

CANADA / JUDGMENT

Sariam v. Canada (Citizenship and Immigration)

2026 FC 511

COURT

Federal Court

DECIDED

16 April 2026

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Sariam v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions Date 2026-04-16 Neutral citation 2026 FC 511 File numbers IMM-2815-25 Decision Content Date: 20260416 Docket : IMM-2815-25 Citation: 2026 FC 511 Toronto, Ontario , April 16, 2026 PRESENT: Madam Justice McDonald BETWEEN: HELEN KELETA SARIAM A.K.A. Semhar Mehari Haile and NATHAN BERHANE MUSSIEL A.K.A. Elnatan Haile Applicants and MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT AND REASONS

- [1] The Applicants seek judicial review of a Pre-Removal Risk Assessment (PRRA) decision that found they would not face a risk of harm if returned to Sweden.
- [2] As background, the Applicants entered Canada in 2017 and were granted refugee status by the Refugee Protection Division (RPD) based on the Adult Applicant's account of events in Eritrea.
- [3] In 2021, the Minister of Citizenship and Immigration (Minister) learned from Swedish authorities via Interpol that the Applicants are Swedish nationals. Based upon this information, the Minister filed an application with the RPD to vacate the Applicants' refugee protection, based on the Applicants' misrepresentations.
- [4] The RPD determined that the Applicants were nationals of Sweden and vacated their refugee status. The Applicants' judicial review of this decision was dismissed in *Sariam v Canada (Citizenship and Immigration)*, 2023 FC 1372.
- [5] The Minister prepared a report finding the Applicants inadmissible to Canada, pursuant to paragraph 40(1)(c) of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA]. Their application for leave to judicially review this decision was dismissed by the Federal Court. I. Issues and standard of review [6] The Applicants challenge the reasonableness of the PRRA decision. They also argue that they were denied procedural fairness.

- [7] Reasonableness requires a decision to have justification, transparency, and intelligibility, be based on an internally coherent and rational chain of analysis, and be justified in relation to the facts and law that constrain the decision maker (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65 at paras 85-86).
- [8] Procedural fairness is evaluated on a correctness-like standard, where the Court asks “whether the procedure was fair having regard to all of the circumstances, including the Baker factors” (Canadian Pacific Railway Company v Canada (Attorney General), 2018 FCA 69 at para 54). II. Analysis [9] The Applicants argue that the Officer erred by assessing their risk of harm in Sweden, rather than Eritrea. The Applicants claim they provided credible evidence of their Eritrean nationality, and that they were not Swedish nationals.
- [10] This argument is effectively a collateral attack on the RPD decision that considered the Applicants’ arguments that they do not hold Swedish nationality. This evidence was considered by the RPD and the RPD decision was upheld by this Court. It is not appropriate for the Applicants to attempt to relitigate that issue in the context of a judicial review of the PRRA decision.
- [11] Turning to the PRRA decision, the Officer correctly noted that risks are assessed against the country of removal, in this case, Sweden. The Applicants bore the burden of demonstrating they faced risk in Sweden but failed to raise any risks, or present evidence that they would face risks in Sweden (Gul v Canada (Citizenship and Immigration), 2019 FC 812 at para 19 [Gul]).
- [12] Accordingly, the PRRA Officer’s finding that they did not face a risk of harm in Sweden is reasonable.
- [13] On procedural fairness, the Applicants argue that they should have had an oral hearing before the PRRA.
- [14] An oral hearing is not automatic in the PRRA process and is generally only required if there is a credibility issue regarding evidence central to the application (Gul at para 28). Here the PRRA Officer’s decision was not based on any credibility concerns, but rather a lack of evidence and submissions regarding risk in Sweden.
- [15] Further, the Applicants’ submissions, that the PRRA Officer relied on “allegations” that they hold Swedish nationality, are without merit. The PRRA Officer relied upon a finding by the RPD, an expert decision-maker, based on credible evidence from the Swedish government, which was upheld by the Federal Court. The Applicants provided no new evidence to suggest otherwise, therefore the Officer was entitled to rely on the RPD’s findings (Ntia v Canada (Citizenship and Immigration), 2016 FC 359 at paras 11-12, citing IRPA, subsection 113(a)).

- [16] No procedural fairness issues arise. III. Conclusion [17] The Applicants have failed to demonstrate that the PRRA decision lacks transparency, justification, or intelligibility, or was beyond a range of acceptable outcomes based on the facts and law. The decision is reasonable and there were no breaches of procedural fairness.
- [18] This judicial review is dismissed. There is no question for certification. JUDGMENT IN IMM-2815-25 THIS COURT'S JUDGMENT is that : This judicial review is dismissed. There is no question for certification. blank "Ann Marie McDonald" blank Judge FEDERAL COURT SOLICITORS OF RECORD Docket : IMM-2815-25 STYLE OF CAUSE: SARIAM et al v mci PLACE OF HEARING : Toronto, Ontario DATE OF HEARING: april 2, 2026 JUDGMENT AND REASONS: McDonald J. DATED: April 16, 2026 APPEARANCES : Dominador Saldares FOR THE APPLICANTS Mariam Shanouda FOR THE RESPONDENT SOLICITORS OF RECORD: SALDARES LAW PROFESSIONAL CORPORATION Toronto, Ontario FOR THE APPLICANTS Attorney General of Canada Toronto, Ontario FOR THE RESPONDENT

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