

CANADA / JUDGMENT

Mana v. Canada (Citizenship and Immigration)

2026 FC 358

COURT

Federal Court

DECIDED

17 March 2026

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Decision Content

Date: 20260317

Docket: IMM-22843-24

Citation: 2026 FC 358

Toronto, Ontario, March 17, 2026

PRESENT: Mr. Justice Brouwer

BETWEEN:

SEGEN TEKLESION MANA

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] Segen Teklesion Mana seeks judicial review of the decision of an Immigration Officer refusing her application for permanent residence as a member of the Convention refugee abroad class or the Humanitarian-Protected Persons Abroad designated class. I agree with Ms. Mana that the Officer's assessment of her application, including her credibility, was unreasonable and that the decision must be set aside.

I. BACKGROUND [2] Ms. Mana is a 33-year-old citizen of Eritrea currently residing in Uganda as a refugee. Prior to fleeing Eritrea, she was doing compulsory national service. She maintains that her duties ranged from managing records, including weapons inventories, to gathering wood and performing domestic tasks for her superior officer. She alleges that she and her peers experienced severe gender-based violence and abuse while in national service.

[3] In October 2017, Ms. Mana obtained a passport and immediately travelled to Sudan. She was registered by the Government of Sudan and the United Nations High Commissioner for Refugees as a refugee in 2021 and in 2022 she applied for permanent residence in Canada as a sponsored refugee. In her application, she explained that national service in Eritrea was akin to "modern slavery," as she was forced to do arduous work on both government-related projects and the personal projects of her superior officers, and that she feared arbitrary arrest, sexual abuse, violence and exploitation without any recourse.

[4] When civil war erupted in Sudan Ms. Mana was forced to flee once again, this time to Uganda, where she was again recognized as a refugee but where she also did not have a durable solution. Her permanent residence application remained in process.

[5] A Canadian Immigration Officer interviewed Ms. Mana in Kampala in October 2024 in connection with her permanent resident application and refused her application a month later, on the basis of credibility concerns. Though the refusal letter provides no further detail, the Global Case Management System [GCMS] notes indicate that the Officer was not satisfied with Ms. Mana's description of her duties during her time in national service or her explanation of how she obtained an Eritrean passport in 2017.

[6] Specifically, the Officer found that passports are rarely issued in Eritrea and Ms. Mana had not reasonably explained why one had been issued to her given her low rank, short service and previous desertion from national service; this resulted in a suspicion that she may have undisclosed ties to government officials and be inadmissible. As the Officer put it to Ms. Mana during the interview:

I am not satisfied you are being truthful for the following reasons: Passports are not issued in Eritrea for such limited reasons and as such I have concerns you may be responsible for acts that may be considered human rights violations in Canada.

...

I am also concerned that if you were actually issued this passport you have failed to [accurately] describe your role for [the] Eritrean government.

[7] Finding that Ms. Mana had not expressed any fear of harm upon return to Eritrea, the Officer rejected her application.

II. ISSUES [8] The determinative issues in this judicial review are whether the Officer erred by relying on a plausibility finding to reject Ms. Mana's evidence as not credible, and by failing to consider all the evidence.

[9] The parties agree that the standard of review applicable to the Immigration Officer's decision is reasonableness. Reasonableness review entails assessing whether the decision bears the hallmarks of reasonableness: justification, transparency and intelligibility (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 at para 99 [Vavilov]). A reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the "constellation of law and facts that are relevant to the decision" (Mason v Canada (Citizenship and Immigration), 2023 SCC 21 at para 66 [Mason], citing Vavilov at para 105).

[10] Given the nature of Ms. Mana's application for resettlement to Canada as a Convention refugee and her current circumstances as a refugee in Uganda without secure status, the impact of the decision under review on her rights and interests is significant. The reasons provided by the Officer must therefore reflect these high stakes (Vavilov at para 133).

III. Analysis A. The Officer's credibility findings are based on an unfounded plausibility finding and pure conjecture, and are therefore unreasonable [11] When asked during the interview how she obtained a passport, Ms. Mana explained that she was among several women in her unit who were given them. She conceded that it is "rare" that someone in national service is able to obtain a passport, but insisted that it nevertheless does happen, and did for her and a small group of her female peers.

[12] The Officer found Ms. Mana's explanation implausible. In making this finding, the Officer did not refer to any internal contradictions in Ms. Mana's testimony, or indeed to any evidence at all. Instead, the Officer relied on "logic" ("Logically it is unclear why she would be selected given her low rank, short service, and history of desertion") and their "experience interviewing Eritreans." Ms. Mana asserts that this was unreasonable and unfair.

