

Federal Court



Cour fédérale

Date: 20221212

Docket: IMM-8159-21

Citation: 2022 FC 1710

Ottawa, Ontario, December 12, 2022

PRESENT: The Honourable Mr. Justice Ahmed

BETWEEN:

CANAB ALI GELLE

Applicant

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] The Applicant, Canab Ali Gelle, seeks judicial review of a decision of the Refugee Appeal Division (“RAD”) dated October 5, 2021, confirming the determination of the Refugee Protection Division (“RPD”) that the Applicant is neither a Convention refugee nor a person in need of protection under sections 96 and 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (“IRPA”). The RAD found that the Applicant had failed to establish her identity.

[2] The Applicant submits that the RAD erred by rejecting the new evidence filed on appeal, and in finding that the Applicant failed to establish her identity.

[3] For the reasons that follow, I find the RAD's decision is reasonable. I therefore dismiss this application for judicial review.

II. Facts

A. The Applicant

[4] The Applicant is a 31-year-old citizen of Somalia. She is a member of the Madiban clan.

[5] According to the Applicant, her parents were kidnapped and killed shortly after she was born, after which she went to stay with her aunt. In 2002, the Applicant's relatives arranged for her travel to Saudi Arabia. During this time, her sister in Canada, Farhiya Ali Gelle (Ms. "Gelle"), submitted an overseas private refugee sponsorship application for the Applicant, supported by a sponsorship agreement holder in Winnipeg, Manitoba.

[6] The Applicant lived and worked in Saudi Arabia as a domestic worker until February 2009, when immigration authorities discovered that she was in the country without status. She was deported to Somalia before she could be interviewed by Canadian immigration officials in Riyadh, and the sponsorship application was therefore withdrawn.

[7] While returning to Somalia, the Applicant claims she met a Somali man, Abdullahi Agawene (Mr. “Agawene”), who offered to help her find her family. Mr. Agawene took the Applicant to his home, sexually and physically abused her.

[8] The Applicant managed to escape the house in 2014. The neighbors were hesitant to help her out of fear, but eventually contacted the Applicant’s sister, Ms. Gelle. Ms. Gelle sent the Applicant money, and the neighbors arranged her Somali passport and travel to Malaysia.

[9] The Applicant left for Malaysia in October 2014. In 2015, the Applicant met a Somali man in Malaysia, Mohamed Hasan Abdulle (Mr. “Abdulle”), who she married. The two applied for refugee protection in Canada, but were refused. Ms. Gelle stopped financially supporting the Applicant after her marriage and the two stopped communicating. In June 2018, the Applicant and Mr. Abdulle divorced, leaving the Applicant with no financial support.

[10] The Applicant claims she lost her passport in Malaysia. Having no legal status there, she decided to return to Somalia rather than be deported. She returned to Somalia with a document issued by the Somali Embassy in Malaysia. In Somalia, the Applicant lived with a woman she met in Malaysia, Hafsa Ali Cade (Ms. “Cade”), from July 2018 to February 2019.

[11] Ms. Cade helped the Applicant leave Somalia due to the risk to her life and connected her with an agent, who took the Applicant to Canada in February 2019. The Applicant made a refugee claim upon her arrival in Canada.

B. *RPD Decision*

[12] In her Basis of Claim (“BOC”) form, the Applicant explained that as a single woman in Somalia with no family connections, she is at risk of serious harm, sexual abuse, and even death. She claims that there is no place in Somalia where she can live safely.

[13] In a decision dated March 29, 2021, the RPD denied the Applicant’s claim for refugee protection because it found that the Applicant failed to establish her identity. The RPD found that the Applicant’s evidence regarding her identity lacked credibility, and that she failed to reasonably explain her lack of documentation or attempts to obtain credible evidence, pursuant to section 106 of *IRPA*. Considering the unique barriers faced by women refugee claimants in making credible claims, the Applicant’s lack of formal education, and her allegations of past trauma, the RPD found these factors did not account for the negative credibility finding regarding her identity.

(1) Family Members

[14] The RPD found the Applicant’s testimony about her personal identity contained inconsistencies regarding her parents. The Applicant testified that her mother’s name was “Xawo Ali Cigal”, as listed on her BOC form, but her 2007 overseas refugee application listed her mother as “Khadijo Mataan”. The Applicant explained that her sister filled out the 2007 application, and that Khadijo Mataan was one of her father’s other wives. The Applicant’s father was also not named in the 2007 refugee application. The RPD drew a negative credibility

finding from the Applicant's explanation for this discrepancy, finding that the Applicant's sister would presumably know her biological mother's name and the two have the same father.

