

CANADA / JUDGMENT

Seidu v. Canada (Citizenship and Immigration)

2026 FC 185

COURT

Federal Court

DECIDED

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Seidu v. Canada (Citizenship and Immigration)

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Decision Content

Date: 20260210

Docket: IMM-24066-24

Citation: 2026 FC 185

Ottawa, Ontario, February 10, 2026

PRESENT: The Honourable Madam Justice Tsimberis

BETWEEN:

ABDUL RAHIM SEIDU

Applicant

and

MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

- [1] The Applicant Mr. Abdul Rahim Seidu, a citizen of Ghana who fears persecution because of his sexual orientation, seeks judicial review of the December 2, 2024 decision [Decision] of the Refugee Appeal Division [RAD]. The RAD's Decision dismissed Mr. Seidu's appeal and confirmed the decision of the Refugee Protection Division [RPD] that he is neither a Convention refugee nor a person in need of protection pursuant to sections 96 and 97 of the Immigration and Refugee Protection Act, SC 2001, c 27 [IRPA]. The RAD found that the Respondent Minister of Citizenship and Immigration [Minister] had presented reliable evidence of Mr. Seidu's identity as a Belizean citizen. The RAD further found that Mr. Seidu had not provided sufficient evidence to rebut the Minister's evidence and to establish his identity as a citizen of Ghana and of no other country. Consequently, the RAD found that there was no evidence demonstrating that Mr. Seidu faces a risk under sections 96 or 97 in Belize.
- [2] On judicial review before this Court, Mr. Seidu raises an issue with the reasonableness of the RAD's Decision and a procedural fairness issue. More specifically, Mr. Seidu argues that it was unreasonable for the RAD to conclude that the evidence from the Minister, in the form of a report from the United States of America [US], was sufficient to establish he was a citizen of Belize. Mr. Seidu also argues it was procedurally unfair for the RAD to determine he was a citizen of Belize without the disclosure of the Belizean passport and by shifting the burden on him to disprove his alleged Belizean citizenship.
- [3] The Minister responds that the RAD's finding was not unreasonable because it was open to the RAD to weigh the evidence before it. The RAD placed more weight on the reliable evidence provided by the Minister, which called into question Mr. Seidu's identity, while determining the evidence from Mr. Seidu did not provide a reasonable explanation as to why this information was found in the US Report. It was thus reasonable for the RAD to give more weight to the US Report and conclude that Mr. Seidu failed to establish being a citizen of Ghana and of no other country.
- [4] For the reasons that follow, this application for judicial review is dismissed.

I. Procedural History [5] By Notice of Intent to Intervene dated July 4, 2024, the day before Mr. Seidu's claim for asylum was initially scheduled to be heard, the Minister intervened to present evidence from the US in the form of a US Report indicating that "Fingerprints were submitted by Canada without biographic data, for which our international partner returned a match and subsequently provided the associated biographical and immigration information based on the fingerprint match". This US Report links Mr. Seidu's fingerprints to an encounter with a person at a US border crossing who presented a Belizean passport with the same name and date of birth as Mr. Seidu. The US Report showed two different dates of birth (March 17, 1996 and February 17,

1995), one of which matches the one used by Mr. Seidu in his Canadian refugee claim, namely March 17, 1996.

[6] The RPD hearing was then rescheduled to July 29, 2024 and on August 6, 2024, the RPD denied Mr. Seidu's claim and found he had not presented credible evidence to establish his identity as a citizen of Ghana and no other country. The RPD found that Mr. Seidu failed to provide a reasonable explanation for why the digital fingerprints taken from him in Canada match those of an individual who presented a Belizean passport to the US immigration authorities.

II. Decision Under Review [7] On December 2, 2024, the RAD rendered the Decision under review. The RAD indicated that the determinative issue was whether Mr. Seidu's identity also includes Belizean citizenship because it directly contradicts Mr. Seidu's allegation that he is a citizen of Ghana and no other country.

