

CANADA / JUDGMENT

Ozturk v. Canada (Citizenship and Immigration)

2026 FC 246

COURT

Federal Court

DECIDED

20 February 2026

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Ozturk v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-02-20 Neutral citation 2026 FC 246 File numbers IMM-16060-24 Decision Content Date: 20260220 Docket: IMM-16060-24 Citation: 2026 FC 246 Toronto, Ontario, February 20, 2026 PRESENT: Madam Justice Go BETWEEN: Ahmed OZTURK Maya OZTURK Ayes OZTURK, Zeki OZTURK and Muhammed Omer OZTURK by their litigation guardian, Ahmed Ozturk Applicants and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS I. Overview [1] Ahmed Ozturk [“Principal Claimant” or “PA”], his wife Maya Ozturk [the “Associate Claimant” or “AA”] and their children [altogether “Applicants”] are dual citizens of Syria and Türkiye. The Applicants were born and raised in Syria and subsequently relocated to Türkiye in 2013 due to the civil war in Syria. In 2022, they left Türkiye for Canada. The Applicants seek refugee protection pursuant to sections 96 or 97 of the Immigration and Refugee Protection Act, SC 2001, c. 27 [IRPA]. Their claim was referred to the Refugee Protection Division [RPD] as an exception to the Safe Third Country Agreement.

- [2] The RPD assessed the Applicants’ claim under section 96 of the IRPA. The RPD found the Applicants have well-founded forward looking fear of persecution in Syria, but the Applicants have not sufficiently established that the discrimination they experienced in Türkiye amount to persecution; as such, the RPD concluded the Applicants are neither Convention refugees nor persons in need of protection [Decision].
- [3] The Applicants seek judicial review of the Decision. For the reasons set out below, I grant the application. II. Issues and Standard of Review [4] The Applicants raise the following issues:
- a. Did the RPD err in concluding that the discrimination did not amount to persecution?
 - b. Did the RPD err in its assessment of risks from racially motivated attacks?
 - c. Did the RPD fail to assess the cumulative effect of discriminatory experiences?
- [5] The parties agree that the applicable standard of review is reasonableness: Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 [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 facts and law that constrain the decision maker:” Vavilov at para 85. The

onus is on the Applicants to demonstrate that the decision is unreasonable: Vavilov at para 100. III. Analysis [6] I find the Applicants have discharged their burden of demonstrating reviewable errors on two issues. First, the RPD erred in its assessment of the risks facing the Applicants from racially motivated attacks. Second, the RPD failed to address the cumulative effect of the Applicants' experiences with discrimination.

- [7] With respect to the RPD's risk assessment concerning racially motivated attacks, the RPD's reasons in this respect were brief. At paragraph 41, the Decision states: The objective evidence supports the presence of increasing anti-refugee rhetoric by political parties and far-right groups in Türkiye in recent years, particularly ahead of the May 2023 parliamentary election and following the February 2023 earthquake. The objective evidence reports that this rhetoric has impacted the lives of Syrian refugees both directly and indirectly. However, while the country evidence does indicate that there have been incidents of violence against those of Syrian-origin in Türkiye, such as the incident mentioned by the [PA] which occurred in November 2018, it does not indicate that violence incidents targeting those of Syrian-origin occur at such a rate which would mean the [Applicants] face more than a mere risk of harm in Türkiye on this basis.
- [8] As the Applicants point out, while the RPD stated that it considered objective country evidence in coming to its conclusion, it did not cite the specific documents from the National Documentation Package [NDP] it relied on. The RPD's reasoning did not reference any sources for the rate of violence incidents targeting those of Syrian-origin, let alone why such rate of violence means the Applicants would not face more than a mere risk of harm.
- [9] The Applicants cite several documents in the NDP, including NDP item 1.10 which states, in part, that "anti-Syrian violent incidents occurred with some regularity," and NDP item 2.34, which states: "In 2022 anti-immigrant sentiment reached a boiling point, fueled by Turkey's economic woes. Xenophobia, hate speech and hate crimes against Syrian refugees continued increasing as the country prepared for upcoming elections."
- [10] While the RPD was entitled to consider and weigh the objective evidence when making its assessment, I find the lack of reference to the specific objective evidence it relied on and the failure to mention evidence that appears to contradict its finding, undermines the transparency and intelligibility of the Decision.
- [11] I also pause to observe that the RPD's reference to "the incident mentioned by the [PA] which occurred in November 2018," refers to the Applicants' allegation that the PA was attacked by some locals because he was Syrian. The RPD appeared to regard the attack on the PA as part of the objective evidence, without analyzing how the Applicants' allegation of experiencing racist attacks should factor into its risk assessment on a forward-looking basis.

- [12] The Respondent submits that although the RPD did not reference specific NDP items in paragraph 41, the Decision as a whole contains multiple footnotes citing various NDP items. This indicates, argues the Respondent, that the RPD did consider the totality of the evidence when it made its finding on the risk of racist attacks.
- [13] I reject the Respondent's submission for two reasons. First, the Respondent's argument cuts both ways. The fact that the RPD referenced NDP items repeatedly in other parts of the Decision but did not do so in relation to the incidents of racist attacks supports the Applicants' position that the RPD overlooked the relevant country conditions evidence in this regard. Second, none of the footnotes included in the Decision include reference to NDP items 1.10 and 2.34 – the two items that contradict the RPD's finding according to the Applicants.
- [14] I also find the RPD failed to address the cumulative effect of the Applicants' experiences with discrimination.
- [15] As the Federal Court of Canada has confirmed, in cases where the evidence establishes a series of actions characterized to be discriminatory, and not persecutory, there is a requirement to consider the cumulative nature of that conduct: *Canada (Citizenship and Immigration) v Munderere*, 2008 FCA 84.
- [16] While the RPD acknowledged the need to consider the "cumulative effects of discrimination and harassment" to see if they "fulfil the definitional requirements of persecution in some circumstances," citing *Liang v Canada (Citizenship and Immigration)*, 2008 FC 450, I agree with the Applicants that the RPD did not actually undertake such analysis in the case at hand.
- [17] Instead, the RPD dealt with the Applicants' experiences with discrimination in various areas including employment, housing, education and access to services separately. The RPD provided, in each of these areas, reasons for concluding that the evidence of discrimination was insufficient to support a finding of persecution.
- [18] However, when it comes to cumulative analysis, other than summarizing its findings for some of the areas of discrimination, the RPD did not explain why, cumulatively, the effect of discrimination in all these areas did not amount to persecution. The RPD's failure to do so constitutes a reviewable error. IV. Conclusion [19] The application for judicial review is granted.
- [20] There is no question for certification. JUDGMENT in IMM-16060-24 THIS COURT'S JUDGMENT is that: The application for judicial review is granted. The matter is returned for redetermination by a differently constituted panel of the Refugee Protection Division. There is no question for certification. "Avvy Yao-Yao Go" Judge FEDERAL COURT SOLICITORS OF RECORD Docket: IMM-16060-24 STYLE OF CAUSE: AHMED OZTURK, MAYA OZTURK,AYES OZTURK, ZEKI OZTURK AND MUHAMMED OMER OZTURK BY THEIR LITIGATION GUARDIAN, AHMED OZTURK PLACE OF HEARING: TORONTO, ONTARIO DATE OF

HEARING: February 10, 2026 JUDGMENT AND REASONS: GO J. DATED: February 20, 2026
APPEARANCES: Jean Marie Vecina For The ApplicantS Nadine Silverman For The
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Prepared on 26 October 2026 · Esheria