[15] The RPD also drew a negative credibility inference from the Applicant's failure to list any of her half-siblings on her BOC form, despite the form explicitly stating that half-siblings must be included. The Applicant testified that there were too many to mention, and that she was experiencing significant anxiety when completing the forms and did not realize she was required to include half-siblings. The RPD did not find this to be a reasonable explanation.

[16] The Applicant's half-siblings also did not include the Applicant on their own refugee applications. The Applicant testified that she learned her half-brother did not add the Applicant because she was too young to come to a new country at the time. The Applicant could not explain Ms. Gelle's failure to mention the Applicant in her refugee claim or interview, but speculated that it could be because she was a minor at the time and Ms. Gelle thought it would be hard for the Applicant to move to a new country. The RPD did not find these to be reasonable explanations.

[17] The RPD also noted that the Applicant's explanations for these inconsistencies have evolved since her 2018 refugee interview in Malaysia, when she testified that she only recognized two out of the 11 siblings listed on her application, and replied "maybe" when asked whether the others were her half-siblings. The Applicant testified before the RPD that she never said this and that the difference in testimony was due to an interpretation issue. The RPD did not find this to be a reasonable explanation given the Applicant's testimony that she knew her father

had other wives since she was a young girl and, therefore, could presumably have provided a more fulsome response to the officer's question. The RPD also did not accept that an interpretation issue was a reasonable explanation for the inconsistencies.

(2) Childhood in Somalia

[18] The RPD noted the Applicant's inconsistent testimony regarding her early years in Somalia. The Applicant testified that her parents were kidnapped and killed when she was very young, and she went to live with her aunt. However, the Global Case Management System notes from her Malaysian refugee claim interview show that her father died when she was around 11 or 12 years old, that she lived with her mother for a period, and that her mother died after the Applicant left Somalia. The Applicant explained that this discrepancy may have been due to an interpretation issue or the officer's misunderstanding that she was speaking about her mother when she was actually speaking about her aunt. The RPD did not find this to be a reasonable explanation, given that the Applicant's aunt is still alive and she would not have been speaking about her aunt's death after leaving Somalia.

[19] The RPD also recognized discrepancies in the Applicant's information about where she stayed following her parents' death. The 2007 refugee application indicated she lived with her grandfather, but the Port of Entry ("POE") interview notes state that she stayed with her sister and brother. The Applicant testified that she only ever told the officer that she lived with her aunt during that time. The RPD found the failure to reasonably explain this discrepancy undermined her credibility, since the Applicant did not mention her aunt in her POE interview.

(3) Travel History

[20] The RPD found the Applicant's testimony about her travel history to be unreasonable. The Applicant testified that she never received the outcome of her 2016 refugee application because she left Malaysia for Somalia before she could receive it. When asked why she would leave without knowing the outcome and return to Somalia knowing it was unsafe, the Applicant testified that she had no financial support following her divorce in 2018, no immigration status in Malaysia, and could not ask for help due to language barriers. The RPD did not find this to be a reasonable explanation because the Applicant fled Somalia in 2014 and therefore knew the country conditions upon which she filed her 2016 overseas refugee claim, making it unreasonable for her to leave Malaysia before knowing the outcome of her claim.

[21] The Applicant testified that she did not know the outcome of her Malaysian overseas refugee application when she left Malaysia, but the RPD found that her BOC form seems to indicate that she learned of the refusal while still in Malaysia. The Applicant apologized, stated she was very anxious when she came to Canada, that there was likely an issue interpreting the form, and that she did not know her application was refused when she left Malaysia. The RPD did not accept these as reasonable explanations, noting that the Applicant was represented by counsel at the time her BOC form was completed and it is therefore reasonable to assume that it would be competently interpreted, or that any misinterpretations would be amended.

