout pays dont il a la nationalité ou dans lequel il avait sa résidence habituelle;
- b) une guerre civile, un conflit armé ou une violation massive des droits de la personne dans chacun des pays en cause ont eu et continuent d'avoir des conséquences graves et personnelles pour lui.

V. Issue and Standard of Review [18] In the Applicant's Memorandum of Fact and Law filed in support of his application for leave in this matter [the Leave Memorandum], he asserted both procedural fairness arguments and arguments challenging the reasonableness of the Decision. The procedural fairness arguments included a submission that the Applicant was not afforded an opportunity to address any credibility concerns of the Officer. The Applicant's Further Memorandum of Fact and Law, which replaces the Leave Memorandum, does not advance the procedural fairness arguments. However, at the hearing of this application, the Applicant again referenced credibility concerns identified in the GCMS notes, asserting that the fact these concerns are not addressed in the Decision itself undermines the intelligibility and therefore the reasonableness of the Decision.

[19] As such, the sole issue this matter raises for the Court's determination is whether the Decision is reasonable. As indicated by that articulation of the issue, the merits of the Decision are to be assessed on the reasonableness standard of review, as informed by Canada (Minister of Citizenship and Immigration) v. Vavilov, 2019 SCC 65 (paras 16–17; see also Gebrekidane v. Canada (Citizenship and Immigration), 2026 FC 55 at para 11).

VI. Analysis [20] I will first consider the parties' submissions on the significance of the Officer's credibility concerns as identified in the GCMS notes. As identified earlier in these Reasons, the notes indicate that the Officer advised the Applicant during the Interview of credibility concerns about the Applicant's narrative, because it did not seem credible to the Officer that Al-Shabaab would detonate a bomb at the Applicant's shop in the circumstances he described. The notes indicate that the Officer afforded the Applicant an opportunity to respond to this and other concerns, and the Applicant provided a brief response prior to the conclusion of the Interview.

- [21] The parties agree that neither the remainder of the GCMS notes nor the Decision Letter includes any explicit finding on this credibility concern. However, their interpretations of the record differ. The Applicant argues that the credibility concern did not figure in the Officer's reasoning underlying the Decision and that the Decision is therefore unintelligible, because it is not possible to understand the Officer's reasoning. The Respondent acknowledges that the credibility concern was not dispositive of the Decision, which turned on an analysis of the combination of the CCE and the Applicant's profile and a resulting conclusion that the Applicant did not satisfy the relevant requirements of the IRPA and IRPR. However, the Respondent argues that the credibility concern represented a minor consideration, or alternative line of reasoning, that influenced the outcome of the Decision.
- [22] As for the significance of the credibility concern, I agree with the Applicant that the record does not demonstrate that this concern influenced the Decision. While the GCMS notes indicate that the Officer raised the concern at the Interview, there is no indication in the record that the Officer subsequently took this concern into account in arriving at the Decision.
- [23] However, the Applicant has not convinced me that the absence of a finding on the credibility concern gives rise to any lack of intelligibility in the Decision. As I interpret the Decision, the Officer's reasoning was not that the events the Applicant narrated did not occur, but rather that the combination of CCE and the Applicant's profile did not support a conclusion that the Applicant was either a member of the Convention refugee abroad class or a member of the country of asylum class.
- [24] The Applicant also argues, in relation to the Officer's finding with respect to the Convention refugee abroad class, that the Officer erred: (a) in concluding that there was no forward-facing risk of persecution in Mogadishu because the city was under government control; (b) in treating the Applicant's profile as that of an ordinary civilian; and (c) in assuming that the Somali government could provide adequate state protection.
- [25] In advancing his arguments related to forward-looking risk, the Applicant references components of the CCE upon which the Officer relied in arriving at the Decision. Those references state that the security situation in Mogadishu remains volatile, with terrorism and targeted bomb attacks continuing to impact humanitarian and other conditions; that crime levels in the city are high; that the humanitarian context in Somalia has remained fragile; and that Al-Shaabad armed attacks in civilian-populated areas still occurred

regularly in Somalia. Against this backdrop, the Applicant submits that the Officer unreasonably concluded that, because the city was under control of government forces and security officials, there was no forward-facing risk of persecution if he were to return to the Mogadishu region.

