

Federal Court



Cour fédérale

Date: 20250623

Docket: IMM-13300-24

Citation: 2025 FC 1124

Toronto, Ontario, June 23, 2025

PRESENT: Madam Justice Whyte Nowak

BETWEEN:

**MHRETAB TEWELDEMEDHIN
FSHATSION**

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Mhretab Teweldemedhin Fshatsion [Applicant], is a 37-year-old Eritrean national who applied to resettle in Canada as a member of the Convention Refugee Abroad class or Humanitarian-Protected Persons Abroad class under the *Immigration and Refugee Protection Act*, SC 2001, c 27 [Act]. An immigration officer [Officer] refused his application based on a

negative credibility finding stemming from the Applicant's failure to provide a coherent and consistent timeline of his life, particularly of his military service [Decision].

[2] The Applicant submits the Decision is unreasonable on the basis that the Officer erred in focusing on inconsistencies that do not go to the core of his claim and failed to properly consider the Applicant's trauma and social and educational background that reasonably explain the imperfections in his evidence.

[3] For the reasons that follow, I am dismissing this application as I find no reviewable error in the Decision: the Officer's assessment of the Applicant was justified on the record and is entitled to significant deference.

II. Facts

[4] The Applicant claims to have endured inhumane and indefinite national military conscription service in Eritrea. He escaped to Ethiopia and applied for resettlement in Canada. After submitting his application, the Applicant was interviewed in person in Ethiopia on March 22, 2024. During the course of the interview, the Applicant gave a different timeline related to his work on his family farm in Keren and his military service from what he had given in his Basis of Claim narrative. Most significantly, he advised the Officer that he was working as a farmer in Keren for six years beginning in late 2016/early 2017. However, in his narrative, the Applicant stated that he was apprehended in July 2016 and taken to a military detention centre where he was held for six weeks, after which he was forcibly taken to a military training centre where he underwent six months of basic military training. According to his narrative, the

Applicant escaped and returned to his family farm where he lived in hiding until he was rearrested by the military police and held in detention from September 2017 to January 2019. After his release, the Applicant fled to Ethiopia.

[5] When the Officer questioned the Applicant about inconsistencies in his timeline at the interview, the Applicant maintained that he was in Keren farming for six years from 2016 while also stating that he was in the military in Kormona and Tsorona in 2016 then returned to Keren until he left in 2019.

[6] The Applicant's responses did not allay the Officer's concerns. The Officer considered that the Applicant was unable to provide consistent responses accounting for his activities between 2015 and 2019, including during his military service or during his time as a self-employed farmer in Keren, and the Officer found that the level of detail provided by the Applicant did not meet the standard of information expected from the length of time in question.

[7] The Officer refused the Applicant's application on the basis that there was insufficient information to adequately assess the Applicant's inadmissibility or otherwise determine whether the Applicant meets the requirements of the *Act* and the *Immigration and Refugee Protection Regulations*, SOR/2002-227.

III. Issues and Standard of Review

[8] The Applicant submits that the Decision is unreasonable as it is based on findings of inconsistency that do not go to the core of his claim. The Applicant contends that the Officer

disregarded the consistencies in his narrative as well as his reasonable explanations and failed to account for the Applicant's social and educational background.

[9] These issues which go to the merits of the Decision are reviewable on a standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16-17, 23-25 [*Vavilov*]). A reasonable decision is one that is based on an internally coherent and rational chain of analysis and is justified in relation to the facts and law that constrain the decision maker (*Vavilov* at para 85).

[10] Reasonableness review is not an exercise in re-determining the underlying decision, nor does it allow for a reweighing of the evidence that was before the decision maker (*Vavilov* at para 125).

IV. Analysis

[11] Having heard and considered the submissions of counsel and reviewed the record, I find that there is no merit to the issues raised by the Applicant. This Court has recognized that the Court's role in reviewing credibility findings is very limited and an officer's assessment of credibility should be given "significant" deference, given the subject matter expertise of immigration officers and their unique vantage point in being able to see and hear testimony, which makes them ideally placed to assess credibility (*Aghazadeh v Canada (Citizenship and Immigration)*, 2020 FC 211 at paras 26-27 [*Aghazadeh*]).

[12] It was open to the Officer to find that the Applicant failed to provide a clear and coherent timeline of his history. I do not agree with the Applicant's characterization of the problems with his evidence as constituting "minor" inconsistencies; rather, they go to the core of the Applicant's claim, and particularly the Applicant's military service, which is a significant factor in the Officer's ability to determine the question of admissibility. As counsel for the Respondent submitted, the regime in Eritrea is made up of both those who persecute (who are inadmissible) and those who are persecuted (who may be recognized as refugees or persons in need of protection). The Officer was duty bound to assess and discern in which category the Applicant falls but was left unable to do so.

[13] The Applicant submits that the Officer should have considered whether the inconsistencies and lack of detail in the Applicant's narrative were attributable to his low level of education and the traumatic nature of the events he was describing. The problem with this submission is that these explanations were not offered by the Applicant at the time that he was given the opportunity to address the Officer's concerns. Ultimately, it was the Applicant's onus to demonstrate that he was not inadmissible.

[14] I also find no merit in the Applicant's suggestion that the Decision lacks transparency because the Officer suggested that there is a minimum standard of information that is expected from a claimant without elaborating on what that standard is. Findings of credibility are by their nature based on factors that cannot be prescribed, enumerated or reduced to a formula, which explains the law's preference that assessments of credibility be made by someone who can hear and observe a witness and watch the way their evidence is given. The Officer was in a better

position than this Court to make assessments of the Applicant's credibility (*Aghazadeh* at paras 26-27), and the Court has been given no basis to question the Officer's assessment.

[15] Nor do I find a breach of procedural fairness in this case: the Applicant was advised by the Officer of the specific concerns the Officer had with the Applicant's evidence, and the Officer gave the Applicant a chance to allay those concerns, which he failed to do more than once during the interview.

V. Conclusion

[16] The Decision is intelligible, transparent and justified on the facts and law that constrained the Officer (*Vavilov* at paras 16-17, 23-25), and I find it is reasonable. Accordingly, this application is dismissed.

JUDGMENT in IMM-13300-24

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed; and
2. There is no question for certification.

"Allyson Whyte Nowak"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-13300-24

STYLE OF CAUSE: MHRETAB TEWELDEMEDHIN FSHATSION v THE
MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

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