(4) Marriage Certificate

[22] The RPD found that the Applicant's Somali marriage certificate is not objectively reliable or trustworthy. The certificate refers to the photographs and thumb prints of the married couple, but neither are affixed to the certificate. The RPD also noted the objective country evidence indicating that there is no standard or reliable production or registration of marriage certificates in Somalia, with at least one overseas Somali embassy stating that it does not register weddings or issue marriage certificates. The RPD found that these irregularities undermined the reliability and probative value of the certificate, making it insufficient to overcome the several credibility issues regarding the Applicant's identity.

(5) Photographs and Language

[23] The RPD considered the six photographs submitted by the Applicant, which she claims depict her at notable landmarks in Mogadishu, Somalia in 2018. The RPD could not determine whether the photographs were taken in Somalia or when they were taken, and therefore did not find them to corroborate the Applicant's personal identity. The RPD also found that the fact that the Applicant testified in Somali did not sufficiently establish her Somali identity.

(6) Witness Testimonies

[24] The RPD found that the Applicant failed to provide sufficient corroborative testimonies from witnesses who could help establish her identity, or evidence of reasonable efforts to obtain these testimonies, pursuant to section 106 of *IRPA*. These witnesses include her sister, Ms.

Gelle; her nine other half-siblings; her brother, Sharmake Ali Gelle (Mr. “Gelle”); the aunt who took care of the Applicant after her parents were killed; her Canadian uncle; and her friend with whom she lived in Somalia.

[25] One of the Applicant’s aunts, Halima Ali Ahmed (Ms. “Ahmed”), testified on behalf of the Applicant. Ms. Ahmed testified that she knows the Applicant is 30 or 31 years old, met her in February 2019, and received a call from the Applicant in late 2018, asking her to help her locate her siblings in Canada. Although finding the two testimonies to be generally consistent, the RPD did not find Ms. Ahmed’s testimony contained specific or direct knowledge about the Applicant’s identity, and therefore did not hold sufficient probative value to outweigh the numerous credibility concerns.

(7) Consistent Evidence

[26] The RPD noted that various aspects of the Applicant’s evidence was consistent between her several applications and testimonies, and this consistency weighs in the Applicant’s favour. These include her name, place and date of birth, residential history in Saudi Arabia, and her deportation from Saudi Arabia back to Somalia at 10 years old. That being said, the RPD found that the credibility concerns relate to fundamental aspects of the Applicant’s identity and the consistency of some evidence does not outweigh the centrality of these concerns.

[27] The RPD ultimately found that due to several negative credibility findings relating to the Applicant’s evidence regarding her identity, the Applicant did not sufficiently establish her

identity and therefore is neither a Convention refugee nor a person in need of protection under sections 96 and 97 of *IRPA*. The Applicant appealed the RPD decision to the RAD.

C. *Decision Under Review*

[28] In a decision dated October 5, 2021, the RAD confirmed the RPD's decision and dismissed the Applicant's appeal.

[29] The Applicant submitted the following new evidence to the RAD upon appeal:

1. A temporary travel document from the Somali Embassy of Malaysia, dated July 10, 2018;
2. An affidavit from her brother, Mr. Gelle;
3. A certificate issued by the municipality of Mogadishu ("Certificate of Identity"), issued on April 8, 2021, confirming the Applicant's name, date of birth, place and birth, and showing her photograph, fingerprint, and a government stamp;
4. A Birth Certificate issued on April 8, 2021, containing the Applicant's name, date of birth, parents' names, Somali address, and a government stamp;
5. A receipt issued on April 15, 2021 by the ministry of finance in the Applicant's name, stating payment for *Tasdiiq warqad dhalaso*, with no translation;
6. A letter from the Somali Embassy in Ottawa dated April 25, 2021, containing the Embassy's address and confirming that the Embassy had sent the Applicant's Birth Certificate and Certificate of Identity to the Ministry of Foreign Affairs in Somalia, and that the Ministry had confirmed its genuineness; and
7. Facebook posts about the Applicant's sister, Ms. Gelle.

[30] Despite the Applicant's accompanying memorandum attesting to the credibility, relevance and newness of this evidence, the RAD refused to admit it as new evidence on appeal. The RAD found that the evidence was not new, as it was available and reasonable to expect the Applicant to present it to the RPD before it rejected her claim. The RAD determined that the documents are intended to remedy deficiencies in the evidence the Applicant provided to the RPD, which is contrary to the purpose of subsection 110(4) of *IRPA*.