- [13] While immigration officers may be permitted to rely on plausibility when assessing the credibility of an applicant's story, they may only do so "in the clearest of cases" (Valtchev v Canada (Minister of Citizenship and Immigration), 2001 FCT 776 (CanLII) at para 7 [Valtchev]). As Justice John Norris observed in *Zaiter v Canada*, 2019 FC 908 at paragraph 9: "Adverse credibility determinations based on implausibility should not be made simply on the basis that it is unlikely that things happened as the claimant contends.... Unlikely events can still happen. Something more is required before a claimant may be found not to be credible on the basis of implausibility alone" (see also *Guni v Canada* (Citizenship and Immigration), 2025 FC 750 at para 13).
- [14] Administrative decision makers, including immigration officers, "have a very clear duty to justify [their] credibility findings with specific and clear reference to the evidence" (Valtchev at para 8, citing *Leung v Canada* (Minister of Employment and Immigration), [1994] FCJ No 774, 81 FTR 303). This duty "becomes particularly important in cases such as this one where the Board has based its non-credibility finding on perceived 'implausibilities'" in the claimant's story (ibid). As Justice Richard Mosley put it in *Santos v Canada* (Minister of Citizenship and Immigration), 2004 FC 937, citing Valtchev:
- [15] ...[P]lausibility findings involve a distinct reasoning process from findings of credibility and can be influenced by cultural assumptions or misunderstandings. Therefore, implausibility determinations must be based on clear evidence, as well as a clear rationalization process supporting the Board's inferences, and should refer to relevant evidence which could potentially refute such conclusions...
- [15] Here, the Immigration Officer relied on nothing more than the conceded fact that Eritreans are rarely issued passports along with their "experience interviewing Eritreans" to find that it was not "logical" that Ms. Mana had obtained one in her circumstances, but provided no analysis to explain how this conclusion was reached.
- [16] The Respondent urges the Court to defer to these findings. They argue that "[t]he Federal Court of Appeal has repeatedly held that findings of fact and determinations of credibility of a refugee claimant fall within the heartland of the decision-maker's expertise [and] are entitled to significant deference." The Respondent relies on the following for this assertion: *Giron v Canada* (Minister of Employment and Immigration), [1992] FCJ No 481, 143 NR 238 (FCA) [Giron]; *Rajaratnam v Canada* (Minister of Employment and Immigration) (FCA), [1991] FCJ No 1271, 135 NR 300 [Rajaratnam]; and *Canada* (Minister of Employment & Immigration) v *Dan-Ash*, 1988 CanLII 10307 (FCA) [Dan-Ash].
- [17] *Rajaratnam* and *Dan-Ash* do not assist the Respondent. These judgments stand for the proposition that a "properly arrived at" credibility determination by a decision maker would not attract a reviewing court's intervention, and that "contradictions or discrepancies in the evidence of a refugee claimant is a well-accepted basis for finding a lack of credibility" (*Rajaratnam* at para 14, citing *Dan-Ash* at para 35). These propositions are not contested by the Applicant. Ms. Mana's argument is, rather, that the credibility

determination was not properly arrived at because it relied on plausibility rather than on “contradictions or discrepancies in the evidence.”

- [18] Giron, moreover, assists the Applicant’s position, not the Respondent’s. In that case, while the Federal Court of Appeal of course recognized the jurisdiction of the tribunal, as trier of fact, to assess credibility, it found:
- [1] The Convention Refugee Determination Division of the Immigration and Refugee Board (“the Board”) chose to base its finding of lack of credibility here for the most part, not on internal contradictions, inconsistencies, and evasions, which is the heartland of the discretion of triers of fact, but rather on the implausibility of the claimant’s account in the light of extrinsic criteria such as rationality, common sense, and judicial knowledge, all of which involve the drawing of inferences, which triers of fact are in little, if any, better position than others to draw.
- [19] The Federal Court of Appeal therefore rejected the Board’s plausibility findings.
- [20] On the question of deference to the expertise of the decision maker, two further points must be noted. The first is that Giron, Rajaratnam and Dan-Ash predate the Supreme Court of Canada’s binding guidance in *Vavilov* and *Mason* by decades and are thus of limited assistance in determining the degree of deference to accord to the Immigration Officer’s credibility findings in the matter before me. The default standard of review for the Officer’s decision is now reasonableness, not because of any notion of relative expertise of immigration officers but because of the legislature’s decision to vest authority in the Minister and her delegates (*Vavilov* at para 46).
- [21] To the extent that institutional expertise may still play a role in the review of an administrative decision, the Supreme Court of Canada was clear in *Vavilov* that what is required of reviewing Courts is that they accord “respectful attention” to a decision-maker’s “demonstrated expertise,” (*Vavilov* at para 93, emphasis added), not that they simply defer to certain administrative findings based on a decision maker’s presumed expertise. There is nothing in the decision under review demonstrating expertise in assessing credibility; to the contrary I find the Officer’s credibility determination to be seriously lacking.
- [22] Second, the Respondent cites jurisprudence holding that a “visa officer may use their knowledge of local conditions in the area in which they are posted to assess an application” (*Tedla v Canada (Citizenship and Immigration)*, 2024 FC 1255 at para 24, and the cases cited therein). I acknowledge this jurisprudence and agree that it would be unreasonable to expect officers to ignore their accumulated factual knowledge of local conditions when assessing applications. This is not the same, however, as allowing immigration officers to reject applications as lacking credibility based solely on their memory of what other applicants from the same country have told them, or on unexplained assertions of illogic.