[8] The RAD found that the US Report is reliable evidence which is probative to Mr. Seidu's identity. Based on the Minister's evidence, the RAD found that it is more likely than not that Mr. Seidu is a citizen of Belize. The RAD explained that, because the Minister provided reliable evidence that called into question Mr. Seidu's identity, the burden then shifted on him to prove he was a citizen of Ghana and of no other country and not the person with a Belizean passport that the Minister alleges him to be.

[9] The RAD considered the new evidence filed by Mr. Seidu that demonstrated that he made a request to US Citizenship and Immigration Services [USCIS] for his arrival/departure document, including the Belizean passport he has been linked to. The RAD also considered that USCIS indicated that they could not locate records responsive to his request and directed Mr. Seidu to make his request to US Customs and Border Protection. The RAD indicated that they had been provided with no evidence that Mr. Seidu followed up with a request to US Customs and Border Protection. After considering this new evidence, the RAD found Mr. Seidu did not discharge his burden, because the new evidence was not sufficient to rebut the trustworthy and reliable evidence adduced by the Minister, namely the US Report indicating that Mr. Seidu had travelled to the US using a Belizean passport.

III. Issues [10] There are five issues before me, with the first three being preliminary issues raised by the Minister, followed by two issues raised by Mr. Seidu:

Whether the style of cause should be amended?

Whether portions of Mr. Seidu's affidavit should be disregarded?

Whether Mr. Seidu's newly submitted evidence should be considered by the Court?

Did the RAD breach procedural fairness by not presenting a copy of the Belizean passport to Mr. Seidu?

Is the RAD's conclusion that the US Report is reliable evidence unreasonable?

IV. Standard of Review [11] The presumptive standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 10, 25. To avoid intervention on judicial review, the decision must bear the hallmarks of reasonableness – justification, transparency and intelligibility: Vavilov at para 99. A reasonable decision will always depend on the constraints imposed by the legal and factual context of the particular decision under review: Vavilov at para 90. The Court must avoid reassessing and reweighing the evidence before the decision-maker; a decision may be unreasonable, however, if the decision-maker “fundamentally misapprehended or failed to account for the evidence before it”: Vavilov at paras 125-126.

[12] The party challenging the decision bears the onus of demonstrating that the decision is unreasonable: Vavilov at para 100. For the reviewing court to intervene, the party challenging the decision must satisfy the court 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” and that the alleged flaws “must be more than merely superficial or peripheral to the merits of the decision”: Vavilov at para 100. The reviewing court must ultimately be satisfied that the decision-maker’s reasoning “adds up”: Vavilov at para 104.

[13] Breaches of procedural fairness in administrative contexts have been considered reviewable on a correctness standard or subject to a “reviewing exercise is ‘best reflected in the correctness standard’ even though, strictly speaking, no standard of review is being applied”: *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 [Canadian Pacific] at para 54. The duty of procedural fairness “is ‘eminently variable’, inherently flexible and context-specific”; it must be determined with reference to all the circumstances, including the non-exhaustive list of factors referenced in *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 at paragraphs 22-23: Vavilov at para 77. In sum, the focus of the reviewing court is whether the process was fair. In the words of the Federal Court of Appeal, the ultimate or fundamental questions are:

[56] No matter how much deference is accorded administrative tribunals in the exercise of their discretion to make procedural choices, the ultimate question remains whether the applicant knew the case to meet and had a full and fair chance to respond. It would be problematic if an a priori decision as to whether the standard of review is correctness or reasonableness generated a different answer to what is a singular question that is fundamental to the concept of justice—was the party given a right to be heard and the opportunity to know the case against them? Procedural fairness is not sacrificed on the altar of deference.

Canadian Pacific at para 56 [emphasis added.]

