

CANADA / JUDGMENT

Mohamud v. Canada (Citizenship and Immigration)

2026 FC 230

COURT

Federal Court

DECIDED

18 February 2026

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

Mohamud v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-02-18 Neutral citation 2026 FC 230 File numbers IMM-23163-24 Decision Content Date: 20260218 Docket: IMM-23163-24 Citation: 2026 FC 230 Vancouver, British Columbia, February 18, 2026 PRESENT: The Honourable Mr. Justice A. Grant BETWEEN: ABDIRIZAQ ALI MOHAMUD 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 of an Immigration, Refugees and Citizenship Canada [IRCC] officer to refuse the Applicant's application for permanent residence in Canada as a member of the Convention Refugee Abroad Class or Humanitarian-Protected Persons Abroad Class.

- [2] For the reasons that follow, I believe that this application should be granted. II. BACKGROUND A. Facts [3] The Applicant, Abdirizaq Ali Mohamud, is a 29-year-old Somali citizen with refugee status in Uganda.
- [4] In 2014, the Applicant was living with his mother, sister, and maternal uncle in Kismayo, Somalia, when clan violence broke out. His uncle was killed, and his mother decided to move the remainder of the family to Beled-Hawo.
- [5] In late 2019 and into 2020, conflict broke out in Beled-Hawo between the national government and the Jubaland authority. Chaos ensued, people were killed, and many youth were affected. The family fled. On his mother's advice, the Applicant fled Somalia. His mother and sister could not afford to leave the country with him, but they did leave for Garbaharey.
- [6] The Applicant arrived in Kampala, Uganda on February 23, 2020, where he was eventually granted refugee status.
- [7] In February 2022, the Applicant applied for Canadian permanent residence as a member of the Convention Refugee Abroad Class or Humanitarian-Protected Person Abroad class. B. Decision Under Review [8] The Applicant was interviewed by an IRCC officer on or around October 22, 2024.

- [9] On November 19, 2024, Mr. Mohamud's application for permanent residence was denied. The IRCC officer who conducted the interview found that the Applicant had not been completely truthful and forthcoming and, as a result, had not provided sufficient evidence that he faced a particularized, forward-facing risk, as required by the Immigration and Refugee Protection Act [IRPA]. III. ISSUES and STANDARD OF REVIEW [10] The Applicant submits that the decision under review is unreasonable, and that it was tainted by procedural unfairness. More specifically, he argues that: 1) IRCC breached procedural fairness principles by failing to provide adequate notice of, or an adequate opportunity to respond to, the officer's concerns. 2) The officer's decision was unreasonable because it: i) relied on microscopic concerns to conclude that the Applicant was not credible; ii) was not responsive to the evidence that the Applicant had provided; iii) failed to adequately apply the criteria for the Convention Refugee Abroad and the Country of Asylum classes; and iv) failed to provide adequate justification for the refusal.
- [11] It is not controversial that questions of procedural fairness "require an approach resembling the correctness standard." This approach is meant to assess "whether the procedure was fair having regard to all of the circumstances": *Kambasaya v Canada (Minister of Citizenship and Immigration)*, 2022 FC 31 at para 19, citing *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54.
- [12] For all other questions raised in this application, the applicable standard is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]. IV. ANALYSIS A. Preliminary Matter: New Evidence on Judicial Review [13] As a preliminary matter, the Respondent points out that the affidavit included in the Applicant's record contains information that was not before the IRCC officer. Specifically, the affidavit contains multiple references to the Al Shabab militant group and its relevance to the Applicant's reasons for leaving Somalia, and fear of returning to the country. No such references to Al Shabab can be found in either the Applicant's permanent resident application materials, or in the interview notes prepared by the IRCC officer.
- [14] The Applicant contends that there are general references in the documentary evidence to Al Shabab, even if these references are not explicit. The Applicant also states that the absence of any mention of Al Shabab in the interview notes is connected with his procedural fairness concerns and, as such, it was appropriate for him to provide these details on judicial review.
- [15] I agree with the Respondent that the references to Al Shabab in the Applicant's affidavit constitute new information that cannot fairly be characterized as merely adding context to the evidence that was before the officer. However, little turns on this finding, as I have determined that this matter must be remitted for reconsideration, irrespective of the new information. B. Procedural Fairness: Was the Applicant Provided Adequate Notice of the Officer's Credibility Concerns? [16] On one level, the process that resulted in the rejection of Mr. Mohamud's application appears to have been fair. In the Global Case Management System [GCMS] notes that form a part of the officer's decision, it is apparent that the officer had concerns with Mr. Mohamud's application, and that the officer shared these concerns

with Mr. Mohamud. Put generally, the concern was that Mr. Mohamud had not met the requirements of the IRPA and its regulations. More specifically, the concern articulated by the officer was that Mr. Mohamud had not provided information to establish that he was personally at risk of persecution or that he was personally affected by the conflicts in Somalia. The Applicant responded to these concerns by affirming that the risks and impacts that he faced were personal to him. So far, so good. There is nothing in the above exchange that gives rise to particular concerns about fairness.

