

CANADA / JUDGMENT

Lazuras v. Canada (Citizenship and Immigration)

2026 FC 220

COURT

Federal Court

DECIDED

16 February 2026

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Lazuras v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-02-16 Neutral citation 2026 FC 220 File numbers IMM-5039-25 Decision Content Date: 20260216 Docket: IMM-5039-25 Citation: 2026 FC 220 Toronto, Ontario, February 16, 2026 PRESENT: Madam Justice Go BETWEEN: Yookalista LAZURAS Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] Ms. Yookalista Lazuras [Applicant] seeks a judicial review of a decision by a Senior Immigration Officer [Officer] refusing her Pre-Removal Risk Assessment [PRRA] application [Decision].

- [2] The Applicant is a citizen of Sri Lanka of Tamil ethnicity, born and raised in Jaffna. She first came to Canada and applied for refugee protection in 2001. Her claim was refused. The Applicant was removed from Canada in 2007. She re-entered Canada in June 2013 and re-applied for refugee protection but was found ineligible. The Applicant re-entered Canada in December 2022 under a false Indian passport. In April 2023, the Applicant reapplied for refugee protection in Canada. She was found to be ineligible and subsequently applied for a PRRA.
- [3] The Applicant reports being harassed, detained and sexually abused by police officers in April 2012. The Applicant further reports experiencing incidents of harassment, abduction, and sexual abuse by army personnel in June and then in November 2022. All these incidents took place while the Applicant was living in Colombo, and each time the Applicant was accused of being a member or an ex-member of the Liberation Tigers of Tamil Eelam [LTTE].
- [4] In the Decision, the Officer found the Applicant failed to provide sufficient evidence that she would face “more than a mere possibility of risk under any of the Convention grounds” under section 96 of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA], or that she would face on a balance of probabilities, a risk of torture, a risk to life, or a risk of cruel and unusual punishment if returned to Sri Lanka under section 97 of the IRPA.

- [5] For the reasons set out below, I find the Decision unreasonable and I grant the application.
- II. Analysis [6] I find the presumptive standard of reasonableness applies to the review of the Decision, and none of the circumstances warranting a departure from this presumption arise in this case: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at para 25.
- [7] The Applicant raises several issues to challenge the Decision. I need not address them all. I grant the application as I find the Officer made contradictory findings and erred in their analysis under section 96 of the IRPA.
- [8] In the Decision, the Officer did not explicitly indicate how they conducted their analysis under section 96 and section 97 respectively. However, the Officer began their analysis with the following statement: The onus is on the applicant to provide credible evidence that a personalized risk under sections 96 and 97 of IRPA exists for her in Sri Lanka at the present time. The onus is on the applicant to provide corroborating evidence to substantiate her claims. [Emphasis added.]
- [9] The Applicant submits, and I agree, that requiring the Applicant to demonstrate a “personalized risk” under both sections 96 and 97 would be a legal error. However, I also agree with the Respondent that the Court should not intervene without encountering fatal flaws in its overarching logic: *Vavilov* at para 102. Thus, the above statement by itself would not be sufficient to warrant the Court’s intervention.
- [10] Having reviewed the Decision in its entirety, however, I find the Officer failed to consider the distinct evidentiary burden under sections 96 and 97.
- [11] As the Court has found, claimants are not required to demonstrate a personal history or prospective risk of persecution under section 96 of the IRPA, as they may instead rely upon evidence relating to similarly situated individuals: *Salibian v Canada (Minister of Employment and Immigration)*, 1990 CanLII 7978 (FCA); *Fi v Canada (Minister of Citizenship and Immigration)*, 2006 FC 1125 [Fi].
- [12] As the Court explained in *Fi* at para 14: In the context of claims derived from situations of generalized oppression, the issue is not whether the claimant is more at risk than anyone else in his country, but rather whether the broadly based harassment or abuse is sufficiently serious to substantiate a claim to refugee status. If persons like the applicant may face serious harm for which the state is accountable, and if that risk is grounded in their civil or political status, then he is properly considered to be a Convention refugee ... [Citations omitted.]
- [13] The Court in *Nguyen v Canada (Minister of Citizenship and Immigration)*, 2024 FC 511 at para 53 reaffirmed the principle that refugee claimants can demonstrate persecution by pointing to the treatment of similarly situated individuals under section 96, noting that they “must provide evidence that they are sufficiently similar to those persons described,” citing *Fodor v Canada (Citizenship and Immigration)*, 2020 FC 218 at para 38.

