

CANADA / JUDGMENT

Mosira v. Canada (Citizenship and Immigration)

2025 FC 1861

COURT

Federal Court

DECIDED

24 November 2025

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Mosira v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2025-11-24 Neutral citation 2025 FC 1861 File numbers IMM-15406-24 Decision Content Date: 20251124 Docket: IMM-15406-24 Citation: 2025 FC 1861 Ottawa, Ontario, November 24, 2025 PRESENT: Madam Justice Sadrehashemi BETWEEN: NKAZANA MOSIRA Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] The Applicant, Nkazan Mosira, made a refugee claim in Canada based on her fear of persecution by the Zimbabwean government. The Refugee Protection Division (“RPD”) refused her claim, finding there was no objective basis for her fear of persecution based on imputed political opinion. Ms. Mosira appealed. The Refugee Appeal Division (“RAD”) dismissed her appeal. Ms. Mosira challenges the RAD’s dismissal of her appeal on this judicial review.

- [2] Ms. Mosira makes two arguments. First, she argues that the RAD breached procedural fairness in raising a new issue of credibility without providing her with notice of the new issue. Second, she argues that RAD’s decision is unreasonable because the RAD failed to address her arguments on appeal.
- [3] The parties agree, as do I, that I will review whether the procedure followed by the RAD was fair in all the circumstances (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 [Vavilov] at paras 23, 77). The remaining issue relating to the RAD’s substantive treatment of Ms. Mosira’s arguments on appeal will be reviewed on the reasonableness standard (Vavilov at paras 12-13, 84).
- [4] I am not satisfied that Ms. Mosira has raised a basis for the Court’s intervention. On the procedural fairness issue, I do not agree that the RAD made a credibility finding, nor was a new issue raised. On the second issue, the RAD responded to the arguments made on appeal; Ms. Mosira does not address the RAD’s reasons in her submissions. Accordingly, I dismiss the application for judicial review. II. Procedural History [5] Ms. Mosira is a citizen of Zimbabwe. Ms. Mosira alleged that she is at risk in Zimbabwe for imputed political opinion. She speculated that her termination from her job in 2014 was because the government wrongly believed that she was affiliated with the opposition party. Soon after

her firing, she was brutally assaulted by soldiers who came to her home. Approximately eight years later, in 2022, the police raided a company in which Ms. Mosira worked, looking for individuals who were printing t-shirts for the opposition party. Ms. Mosira fled the same day as the police raid and went to South Africa. A few months later she travelled to the United States and then entered Canada and made a refugee claim in September 2022.

- [6] The RPD heard the refugee claim in November 2023 and dismissed it on March 14, 2024. The RPD found that there was no objective basis to Ms. Mosira's belief that the government associated her with the opposition party. The RAD also found that there was no objective basis to her claim, finding that Ms. Mosira was speculating about the connections between different events and there was no objective basis to her belief that she was perceived by the government to be affiliated with the political opposition. The RAD dismissed the appeal on July 31, 2024. III. Analysis A. No New Issue Raised [7] Ms. Mosira argues that the RAD raised a new issue on appeal without notice to her. In her view, the RAD made a credibility finding but the RPD had found there was no credibility issues with her account. She relies on the following passage in the RAD decision, and in particular the RAD's statement that she "changed" her testimony: When asked by the RPD why she was fired from job at the bank, the Appellant stated she was not given a reason by her employer. Later, when her counsel asked her why she was fired, the Appellant testified that she suspected it was because her employer thought that she was supporting the opposition through her work with the worker's committee. However, when asked again by the RPD why she first stated that she was given no reason and then changed her response, the Appellant restated that she was not given a reason by her employer, but she thought it might be because they thought she was supporting the opposition. Thus, I find that the Appellant is speculating that the reason for her dismissal from the bank was based on imputed political opinion (emphasis added).
- [8] I do not agree that the RAD made a credibility finding and therefore, the argument that the RPD raised a new issue has no merit. Like the RPD, and consistent with Ms. Mosira's testimony, the RAD found that she was not given a reason for her termination by her employer but, she speculated it was because her employer believed she was working with the opposition. The RAD's reference to a change in Ms. Mosira's testimony was not relied upon to draw any negative credibility inference. B. Responsive Reasons [9] Ms. Mosira repeats the arguments that she made to the RAD in her memorandum of argument in her oral submissions and argues that the RAD failed to consider these arguments. I cannot agree.
- [10] The RAD extensively reviewed various elements of Ms. Mosira's claim and considered the relationship between the different events, the evidence presented, and the reasons given for the lack of objective evidence. In making the argument that the RAD failed to engage with her submissions, Ms. Mosira does not engage with the RAD's reasons. Other than asserting that the RAD made an unsupported negative credibility finding (that I have addressed above), Ms. Mosira does not point to any specific deficiencies in the way the RAD evaluated the evidence before it. These submissions are really an invitation for the Court to reweigh

the evidence, contrary to this Court's role.

- [11] The Supreme Court of Canada in Vavilov explained that the “burden is on the party challenging the decision to show that it is unreasonable” and that a decision can only be set aside where the reviewing court is “satisfied that there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency” (Vavilov at para 100).
- [12] The Applicant's arguments do not meaningfully engage with the RAD's reasons or articulate a basis for finding them unreasonable. The application for judicial review is therefore dismissed. Neither party raised a question for certification, and I agree none arises. JUDGMENT in IMM-15406-24 THIS COURT'S JUDGMENT is that The application for judicial review is dismissed; and No serious question of general importance is certified. blank "Lobat Sadrehashemi" blank Judge FEDERAL COURT SOLICITORS OF RECORD Docket: IMM-15406-24 STYLE OF CAUSE: NKAZANA MOSIRA v. MCI PLACE OF HEARING: TORONTO, ONTARIO DATE OF HEARING: JULY 8, 2025 REASONS FOR JUDGMENT AND JUDGMENT: SADREHASHEMI J.. DATED: NOVEMBER xx, 2025 APPEARANCE: Kingsley Jesoruobo for the applicant Pavel Filatov For The Respondent SOLICITORS OF RECORD: Kingsley Jesoruobo & Associates Toronto, ON For the Applicant Department of Justice Canada Toronto, ON For The Respondent

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