- [23] In *Amanuel v Canada (Citizenship and Immigration)*, 2021 FC 662, another case in which an officer relied on their subjective memory of other interviews, Justice Andrew Little explained:
- [38] There were inherent hazards in the officer’s methodology, which are related directly to the justification and transparency requirements in *Vavilov*. First, an officer’s memories of hundreds of refugee claimant interviews may be accurate in some areas, but impressionistic, selective or unreliable in others. In addition, one officer’s experiences with refugee interviews may be different from other officers’ experiences. The absence of a third-party or other objective analysis of patterns in refugee claimants’ answers injects subjectivity and reliability concerns into the implausibility findings, that would otherwise be based on objectively discernable facts.
- [39] Second, implausibility findings based on an officer’s unrecorded personal experiences with hundreds of other refugee claimants’ answers during interviews cannot be meaningfully tested by a reviewing court or readily understood by the applicant: see *Vancouver Airport Authority v PSAC*, 2010 FCA 158, [2011] 4 FCR 425, at paras 13-14 and 16, esp. para 16(d); and the discussion in *Canada (Attorney General) v Angell*, 2020 FC 1093, at paras 43-47 and 50. ... There is no way for the applicant or a reviewing court to scrutinize and confirm the reasonableness of implausibility findings based a person’s memory of hundreds of interviews.
- [24] The hazards warned of by Justice Little are clearly in play here. There is no way for the Applicant to challenge, or for this Court to adjudicate, the reasonableness of the conclusion the Officer drew from their previous “interviews with Eritreans” without any record of those interviews. Nor is the mere possession of an Eritrean passport by a young national service recruit “the clearest of cases” permitting a plausibility finding without evidence.
- [25] In *Vavilov*, the Supreme Court of Canada noted that “[t]he principle of responsive justification means that if a decision has particularly harsh consequences for the affected individual, the decision maker must explain why its decision best reflects the legislature’s intention. This includes decisions with consequences that threaten an individual’s life, liberty, dignity or livelihood” (*Vavilov* at para 133). Given the severe impact on Ms. Mana’s rights resulting from the refusal of her application, the Officer needed to justify their implausibility finding with reference to the evidence. The decision under review falls far short of this requirement.
- [26] Having determined that Ms. Mana’s explanation of having obtained a passport was not plausible, the Officer proceeded to reject her explanation of her duties while in national service, speculating that the only way she could have received a passport is if she had close ties to the Eritrean government, and that this suggests that she may be responsible for human rights violations. Based as it is on the Officer’s improper plausibility finding regarding the passport, the Officer’s rejection of Ms. Mana’s evidence regarding her duties – which I find contained no contradictions or discrepancies – is equally unreasonable.

[27] The Officer's further conjecture that Ms. Mana may be in fact be inadmissible for human rights violations is, moreover, precisely the type of error that the Federal Court of Appeal warned of in *Canada (Minister of Employment and Immigration) v Satiacum* (FCA), [1989] FCJ No 505, 99 NR 171:

[34] The common law has long recognized the difference between reasonable inference and pure conjecture. Lord Macmillan put the distinction this way in *Jones v. Great Western Railway Co.* (1930), 47 T.L.R. 39 at 45, 144 L.T. 194 at 202 (H.L.):

The dividing line between conjecture and inference is often a very difficult one to draw. A conjecture may be plausible but it is of no legal value, for its essence is that it is a mere guess. An inference in the legal sense, on the other hand, is a deduction from the evidence, and if it is a reasonable deduction it may have the validity of legal proof. The attribution of an occurrence to a cause is, I take it, always a matter of inference.