- [14] In this case, the Applicant provided evidence with respect to her risk profile including her identity as a Tamil from the north of Sri Lanka, the Sri Lankan authorities' past interest in the Applicant's father and two brothers who also fled Sri Lanka and are now Canadian citizens, the Applicant's father's disappearance after being pursued as a suspected LTTE member, her own prior experiences of being suspected as a supporter of LTTE, and her identity as a woman who has suffered gender-related persecution in combination with several of the other factors.
- [15] The Decision did not expressly indicate whether the Officer accepted all elements or parts of the elements of the Applicant's profile, except perhaps for one element. As the Respondent points out, the Officer found insufficient evidence to establish the Applicant's perceived tie to the LTTE. On this issue, the Decision reads: I note there is little evidence the applicant is a former LTTE member. There is also little evidence that she would be perceived as an LTTE member or supporter. I give some weight to the incidents the applicant described in 2012 and 2022, however I also note that the applicant lived in substantially the same situation, circumstances and residence in the same city for a decade between 2013 and 2022 without encountering any such issues. The evidence does not suggest that she is broadly perceived as an LTTE member or supporter by state authorities given the country condition evidence suggests much harsher treatment up to and including detention for people of that profile. [Emphasis added.]
- [16] The above passage refers to the three incidents during which the Applicant was detained and sexually assaulted after being questioned whether she was a LTTE supporter. The Officer accepted the Applicant's evidence that she was detained and sexually assaulted at the hands of members of the Sri Lankan military and the police as uncontroverted facts. Yet, at the same time, the Officer found that such evidence does not indicate the Applicant was being perceived as LTTE supporter because the Applicant's experiences did not include treatment "up to and including detention" similar to the experiences for "people of that profile," when those were precisely the Applicant's experiences that the Officer accepted as facts and given weight. The Officer's findings thus appear to be contradictory and lack internal coherence.
- [17] I note further that the Officer found "little evidence" linking the incident in 2012 and the two incidents in 2022, finding that institutions of police and army in Sri Lanka are, for all intents and purposes, separate entities. The Officer also noted since the same army officer was involved in both incidents in 2022, it was possibly "a situation of officers acting on their own accord," but the Officer also conceded "there is insufficient evidence to make that conclusion." Ultimately, the Officer found "insufficient evidence to conclude that the mistreatment amounts of persecution or that this treatment was targeted at the applicant specifically rather than it being circumstantial; that is to say the applicant being targeted due to being at the wrong place at the wrong time."

- [18] The Officer's reasoning was ambiguous and lacking in intelligibility. For instance, it is unclear whether the Officer found the officers were acting on their own accord or not.
- [19] More importantly, in making this finding, the Officer did not consider whether the Applicant's detainment and assault on three occasions was linked to her profile. Instead, the Officer was focused on whether the Applicant herself was being targeted specifically or she was just so unlucky that she would be "at the wrong place at the wrong time" not once, not twice, but three times.
- [20] In conclusion, I find the Officer erred in their section 96 analysis for two reasons. First, the Officer made a contradictory finding in rejecting the Applicant's profile as a perceived LTTE member by accepting the Applicant's experiences of detention and sexual assault on the one hand, and on the other, finding the evidence does not indicate such a profile, contrary to the country condition evidence the Officer relied on for similarly situated individuals. Second, when analysing the Applicant's experiences of detention and assault, the Officer failed to consider such experiences under section 96, only considering them under section 97 by requiring the Applicant to demonstrate that she was personally targeted by the Sri Lankan authorities.
- [21] The contradictions in the Officer's reasoning, and the Officer's misapplication of the section 96 test call into question the justification of the Decision in relation to the factual and legal constraints that bear on the Decision: Vavilov at para 99.
- [22] For these reasons, the Decision must be set aside. III. Conclusion [23] The application for judicial review is granted.
- [24] There is no question for certification. JUDGMENT in IMM-5039-25 THIS COURT'S JUDGMENT is that: The application for judicial review is granted and the matter sent back for redetermination by a different officer. There is no question for certification. "Avvy Yao-Yao Go" Judge FEDERAL COURT SOLICITORS OF RECORD Docket: IMM-5039-25 STYLE OF CAUSE: Yookalista LAZURAS v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: TORONTO, ONTARIO DATE OF HEARING: february 11, 2026 JUDGMENT AND REASONS: GO J. DATED: FEBRUARY 16, 2026 APPEARANCES: Yasin Ahmed Razak For The Applicant Brendan Stock For The Respondent SOLICITORS OF RECORD: Razak Law Etobicoke, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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