V. Analysis A. Preliminary Issue 1 – Amendment of Style of Cause [14] I grant the Minister’s preliminary request that the name of the Respondent in the style of cause of this case be amended to show the Minister of Citizenship and Immigration, pursuant to paragraph 5(2)(b) of the Federal Courts Citizenship, Immigration and Refugee Protection Rules, SOR/93-22, which request was unopposed by Mr. Seidu.

B. Preliminary Issue 2 – Certain Paragraphs of the Applicant’s Affidavit to be Disregarded [15] The Minister submits that paragraphs 21 to 29 of Mr. Seidu’s Affidavit should be disregarded because they introduce information obtained after the RAD’s Decision, which was not before the decision-maker. The Minister also submits that Mr. Seidu does not explain how any of this new information fits into any of the exceptions accepted by the jurisprudence.

[16] This Court is bound by the jurisprudence stating that evidence not before the decision-maker going to the merits of the matter is not admissible in an application for judicial review: *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 [Access Copyright] at para 19. In *Access Copyright*, the Federal Court of Appeal held, at paragraph 20, that there are a few recognized exceptions to the general rule, which “exist only in situations where the receipt of the evidence by the Court is not inconsistent with the differing roles of the judicial review court and the administrative decision-maker”. The Federal Court of Appeal listed the following three non-exhaustive exceptions:

1. Where the new evidence provides general background information in circumstances where that information might assist in understanding the issues relevant to the judicial review but does not add new evidence on the merits;
2. Where the new evidence brings to the attention of the reviewing court procedural defects not found in the evidentiary record of the decision-maker; and
3. Where the new evidence highlights the complete absence of evidence before the decision-maker on a particular finding.

[17] Mr. Seidu does not explain how any of the facts alleged in paragraphs 21 through 29 of his Affidavit satisfy any of the *Access Copyright* exceptions. His submission on this issue is limited to stating in his Memorandum of Argument in Reply that the information in paragraphs 21 to 29 is “central to the intervention of this Court as it is related to procedural fairness” and that “there is a complete absence of evidence on finding made by the administrative decision-maker”.

[18] Paragraphs 21 through 29 do not aim to demonstrate a breach of procedural fairness not found in the evidentiary record (exception 2) because the alleged violation of procedural fairness that Mr. Seidu is raising, namely that the Belizean passport was never disclosed to him, is apparent from the evidentiary record.

- [19] Furthermore, as argued by the Minister, Mr. Seidu's attestation to the different attempts to obtain a copy of the Belizean passport from the US authorities and alleging that Belizean passports do not start with "PO" do not serve the purpose of showing a lack of evidence before the tribunal or fall within one of the said exceptions. Paragraphs 21 through 29 also clearly do not provide general background information (exception 1) and do not aim to demonstrate the complete absence of evidence before the decision-maker (exception 3). Rather, the paragraphs aim at supplementing Mr. Seidu's evidence before the RAD.
- [20] After review, the new evidence alleged in the above-mentioned paragraphs of Mr. Seidu's affidavit is not admissible as none of the Access Copyright exceptions apply to the evidence in question. The new evidence in the above-mentioned paragraphs serves to strengthen Mr. Seidu's position and suggest a different interpretation of the evidence the RAD had considered on the issue: *Espitia Amador v Canada (Citizenship and Immigration)*, 2024 FC 339 at para 23 [*Espitia Amador*]. On judicial review, the role of this Court is not to consider the matter for a third time, but to review the RAD's Decision to ensure it was made in a procedurally fair manner and is reasonable.

C. Preliminary Issue 3 - Mr. Seidu's Newly Submitted Evidence Should Not be Considered [21] On January 27, 2026, Mr. Seidu filed a motion record for leave to file supplementary evidence in the form of a US Federal Bureau of Investigation Criminal Justice Information Report [FBI Report] about Mr. Seidu that was unavailable at the time of the filing of the Applicant's Record on February 4, 2025. The new evidence consists of an FBI Report and an affidavit filed with the motion record where Mr. Seidu affirms that:

3. Following the negative RPD decision, I contacted numerous organizations in the United States in an attempt to obtain a copy of the alleged Belize passport before the Refugee Appeal Division (RAD) rendered its decision on December 2, 2024;
4. After failing to obtain the Belize passport copy from the USA government I decided to get the criminal report;
5. On December 25, 2024, having failed to secure any useful information from the U.S. organizations, I formally requested the FBI to provide any personal records related to me;

[...]