[28] I find the Officer lacked any valid basis upon which to determine that Ms. Mana's possession of an Eritrean passport suggests inadmissibility for human rights violations. If there was evidence upon which to base that determination, the Officer had an obligation to explain that basis. The failure to do so renders the decision unreasonable.

B. The Officer's findings regarding the reason Ms. Mana fled Eritrea and the risks she faces on return do not reflect the evidence and are unreasonable [29] I also agree with Ms. Mana that the Officer's findings regarding the risks Ms. Mana faces in Eritrea were unreasonable.

[30] At the close of the interview in Kampala, the Officer turned, very briefly, to the questions of why Ms. Mana had fled Eritrea in the first place, and whether she could return. By this time, the Officer had already repeatedly told Ms. Mana that she was not credible and accused her of being potentially responsible for human rights violations committed by the Eritrean authorities. The exchange that closed the interview was as follows:

Why did you leave Eritrea?

I took the opportunity because they gave me the passport.

Why don't you return to Eritrea?

I can return but they would return me to my national service?

For the same unit doing the same job?

Yes.

Is there anything else you would like to add?

No nothing.

[31] In the decision issued a few weeks later, the Officer found:

[W]hen asked about why she left her country she responded because she could because she has a passport. When asked what would happen if she returned she said she would go back to her old job. Per previous description applicant did not disclose hardship at this job nor did she express fear of returning to it but rather was concerned by a lack of better opportunities.

[32] If the interview notes were the full extent of the record before the Officer, the decision might be defensible on a deferential standard of review. But there was more to the record.

[33] In her written application submitted in 2022, Ms. Mana had detailed the situation that had caused her to flee Eritrea:

WHILE IN THE SERVICE 2016 JULY UNTIL I FLED IN 2017 OCTOBER, I WAS CONSCRIPTED INTO THE NATIONAL SERVICE AND FORCED TO WORK IN GOVERNMENT UNDER HARSH CONDITIONS FOR INDEFINITE PERIOD WITH NOMINAL FEE. AS A WOMAN, I ALSO FACED THE RISK OF DOMESTIC SERVICE AND SEXUAL VIOLENCE BY MY COMMANDERS. SOME CONSCRIPTS ARE FORCED TO WORK AT THEIR SUPERIORS' PRIVATE PROJECTS. CONSCRIPTS ARE OFTEN ASSIGNED TO ARDUOUS NON-MILITARY CONSTRUCTION AND AGRICULTURE PROJECTS THOUGH SOME SERVE IN THE CIVIL SERVICE, EDUCATION, AND OTHER SERVICE JOBS.

CONSCRIPTS ARE USED NOT ONLY IN GOVERNMENT-RELATED PROJECTS, BUT IN PROJECTS PERSONALLY BENEFITTING MILITARY COMMANDERS AND OTHER OFFICIALS. TREATMENT OF CONSCRIPTS IS OFTEN HARSH, DEPENDING ON THE WHIM OF THE COMMANDER. PHYSICAL ABUSE, INCLUDING TORTURE, OCCURS FREQUENTLY; SO, DOES FORCED DOMESTIC SERVITUDE AND SEXUAL VIOLENCE BY COMMANDERS AGAINST FEMALE CONSCRIPTS. THERE IS NO REDRESS MECHANISM FOR CONSCRIPTS FACING SEXUAL & OTHER ABUSES.

I WAS EXPLOITED BY MY OWN COUNTRYMEN IN THE NAME OF NATIONAL SERVICE. I WAS NOT ABLE TO ASK ANY PROTECTION FROM ANY LEGAL AUTHORITY THERE, BECAUSE ALL OF THEM SERVE THE DICTATORSHIP. ASKING FOR YOUR RIGHTS IS CONSIDERED AS OPPOSING GOVERNMENT POLICY AND AS AN ACT OF TREASON. THEREFORE, I WAS FORCED TO PERFORM AN INDEFINITE MILITARY SERVICE IN ASMARA (ERITREA). I WAS FORCED TO OBEY ALL THE INSTRUCTIONS PRODUCED BY MY LEADER BECAUSE I KNEW A SLIGHT MISTAKE WOULD TURN TO AN INDEFINITE JAIL SENTENCE.