[31] The RPD also found that the credibility and reliability of the evidence is questionable for several reasons. The birth certificate is not sufficiently credible because there is no official birth registration system in Somalia and the country lacks any formal identification system. The Certificate of Identity and receipt from the Ministry of Finance spell the Applicant's middle name differently. The letter from the Somali Embassy in Canada cannot be granted any weight because it does not annex the documents that it claims are genuine. The affidavit from Mr. Gelle does not mention his alleged status as a Canadian citizen and fails to explicitly state where and when the Applicant was born, and that she is a citizen of Somalia.

[32] On the merits of the case, the RAD confirmed that the Applicant failed to establish her identity. The RAD first laid out the legal principles guiding the analysis of a claimant's identity, stating that the Applicant bears the burden of putting forth reliable evidence to establish that she is who she claims to be. Section 106 of the *IRPA* requires that the Applicant reasonably explain the lack of evidence or the reasonable steps to obtain documentation.

[33] The RAD listed various questions the RPD asked the Applicant about contradictions or omissions in her evidence regarding her identity and the Applicant's response to these questions. This included questions about the Applicant's inconsistent or lacking evidence regarding her father's year of death, the situation of her parents' abduction, the question of who raised her after her parents' death, her siblings and half-siblings, and the whereabouts of her Somali passport.

[34] The RAD relied on this Court's decision in *Elazi v Canada (Minister of Citizenship and Immigration)*, [2000] FCJ No 212 (FC), which found that it is reasonable for a decision-maker to attach great importance to the absence of a claimant's passport and airplane ticket, and unreasonable to ignore their absence without a valid reason. The RAD determined that the Applicant failed to meet her obligation to provide sufficient and credible evidence to establish her identity.

III. Legislative Scheme

[35] Subsection 110(4) of *IRPA* stipulates which evidence may be presented on appeal:

Evidence that may be presented

(4) On appeal, the person who is the subject of the appeal may present only evidence that arose after the rejection of their claim or that was not reasonably available, or that the person could not reasonably have been expected in the circumstances to have presented, at the time of the rejection.

Éléments de preuve admissibles

(4) Dans le cadre de l'appel, la personne en cause ne peut présenter que des éléments de preuve survenus depuis le rejet de sa demande ou qui n'étaient alors pas normalement accessibles ou, s'ils l'étaient, qu'elle n'aurait pas normalement présentés, dans les circonstances, au moment du rejet.

[36] Section 106 of *IRPA* stipulates the considerations under a credibility assessment concerning the identity of a refugee claimant:

Credibility

106 The Refugee Protection Division must take into account, with respect to the credibility of a claimant, whether the claimant possesses acceptable documentation establishing identity, and if not, whether they have provided a reasonable explanation for the lack of documentation or have taken reasonable steps to obtain the documentation.

Crédibilité

106 La Section de la protection des réfugiés prend en compte, s’agissant de crédibilité, le fait que, n’étant pas muni de papiers d’identité acceptables, le demandeur ne peut raisonnablement en justifier la raison et n’a pas pris les mesures voulues pour s’en procurer.

IV. Issue and Standard of Review

[37] This application for judicial review raises the sole issue of whether the RAD’s decision is reasonable.

[38] The standard of review is not disputed. The parties agree that the applicable standard of review is reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25) (“*Vavilov*”). I agree. This is consistent with previous judicial reviews of the RAD’s admission of new evidence under subsection 110(4) of *IRPA*: *Faysal v Canada (Citizenship and Immigration)*, 2021 FC 324; *Ifogah v Canada (Citizenship and Immigration)*, 2020 FC 1139.

[39] Reasonableness is a deferential, but robust, standard of review (*Vavilov* at paras 12-13). The reviewing court must determine whether the decision under review, including both its rationale and outcome, is transparent, intelligible and justified (*Vavilov* at para 15). A reasonable decision is one that is based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision-maker (*Vavilov* at para 85). Whether a decision is reasonable depends on the relevant administrative setting, the record before the decision-maker, and the impact of the decision on those affected by its consequences (*Vavilov* at paras 88-90, 94, 133-135).

V. Analysis

[40] The Applicant submits that the RAD's decision is unreasonable in both its rejection of the new evidence on appeal, and in its finding that the Applicant failed to establish her identity. I find the RAD's decision is reasonable despite the able advocacy of the Applicant's counsel.