14. This FBI report constitutes new and relevant evidence for my application for Judicial Review, as it directly refutes the allegation that I am a Belize citizen and supports my claim that I am exclusively a citizen of Ghana"
- (1) Untimeliness of Mr. Seidu's Motion for leave to file supplementary evidence causing prejudice to the Minister [22] This motion and supplementary evidence were first announced almost a year before the hearing of this matter in Mr. Seidu's Memorandum of Argument in Reply filed on March 3, 2025 where he mentioned that he had "obtained a new USA FBI Report containing complete and accurate details about him. A new motion will be filed with the updated report". A review of Mr. Seidu's motion record reveals that he was in

possession of the FBI report since February 11, 2025, and does not provide any valid reason why it took him almost one year to successfully file its Motion Record for leave to file its supplementary evidence with the Court.

- [23] On June 19, 2025, the Minister was served with the motion record, but the Registry refused to accept the motion record as it was an irregular document. Mr. Seidu had until November 25, 2025 to serve and file any further affidavits, but only served the Minister with the same motion on December 12, 2025, which motion record was refused again for irregularities by the Registry. It was only less than 24 hours before the hearing before me that Mr. Seidu's motion record was served again and accepted by the Court.
- [24] The Minister rightfully argues that this late filing of Mr. Seidu's motion record on the eve of the hearing requesting leave to file the FBI Report prevents it from both addressing this new document with its own evidence and answering its new arguments: *Zhou v Canada* (Minister of Citizenship and Immigration), 2003 FC 1060 [Zhou]. In *Zhou*, at paragraph 10, this Court held that:

Under the Rules, the parties only have one opportunity to make their case, and that is when they file their respective records. Once the applicant has served his record, the respondent should be fully apprised of the applicant's evidence and arguments, and be in a position to prepare an informed response.

- [25] The same reasoning can be applied after leave has been granted and at this advanced stage, one day before the hearing of the judicial review. The Minister rightfully submits it would be prejudiced if the Court grants Mr. Seidu's leave to file this supplementary evidence without the Respondent being able to be present additional documentation to address the evidence.
- (2) Unfounded and unsupported propositions of law in Mr. Seidu's Notice of Motion [26] Mr. Seidu's counsel mischaracterizes the test for this Court to admit evidence on judicial review. For example, that test is not limited to the evidence being relevant, credible and that it could not have been presented earlier despite due diligence. Mr. Seidu's counsel indicates that this Court has discretion to accept new evidence where it is in the interests of justice and that the new document must be accepted as it contradicts the tribunal's factual findings and therefore affects the correctness of the decision. The Minister rightly points out not only that Mr. Seidu's motion record does not cite any caselaw to support its propositions of law but also that Mr. Seidu's prior motion record served to the Minister on December 16, 2025 referenced four Federal Court decisions that are non-existent: Exhibit A to the Affidavit of Lysanne Lejeune dated January 27, 2026 and filed during the judicial review hearing and later in support of the Minister's Motion Record in Response.
- [27] There was very little time at the hearing to deal with the serious issue of undeclared and unverified reliance on generative artificial intelligence in Mr. Seidu's Motion Record as there were numerous other preliminary issues that needed to be resolved in the short 90-minute hearing. While counsel for Mr. Seidu indicated it was his first appearance before the Federal Court, they should be aware of the potential dangers for generative artificial intelligence to

hallucinate fictitious court decisions. I draw counsel for Mr. Seidu's attention to the Court's practice notice regarding the mandatory disclosure of any use to artificial intelligence and "that its output must be verified by a human": Notice to Parties and the Profession on The Use of Artificial Intelligence in Court Proceedings dated May 7, 2024.