SINCE, I WAS UNSATISFIED WITH THE RULES AND REGULATIONS OF THE REGIME. I WAS LIVING WITH THE FEAR OF ARBITRARY ARREST. I WANT TO HAVE CONTROL OVER MY LIFE, AND DOES NOT WANT THE ERITREAN GOVERNMENT TO HAVE CONTROL OVER ALL ASPECTS OF MY LIFE. MANY IN THE NATIONAL SERVICE WHO TRIED TO SPEAK UP WERE ARBITRARILY TARGETED AND ARRESTED BY LEADERSHIP. THE DIVISION COMMANDERS WERE USING THEIR POSITION TO SEXUALLY HARASS FEMALE CONSCRIPTS WITHOUT FEAR OF REPERCUSSIONS. MANY FEMALES WERE SEXUALLY ABUSED BY THEIR COMMANDERS AND NONE REPORTED DUE TO FEAR OF RETALIATION. DURING MY NATIONAL SERVICE, I WAS LIVING WITH THE FEAR OF SEXUAL HARASSMENT FROM THE MEN IN LEADERSHIP

POSITIONS AND THOSE SERVING WITH ME. AFTER A LIFELONG FEAR OF ARREST AND TORTURE, WHEN A SPECIAL OPPORTUNITY WAS PRESENTED TO ME I DECIDED TO FLEE TO SAVE MY FUTURE AND FREEDOM.

[34] In response to the question “Are you able to return to your home country? If not, why?”, moreover, she had written:

... THE SITUATION THAT FORCED ME TO LEAVE THE COUNTRY IS STILL UNCHANGED. ACCORDING TO THE ERITREAN GOVERNMENT, I WAS SUPPOSED TO SERVICE UNDER THE MANDATORY INDEFINITE NATIONAL SERVICE PROGRAM, INSTEAD OF ESCAPING TO SUDAN. IN ERITREA THERE IS NO RULE OF LAW OR CONSTITUTION THAT COULD PROTECT THE RIGHTS OF CITIZENS, SO I CAN'T CHOOSE TO LIVE IN SUCH FEAR AND TERROR WHILE KNOWING THAT I WOULD NOT GET JUSTICE IN MY OWN COUNTRY. MOST ERITREANS ARE LEAVING THE COUNTRY FOR BETTER SAFETY AND FUTURE, FEARING THE FORCED CONSCRIPTION THAT AMOUNTS TO MODERN SLAVERY.

[35] In support of her application, Ms. Mana had provided objective reports confirming the brutal conditions of mandatory indefinite national service in Eritrea, including a Washington Post article reporting on the release of a United Nations investigation into human rights in Eritrea:

What it found was horrific. Detailing "systematic, widespread and gross human rights violations," the U.N. commission of inquiry argued that Eritrea was operating a totalitarian government with no accountability and no rule of law.

"The commission also finds that the violations in the areas of extrajudicial executions, torture (including sexual torture), national service and forced labor may constitute crimes against humanity," the report said.

[36] There is no reference to any of this evidence in the decision under review, though it was clearly before the Officer. And there is no way to square the Officer's findings with this evidence.

[37] A decision cannot meet the reasonableness standard when it “fails to reveal a rational chain of analysis” or where “the reasons read in conjunction with the record do not make it possible to understand the decision maker's reasoning on a critical point” (Mason at para 65, Vavilov at paras 102-104). This standard is also not met when a decision-maker fails to account for the evidentiary record before them (Vavilov at para 126).

[38] Given the high stakes of this application for Ms. Mana and the severe consequences of a refusal, it was incumbent on the Officer to reflect these stakes in their reasons. The Officer failed to adhere to the principle of “responsive justification” in their reasons, rendering the decision unreasonable (Vavilov at para 133, Mason at para 76).

[39] For all of these reasons, I will grant the application and order that Ms. Mana's application for permanent residence be redetermined by a different officer in accordance with these reasons. Given the circumstances in which Ms. Mana finds herself, and the length of time that has passed since she first applied, it is this Court's expectation that the redetermination will be expedited.

[40] The parties have not proposed a serious question of general importance for certification and I agree that none arises.

JUDGMENT in IMM-22843-24

THIS COURT'S JUDGMENT is that:

The application is granted.

The Applicant's application for permanent residence is remitted to a different officer for redetermination in accordance with these reasons.

No question is certified.

"Andrew J. Brouwer"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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IMM-22843-24

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DATED:

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APPEARANCES:

TEKLEMICHAEL AB SAHLEMARIAM

For The Applicant

HANNAH SHAIKH

For The Respondent

SOLICITORS OF RECORD:

Teklemichael Ab Sahlemariam

Barrister & Solicitor

Toronto, Ontario

For The Applicant

Attorney General of Canada

Toronto, Ontario

For The Respondent

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