A. *New Evidence*

[41] Subsection 110(4) of *IRPA* governs the circumstances in which a claimant may present evidence that was not before the RPD. Once this criteria is met, the RAD must consider whether that evidence is credible, relevant, and material (*Canada (Citizenship and Immigration) v Singh*, 2016 FCA 96 at paras 38-49 ("*Singh*"), citing *Raza v Canada (Citizenship and Immigration)*, 2007 FCA 385 at paras 13-15) (the "*Raza* factors").

[42] The Applicant submits that the RAD unreasonably determined that the additional evidence is not sufficiently “new” under subsection 110(4), and that it is not credible or reliable to meet the *Raza* factors. The Applicant submits that the evidence is new in that it addresses issues that the RPD raised regarding her identity and can newly contradict the RPD’s finding. The Applicant submits that she could not have reasonably obtained her Birth Certificate, the Certificate of Identity, or the letter from the Somali Embassy in Ottawa before the RPD made its determination, as she did not have the necessary contacts to assist her in obtaining them.

[43] With regards to credibility, the Applicant submits that the RAD unreasonably relied on documentary evidence indicating that Somalia lacks an official birth registration system. The Applicant submits that it is unreasonable to find that when the Applicant provides documentation to establish her identity as required, those documents are then deemed untrustworthy because they come from Somalia, leaving her with “no door to go through.”

[44] The Applicant also submits that the RAD’s negative inference from the difference in spelling of her middle name is unreasonable because the RAD ought to have known that the letter “C” before “Ali” is the Somali spelling of the name.

[45] The Applicant submits that the RAD’s determination that the letter from the Somali Embassy in Canada cannot be given any weight because it does not include the documents it claims are genuine is “an unreasonable splitting of hairs.”

[46] The Respondent maintains that the RAD reasonably rejected the Applicant's new evidence on appeal because it was submitted to remedy deficiencies identified by the RPD, thereby failing to meet the requirements under subsection 110(4) of *IRPA*. The Respondent argues that this decision was reasonably based on the Applicant's lack of evidence to confirm that these documents were not available to her before the RPD's decision. The Respondent submits that the RAD considered the new evidence and provided valid reasons for rejecting it.

[47] I agree with the Respondent. In my view, the evidence proffered by the Applicant on appeal was available to her before the RPD made its determination, and she failed to provide reasonable explanations to show otherwise. This Court's jurisprudence is clear that the statutory requirement under section 110(4) should be narrowly interpreted, while the latter admission criteria of credibility and reliability can be flexibly interpreted (*Majebi v Canada (Citizenship and Immigration)*, 2016 FC 14 at para 19). The RAD's reasons for finding that the statutory requirement is not met are intelligible and transparent in that they show attentiveness to each of the Applicant's explanations for failing to provide this evidence earlier and an assessment of the reasonableness of each explanation (*Vavilov* at para 15).

[48] The RAD reasonably noted that the Applicant was represented by counsel and had approximately a year to take the necessary steps to provide evidence. She may also have shown efforts to contact one of her nine half-siblings, attempts to reach the Somali Embassy in Malaysia and Canada, or explore other means of establishing her identity. It is also reasonable for the RAD to note that if the Birth Certificate, Certificate of Identity, and letter from the Somali Embassy in Canada could only have been obtained after the RPD's determination, by the

Applicant's aunt who allegedly visited Somalia in 2021, there is no affidavit evidence from her aunt to corroborate this narrative. The Applicant's testimony also reveals that she was in contact with her brother, who provided an affidavit as part of her evidence on appeal, as early as 2018, despite submitting to the RAD that she could not obtain this affidavit prior to the RPD determination because she had difficulty contacting him. Given these circumstances, the RAD reasonably found that the Applicant proffered this evidence in an attempt to complete her deficient record, which goes against the purpose of subsection 110(4) of *IRPA* (*Singh* at para 54).

[49] The RAD's finding that the Applicant's evidence does not meet the requirements under subsection 110(4) of *IRPA* aligns with analogous jurisprudence. For instance, in *Hassan v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 459 ("*Hassan*"), this Court found that the applicant's explanation that newly submitted affidavits were not previously available to him due to trouble communicating with his family in Kenya was not a reasonable explanation and did not meet the requirement under subsection 110(4) of *IRPA* (at paras 20-23). The Court positively cited the RAD's finding that "not once did the Appellant ever apply for an adjournment or advise the RPD that he was attempting to get the affidavits from anyone in Kenya," and found that the RAD reasonably concluded "that Mr. Hassan had not provided a sufficient explanation for why the evidence could not have been presented before the RPD rendered its decision" (*Hassan* at paras 22-23).