- [28] The motion record received by the Court from Mr. Seidu's counsel contained the same erroneous propositions of law, albeit with the fictitious citations removed, which the Court cannot be expected to spend time reviewing: *Hussein v Canada* (Immigration, Refugees and Citizenship), 2025 FC 1060 at para 39. Counsel for Mr. Seidu should have reworked their motion record before filing it when they became aware of the erroneous propositions of law supported by fictitious case citations. As counsel for the Minister advised the Court during the hearing, they had notified counsel for Mr. Seidu that the cited cases did not exist. Simply removing the inexistent case citations and leaving the erroneous and unsupported propositions of law previously associated with the fictitious cases do not suffice to make good advocacy practice before this Court.
- (3) Newly filed FBI Report does not fall into one of the Access Copyright exceptions [29] Mr. Seidu has not argued and has not established that the new document he wished to introduce into evidence falls into one of the aforementioned Access Copyright exceptions. Mr. Seidu argues that this new FBI report contradicts the one filed by the Minister before the RPD and undermines the credibility of the evidence before both the RPD and the RAD. I agree with the Minister's arguments that judicial review should be limited to the record before the RAD unless the new evidence fits into the Access Copyright exceptions.
- [30] First, the FBI Report does not meet the first exception as it is not merely being tendered to provide a general background to better understand the issue upon judicial review. The FBI Report serves to provide evidence relevant to the merits of the matter that was decided by the RAD and serves to contradict a factual conclusion made by the RAD.
- [31] Second, the FBI Report does not meet the second exception as it does not relate to procedural defects that cannot be found in the evidentiary record. The alleged violation of procedural fairness that is raised by Mr. Seidu is readily apparent from the evidentiary record and this FBI Report is not tendered for the purpose envisaged by the second Access Copyright exception.
- [32] Third, the FBI report and affidavit of Mr. Seidu filed with the motion record are not being tendered to highlight the complete absence of evidence before the administrative decision-maker. Rather, the FBI Report merely reflects the criminal report from the FBI and does not emanate from the US Immigration agency and thus cannot reflect the entirety of the immigration encounters with the US authorities.

[33] Admitting the FBI Report and the related paragraphs of the Affidavits of Michel Jasmin and Mr. Seidu would be inconsistent with this Court's role to review the RAD's Decision based upon the facts that were before the decision-maker: Access Copyright at para 20; Federal Courts Act, RSC 1985, c F-7, at s. 18.1(4)(d).

D. The RAD's conclusion that the US Report is reliable evidence is not unreasonable [34] Mr. Seidu argues that the RAD committed a reviewable error by taking the attestation contained within the US Report as reliable evidence for establishing Mr. Seidu's Belizean identity. Mr. Seidu submits that it was unreasonable for the RAD to solely rely on the US Report to find that Mr. Seidu had a Belizean citizenship. Mr. Seidu states that the US Report was not corroborated by additional reliable evidence and submits the US Report "fails to meet the evidential standard required to conclusively establish" his Belizean citizenship. Mr. Seidu further submits that "the jurisprudence has established that the reliable evidence of a country's citizenship is the passport and/or birth certificate". However, Mr. Seidu's counsel fails to provide the jurisprudence he refers to or to support this proposition of law with any authority.

[35] Furthermore, Mr. Seidu argues that it is unreasonable for the RAD to expect him to explain a fingerprint match to the use of a passport he has never seen or had access to. Mr. Seidu submits that without direct verification of the purported passport, the RAD's assessment of the US Report as being reliable is unreasonable. Again, Mr. Seidu's counsel has not submitted any jurisprudence or legislative authority to support this proposition.

