

Federal Court



Cour fédérale

Date: 20250424

Docket: IMM-14824-23

Citation: 2025 FC 728

Ottawa, Ontario, April 24, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

**YOHANNES BOKURETSION
ZEREAHAIMANOT**

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Mr. Yohannes Bokuretsion Zereahaimanot (the “Applicant”) seeks judicial review of the decision of an immigration officer (the “Officer”), refusing his application for permanent residence in Canada as a member of the Convention refugee abroad class, as defined in sections 144 and 145 of the *Immigration and Refugee Protection Regulations*, S.O.R./2002-227 (the “Regulations”).

[2] The Applicant and his spouse are citizens of Eritrea. He fled Eritrea in February 2012 due to persecution for his religious beliefs as a Pentecostal Christian. He arrived in South Africa by June of 2012. He claims that he has suffered discrimination and acts of criminality in South Africa.

[3] The Applicant applied for permanent residence in Canada in September 2018 and is sponsored by a group of five persons. He and his wife were interviewed on October 8, 2022.

[4] The Officer denied the application on the grounds that the Applicant had a durable solution in South Africa.

[5] The Applicant now argues that the Officer erred in finding a durable solution in South Africa and further, in finding that there was no risk of refoulement to Eritrea. He contends that the Officer unduly focused on his refugee status in South Africa.

[6] The Minister of Citizenship and Immigration (the “Respondent”) submits that there is no reviewable error in the decision and that the Applicant’s arguments amount to a request to review the evidence.

[7] Following the guidance of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v Vavilov*, [2019] 4 S.C.R. 653 the decision is reviewable on the standard of reasonableness.

[8] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision”; see *Vavilov, supra*, at paragraph 99.

[9] Paragraph 139(1)(d) of the Regulations provides as follows:

139 (1) A permanent resident visa shall be issued to a foreign national in need of refugee protection, and their accompanying family members, if following an examination it is established that

(d) the foreign national is a person in respect of whom there is no reasonable prospect, within a reasonable period, of a durable solution in a country other than Canada, namely

(i) voluntary repatriation or resettlement in their country of nationality or habitual residence, or

(ii) resettlement or an offer of resettlement in another country;

[10] According to the Global Case Management System Notes, the Applicant submitted more documents after the interview, including an affidavit. The Officer found that the information contained in it had already been presented.

[11] The Officer acknowledged the Applicant’s status in South Africa and noted, with respect to certain criminal attacks upon the Applicant and his wife, that state protection was available, even if he chose not to avail of it.

[12] I agree with the submissions of the Respondent that the Officer considered all the issues raised by the Applicant. The Officer, not the Court, is mandated to weigh the evidence, and I am not persuaded the Officer did so in an unreasonable manner.

[13] The Applicant pleads that the Officer unduly focused on the matter of a durable solution in South Africa.

[14] Clearly that was an “issue” before the Officer and should have been considered. I am not persuaded that in considering that issue the Officer ignored the evidence presented and the submissions made.

[15] The Applicant has not shown that the decision is unreasonable and the application for judicial review will be dismissed. There is no question for certification.

JUDGMENT IN IMM-14824-23

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed.

There is no question for certification.

"E. Heneghan"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-14824-23

STYLE OF CAUSE: YOHANNES BOKURETSION ZEREAHAIMANOT v.
MCI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 15, 2025

REASONS AND JUDGMENT: HENEGHAN J.

DATED: APRIL 24, 2025

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