

CANADA / JUDGMENT

Yohannes v. Canada (Citizenship and Immigration)

2025 FC 371

COURT

Federal Court

DECIDED

26 February 2025

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Yohannes v. Canada (Citizenship and Immigration) Court (s) Database Federal Court Decisions
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20250226 Docket: IMM-11291-23 Citation: 2025 FC 371 Toronto, Ontario, February 26, 2025
PRESENT: The Honourable Justice Battista BETWEEN: AHFEROM ABRAHAM YOHANNES
Applicant and THE MINISTER OF CITIZENSHIP AND IMMIGRATION Respondent JUDGMENT
AND REASONS (delivered orally from the Bench on February 26, 2025)

- [1] The Applicant applied for permanent residence as a privately sponsored refugee. His application was refused based on the Officer's concerns about his lack of personal identity documents from Eritrea, and the Officer's disbelief in the authenticity of a document confirming the Applicant's refugee status in Angola. The Officer's findings surrounding both credibility concerns are unreasonable (Canada (Minister of Citizenship and Immigration) v Vavilov, 2019 SCC 65).
- [2] The Applicant explained that his personal Eritrean identity documents were stolen after his arrival in Angola. He explained that he did not file a police report after the theft because he was in Angola illegally.
- [3] The Officer disbelieved that the Applicant was in Angola illegally because he had launched a refugee claim and was determined to be a refugee by Angola. The Officer ignored the explanation, supported by documentary evidence, that the Applicant's Angolan refugee status card expired in 2020 and his status ended at that time. The Officer's finding was therefore made without regard to the evidentiary record.
- [4] The Officer also found that the Applicant should have included a personal Eritrean identity document in his original application. This may have been a valid judgment about the Applicant's misstep in preparing his application, but it is not a reasonable basis to doubt his identity.

- [5] The Officer doubted the Applicant's original Angolan refugee status document because it "did not follow the correct format". The Officer provided no further explanation regarding the "correct format" for Angolan documents. This finding was therefore made without any support and is unintelligible.
- [6] The Officer also doubted the Angolan refugee status document because it contradicted another version of the document indicating a different date for the Applicant's entry into Angola. This finding ignored the Applicant's explanation that it was a corrected version of the document.
- [7] And finally, the Officer found it illogical that the Applicant would have been allowed to keep the incorrect version of the Angolan document as well as the corrected version of the document. The Officer also found it "not logical" that the Applicant would have submitted an incorrect document with his claim. These were plausibility findings by the Officer. However, the Applicant's version of events on this evidence was not so clearly out of the realm of possibility that it justified the Officer's dismissal of such a critical piece of supporting evidence (*Valtchev v Canada (Minister of Citizenship and Immigration)*, 2001 FCT 776 at para 7).
- [8] The application for judicial review is allowed. Given the length of processing time at the visa office, and the subsequent passage of time involved in the challenge to the Respondent's decision, a timeframe for redetermination is in the interest of justice and will be ordered. JUDGMENT in IMM-11291-23 THIS COURT'S JUDGMENT is that: The application for judicial review is granted, the decision refusing the Applicant's permanent residence application is quashed, and the application is remitted to a different officer for reconsideration. A decision will be rendered on the application within 60 days of this order. There is no order regarding costs and no question for certification. "Michael Battista" Judge FEDERAL COURT SOLICITORS OF RECORD DOCKET: IMM-11291-23 STYLE OF CAUSE: AHFEROM ABRAHAM YOHANNES v THE MINISTER OF CITIZENSHIP AND IMMIGRATION PLACE OF HEARING: TORONTO, Ontario DATE OF HEARING: FEBRUARY 26, 2025 JUDGMENT AND REASONS: BATTISTA J. DATED: february 26, 2025 APPEARANCES: Teklemichael Ab Sahlemariam For The Applicant Prathima Prashad For The Respondent SOLICITORS OF RECORD: Law Office of Teklemichael Ab Sahlemariam Toronto, Ontario For The Applicant Attorney General of Canada Toronto, Ontario For The Respondent

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