- [26] In relation to the Applicant's profile, he argues that the Officer erred in concluding that he is an ordinary civilian and not a high-profile target. The Applicant submits that he had links to Somali government officials, because they were part of the customer base at his shop.
- [27] Finally, the Applicant submits that the Officer failed to reasonably analyse the availability of state protection. He argues that the CCE referenced above demonstrates that the Somali government has limited control over large parts of the country and that, even in Mogadishu, it struggles to prevent targeted killings. He further submits that voluntary repatriation programs administered by UNHCR do not represent evidence of safety, as voluntary return does not equate to protection, particularly for individuals with a history of persecution.
- [28] In my view, these arguments ask the Court to reweigh the evidence before the Officer, which is not the Court's role in judicial review. As the Respondent notes, the CCE upon which the Officer relied (and which the Applicant now references) explains that, while there are not substantial grounds for believing the general humanitarian situation in Mogadishu is so severe as to present a real risk of serious harm, it is necessary to consider whether there are particular factors relevant to a person's individual circumstances which might nevertheless place them at risk. Similarly, the CCE states that, while the security situation remains volatile, an ordinary civilian does not face a real risk of a serious threat. When the components of the CCE to which the Applicant now refers are placed in context, there is no basis to conclude that the Officer overlooked that evidence.
- [29] Rather, as the Respondent submits, the Officer reasoned that the humanitarian and security situation in Somalia were such that an individual of the Applicant's profile was able to return. While the Applicant disagrees with the Officer's characterization of his profile as that of an ordinary civilian, again the Applicant's asking the Court to reweigh the evidence. It is clear from the Decision that the Officer understood and took into account the Applicant's allegations as to the nature of his former customer base but concluded that there was no meaningful reason for Al-Shaabab to pursue him approximately four years later in a region where they have no control.
- [30] Further, as the Officer reasonably concluded that the Applicant did not face a forward-looking risk, there was no requirement for the Officer to conduct a separate state protection analysis.
- [31] The Applicant also argues that the Officer failed to conduct a comprehensive assessment of whether he was a member of the country of asylum class. The Officer concluded that the Applicant does not fall within this class, because he was not personally and severely affected by civil war or human rights violations and because he was an ordinary civilian who did not face a real risk of serious and individual threat to his person. The Applicant submits that this

conclusion is flawed, because the Applicant fled his shop after it was burned down and reasonably feared for his life; ongoing stability in Somalia including the continued presence of Al-Shaabab demonstrate that this risk remains, and the Applicant's ability to reside in Uganda has not erased the fact that he was forced to flee due to these threats and violence.

[32] However, again, the Decision demonstrates that the Officer arrived at their conclusions after taking the CCE and the Applicant's history into account, and there is no basis for the Court to intervene.

VII. Conclusions [33] As the Applicant's arguments have not undermined the reasonableness of the Decision, this application for judicial review must be dismissed. Neither party proposed any question for certification for appeal, and none is stated.

JUDGMENT IN IMM-3630-25

THIS COURT'S JUDGMENT is that:

This application for judicial review is dismissed.

No question is certified for appeal.

"Richard F. Southcott"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

DOCKET:

IMM-3630-25

STYLE OF CAUSE:

YASIN MOHAMED DIRIE v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING:

TORONTO, ONtario

DATE OF HEARING:

February 24, 2025

JUDGMENT AND REASONS:

SOUTHCOTT J.

DATED:

February 26, 2026

APPEARANCES:

Kate Smirnova

For The Applicant

Christopher Ezrin

For The Respondent

SOLICITORS OF RECORD:

Dov Maierovitz

Barrister and Solicitor

Thornhill, Ontario

For The Applicant

Attorney General of Canada

Toronto, Ontario

For The Respondent

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/fc-cf/decisions/en/item/530037/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/dirie-v-canada-citizenship-and-immigration-2026>

Prepared on 26 October 2026 · Esheria