- [17] However, in the letter rejecting Mr. Mohamud's application, the officer provides as follows: I am not satisfied that you have been truthful or forthcoming with the information you provided in support of this application. At interview, your obligation to be truthful and honest was made clear to you. Concerns over the credibility of the information you were providing was made known to you during the interview and you were given an opportunity to respond. Your response, however, did not allay the concerns.
- [18] Here is where the fairness concerns emerge. From the letter, it appears that Mr. Mohamud's application was rejected because he was not found to be credible. However, from the GCMS notes, it appears that the application was rejected because Mr. Mohamud had failed to meet the applicable requirements, because he did not establish that he was personally affected by the conflict in Somalia. This was the concern put to the Applicant, and this was the concern to which he responded during the interview. Nowhere in the officer's notes is there a clear indication that the officer articulated a credibility concern to the Applicant, only a concern about the sufficiency of the evidence with respect to whether Mr. Mohamud was personally affected by the circumstances in Somalia.
- [19] On a correctness standard, then, I agree with the Applicant. The dissonance between the reasons provided in the rejection letter and the rationale articulated in the GCMS notes make it impossible for me to know precisely why the officer rejected the claim. To the extent that the decision was based on credibility concerns, I agree with the Applicant that these concerns were not clearly or adequately communicated to the Applicant, as reflected in the officer's own notes. C. Was the Officer's Decision Reasonable? [20] It should be apparent that the fairness concerns identified above also give rise to concerns about the reasonableness of the decision. Put simply, if the rationale for the rejection in the refusal letter (credibility concerns) is inconsistent with the rationale provided in the GCMS notes (the sufficiency of the evidence), the reasons, as a whole, lack internal coherence and a rational chain of analysis: Vavilov at para 85.
- [21] Beyond this, I find that the decision under review lacks adequate justification, particularly given the rights at stake in these proceedings. As the Supreme Court noted in Vavilov, where the impact of a decision on an individual's rights is severe, "the reasons provided to that individual must reflect the stakes": Vavilov at para 133.

- [22] Read fairly, and in context, Mr. Mohamud's permanent residence application articulates, albeit briefly, a personalized reason for having left Somalia. Beyond the fact that his uncle was murdered, Mr. Mohamud stated as follows in his application: In 2019 Beled-Hawo was in chaos, there were fighting between the National government and Jubaland authority, the standard off between the two forces caused us to flee from the city, the conflict between the two forces cause incent civilians missed their lives, this was affecting the youths, my mother afraid for my life and commanded me to go to where there are conflicts. That is why I fled from my home country.
- [23] Additionally, when confronted in the interview about the lack of detail as to how he was personally affected by the unrest in Somalia, Mr. Mohamud stated: "while I was in Beled Hawo, the soldiers who control the city were forcing the young like me to pick up a gun and fight and I did not want to fight on any side."
- [24] Respectfully, this can only be understood as a personal concern. In the above passages, Mr. Mohamud was not articulating a concern with the general situation of unrest, or with the fact that others may be recruited to fight. The concern, rather, was that as a young man, he personally would be forced to pick up a gun and fight a war in which he wanted no part.
- [25] At root, then, I find that the officer's decision fails to fairly reflect the evidence in the record and, as such, lacks justification. V. CONCLUSION [26] For the reasons set out above, this application for judicial review is granted.
- [27] The parties did not propose a question of general importance for certification, and I agree that none arise. JUDGMENT in IMM-23163-24 THIS COURT'S JUDGMENT is that: The application for judicial review is granted. The matter is remitted for reconsideration by a different officer. No costs are awarded. No question of general importance is certified. "Angus G. Grant" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-23163-24 STYLE OF CAUSE: ABDIRIZAQ ALI MOHAMUD v. THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: Toronto, Ontario DATE OF HEARING: february 9, 2026 JUDGMENT AND REASONS: GRANT J. DATED: February 18, 2026 APPEARANCES: Anna Davtyan For The Applicant Ian Hicks For The Respondent SOLICITORS OF RECORD: EME Professional Corporation 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/529956/index.do>

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

Prepared on 27 October 2026 · Esheria