[36] In my view, the RAD's Decision bears the hallmark of reasonableness – justification, transparency, and intelligibility: Vavilov at para 99. In its Decision, the RAD acknowledged that Mr. Seidu did not challenge the reliability of the fingerprint evidence and considered his sworn evidence denying that he provided US authorities with a Belizean passport. The RAD further considered his submission that the RPD erred because it did not see the actual Belizean passport and thus could not assess its authenticity.

[37] The RAD then considered the reliability of the US Report given that it contained two birth dates, one of which was not claimed by Mr. Seidu. In this regard, the RAD considered Mr. Seidu's explanation that he only presented his water damaged birth certificate to the US authorities, which rendered his birthdate unclear and that US immigration authorities may have made a mistake when recording his information in his file. The RAD reasonably found Mr. Seidu's explanation to be unreasonable, noting that, having reviewed the water damaged birth certificate in question, the birthdate is largely legible, with only the last digit of the year being unclear, which does not explain the discrepancy in the two digits representing the month of birth.

[38] The RAD reasonably assessed the evidence before it and found that the US authorities are unlikely to have fabricated the information as they are federal authorities who have nothing to gain from sharing fabricated information with Canada, and reasonably gave significant weight to the information from the US linking Mr. Seidu's fingerprints to a person with the same name and birthdate carrying a Belizean passport. A date of birth is an essential

component of establishing one's identity: *Canada (Public Safety and Emergency Preparedness) v Gebrewold*, 2018 FC 374 at para 23. The existence of multiple birthdates linked to Mr. Seidu other than the one he claimed is another reason why the RAD found his identity had not been credibly established.

- [39] The RAD's findings are reasonable. Mr. Seidu has not pointed to any evidence contrary to the RAD's conclusions on the reliability of the US Report and has not provided any jurisprudence or legislative authority requiring the RAD to refuse to consider the US Report because the Minister did not provide the Belizean passport presented to US authorities.
- [40] I agree with the Minister's submission that the RAD was entitled to consider the evidence before it relating to Mr. Seidu's Belizean nationality and assess the weight to be given to the documentation and that it is not this Court's role to do so and come to a different conclusion: *Vavilov* at para 83; *Takow v Canada (Citizenship and Immigration)*, 2021 FC 1290 at para 27; *Dai v Canada (Citizenship and Immigration)*, 2015 FC 723 at para 34. This is especially so in cases involving determinations on a claimant's identity, which lie at the core of the RAD's expertise and warrants deference absent a glaring inconsistency between the RAD's reasons and the weight of the evidence: *Konga Ntenda v Canada (Citizenship and Immigration)*, 2024 FC 437 at para 5; *Okbet v Canada (Citizenship and Immigration)*, 2021 FC 1303 at para 46.
- [41] In his Memorandum of Argument in Reply, Mr. Seidu claims that there are no fingerprints provided in the US Report and that he cannot challenge evidence he never received. As mentioned above, Mr. Seidu's prior counsel did not challenge the reliability of the fingerprint evidence before the RAD. The RAD Rule 3(3)(g) "places the onus on the appellant" to identify the errors they believe should be addressed by the RAD, and appellants who fail to raise certain issues "do so at their peril": IRPA, s 110(1); Refugee Appeal Division Rules, SOR/2012-257, s 3(3)(g); *Canada (Citizenship and Immigration) v Kaler*, 2019 FC 883 at para 13 citing *Ghuri v Canada (Citizenship and Immigration)*, 2016 FC 548 at paras 31 and 34.
- [42] I see no grounds for judicial intervention on the reasonableness of the Decision. The RAD considered Mr. Seidu's allegations and submissions; it assessed them against the evidence presented by the Minister and attributed the weight to be given to each, as it is entitled to do.

E. The RAD did not breach procedural fairness by not presenting a copy of the Belizean passport to Mr. Seidu [43] Mr. Seidu argues that the RAD unfairly shifted the burden of proof onto him, requiring him to disprove his alleged Belizean citizenship, which he submits is a fundamental procedural fairness error because the burden of proof in immigration matters lies primarily with the Minister, especially when alleging a specific nationality.

