

Federal Court



Cour fédérale

Date: 20250428

Docket: IMM-12700-23

Citation: 2025 FC 760

Ottawa, Ontario, April 28, 2025

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

MUCAHIT ILHAN

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

REASONS AND JUDGMENT

[1] Mr. Mucahit Ilhan (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Refugee Protection Division (the “RPD”), refusing his claim for protection in Canada pursuant to section 96 and subsection 97(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “Act”).

[2] The Applicant is from Turkey. He entered Canada in April 2023 and claimed refugee protection in September 2023, on the basis of political opinion and Kurdish ethnicity.

[3] The RPD refused the claim, finding that the presumption of credibility was rebutted by inaccuracies and omissions between the Port of Entry notes and the Applicant's general application and Basis of Claim.

[4] The Applicant now argues that the credibility findings of the RPD are unreasonable.

[5] The Minister of Citizenship and Immigration (the "Respondent") submits that the decision is reasonable and that there is no basis for judicial intervention.

[6] Following the decision in *Citizenship and Immigration) v Vavilov*, [2019] 4 S.C.R. 653, the decision is reviewable on the standard of reasonableness.

[7] 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 that decision"; see *Vavilov, supra* at paragraph 99.

[8] I agree with the arguments of the Applicant. The reasons do not reflect consideration of all the evidence submitted on behalf of the Applicant and do not meet the test of justifiability.

[9] In the result, the application for judicial review will be allowed, the decision of the RPD will be set aside and matter remitted to a differently constituted panel for redetermination. There is no question for certification.

JUDGMENT IN IMM-12700-23

THIS COURT’S JUDGMENT is that the application for judicial review is allowed, the decision of the Immigration and Refugee Board, Refugee Protection Division is set aside, and the matter is remitted to a differently constituted panel for redetermination. There is no question for certification.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-12700-23

STYLE OF CAUSE: MUCAHIT ILHAN v. MCI

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: JANUARY 15, 2025

**FURTHER SUBMISSIONS
RECEIVED:** JANUARY 28, 2025

REASONS AND JUDGMENT: HENEGHAN J.

DATED: APRIL 28, 2025

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