- [44] Contrary to Mr. Seidu's arguments before this Court, it is for him and not the Minister to establish his identity on a balance of probabilities, which he failed to do: IRPA, s 106; Refugee Protection Division Rules, *Refugee Protection Division Rules*, SOR/2012-256, s 11.

- [45] Mr. Seidu argues that procedural fairness requires that the Minister provide clear and compelling evidence to substantiate allegations regarding his identity and that the RAD failed to ensure the Minister's obligation is met. Mr. Seidu argues that this undermined his right to a fair hearing before the RAD and rendered the decision procedurally flawed.
- [46] The case before me can be distinguished from the case of *Ali v Canada (Public Safety and Emergency Preparedness)*, 2024 FC 1085 [Ali] relied on by Mr. Seidu's counsel in their representations. In *Ali*, the RPD vacated Mr. Ali's refugee status based on the RPD member's perceived similarities between Mr. Ali and a photograph of a Kenyan student alleged to be Mr. Ali: *Ali* at para 9. Justice Battista found the RPD breached procedural fairness when it denied Mr. Ali's request for further information regarding the methodology used to obtain and compare the photographs: *Ali* at para 16. The source and methodology of the evidence in the case before me is explained in the US Report. The information was received from the US regarding the immigration history based on a fingerprint match. Furthermore, the RAD (and RPD before it) there was no denial by the RPD of a request made by Mr. Seidu for a copy of the Belizean passport as no request by Mr. Seidu's prior counsel was made to the RPD for the disclosure of either the Belizean passport or any other documents relating to the US Report.
- [47] The Minister correctly submits that the procedural fairness argument submitted before this Court relating to the Belizean passport's disclosure could and should have been raised before the RPD since Mr. Seidu was aware of the Minister's intervention and the extent of the evidence in support of it. The Minister relies on several decisions that allegations of procedural unfairness must be made at the earliest opportunity. An applicant is otherwise precluded from raising the issue on judicial review if it could "reasonably have been the subject of timely objection in the first-instance form": *Hennessey v Canada*, 2016 FCA 180 at para 20; *Espitia Amador* at para 35; *Highway v Peter Ballantyne Cree Nation*, 2023 FC 565 at paras 56-57.
- [48] Before the RPD, Mr. Seidu only submitted that "[b]ased on the fact that the USA never provided the Belize passport the USA authority only indicated in their report that the claimant used the Belize passport number. So, the proof that Minister's representative provided is not really convincing.": Certified Tribunal Record, at 256:33-36 [Emphasis added]. Arguing that the evidence is not convincing because it does not provide the Belizean passport is not the same as requesting the disclosure of the Belizean passport.
- [49] Mr. Seidu's prior counsel before the RPD could have advised the RPD that it did not receive full disclosure on the Minister's evidence from the US (including the Belizean passport) and could have asked for an adjournment until such disclosure was received. However, there is no evidence that any of these issues were raised by Mr. Seidu's prior counsel before the RPD. Then again, on appeal before the RAD, Mr. Seidu argued that the RPD erred in weighing the evidence by giving more weight to the US Report than the Ghana passport he provided, again without raising any alleged violation of procedural fairness.

VI. Conclusion [50] The judicial review application is dismissed, as the Decision under review was reasonable, both as to the resulting outcome and the decision-making process followed. There was no procedural fairness issue in this matter requiring the Court's intervention as Mr. Seidu failed to raise it in a timely manner.

[51] The parties confirmed that there is no serious question of general importance that ought to be stated. This is a conclusion shared by the Court.

JUDGMENT in IMM-24066-24

THIS COURT'S JUDGMENT is that:

The judicial review application is dismissed.

There is no question for certification to be stated pursuant to Section 74 of the Immigration and Refugee Protection Act.

"Ekaterina Tsimberis"

Judge

FEDERAL COURT

SOLICITORS OF RECORD

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TSIMBERIS J.

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february 10, 2026

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