[50] The same analysis can be applied to the Applicant's case. Not only did the Applicant fail to provide evidence of reasonable efforts to communicate with her contacts to obtain this information before the RPD or the RAD, she also did not provide reasonable or consistent

explanations for this failure. The RAD reasonably found that the Applicant's additional evidence is inadmissible under subsection 110(4) of *IRPA*.

[51] Although the Applicant's failure to meet the statutory requirement in subsection 110(4) of *IRPA* is dispositive of the new evidence, one aspect of the RAD's reasoning on the credibility of the new evidence warrants comment. This Court's jurisprudence has consistently established that section 106 of *IRPA* is not blind to the difficulties that claimants from certain countries face in obtaining official documents to corroborate their identity (*Elmi v Canada (Citizenship and Immigration)*, 2008 FC 773 at para 22, citing *Shafi v Canada (Minister of Citizenship and Immigration)*, 2005 FC 714 at para 27). The RAD in the Applicant's case found that the credibility of the Birth Certificate and Certificate of Identity are "questionable" because there are no official documents in Somalia and the country lacks a recognized competent civil authority to issue such documents. Had the evidence met the statutory requirement of newness under subsection 110(4) of *IRPA*, this would not have been reasonable credibility assessment of the evidence under the *Raza* factors. This line of reasoning may pose difficulties for other claimants from countries where "official" identity documentation is difficult to obtain. Claimants should not be punished for this difficulty, let alone be placed in a "no-win" situation where they take the reasonable steps to obtain this documentation as required, and it is subsequently found to lack credibility because it comes from a certain place.

[52] That being said, this flaw in the RAD's reasoning is not material in this case because the threshold statutory requirement under subsection 110(4) was not met. It would also be erroneous for the reviewing court to seize on one error in lieu of a holistic review of the decision (*Hadi v*

Canada (Citizenship and Immigration), 2018 FC 590 at para 18, citing *Rahal v Canada (Citizenship and Immigration)*, 2012 FC 319 at para 50; *Vavilov* at para 15). Viewed holistically, the RAD's decision to reject the new evidence on appeal is reasonable.

B. *Applicant's Identity*

[53] The Applicant submits that the RAD unreasonably upheld the RPD's decision concerning her identity. The central question is whether the evidence shows that the Applicant is who she claims to be, and that she is a national of Somalia. The Applicant submits that the Field Operations Support System notes from her previous overseas refugee application corroborate her personal identity and enhance her credibility. The Applicant also notes that she provided new evidence that explained why Ms. Gelle did not remain in touch with her, but the RAD did not consider this in its analysis.

[54] The Respondent submits that the RAD reasonably concluded that the Applicant provided insufficient credible evidence to establish her identity. The Respondent notes that the Applicant's testimony before the RPD contained many contradictions and omissions. Citing this Court's decision in *Husein v Canada (Citizenship and Immigration)*, 1998 CanLII 18842 (FC), the Respondent submits that once the RAD determined the Applicant's identity was not established, it was not required to assess the evidence further. The Respondent also notes that evidence of country conditions is irrelevant where the Applicant's identity is at issue, citing *Anandarajah v Canada (Citizenship and Immigration)*, 1997 CanLII 5367 (FC).

[55] I agree with the Respondent. The RAD reasonably upheld the RPD's finding that the Applicant failed to establish her identity. The Applicant's testimony and documentation before the RPD contained a series of irregularities, undermining the credibility and reliability of the evidence regarding her identity. The RPD's reasons show thorough consideration of each aspect of the evidence and the various inconsistencies between the Applicant's testimony and her BOC form or previous applications. This included conflicting statements about when her parents died, who raised her after her parents' death, her half-siblings, and her reasons for failing to attempt communication with her half-siblings. It is reasonable to conclude that this information is not peripheral and, rather, goes to fundamental aspects of her identity and claim.

[56] A sizable portion of the RAD's reasons on the merits of the Applicant's claim is an overview of the Applicant's obligation to provide credible evidence to establish her identity and the RPD's role in assessing this evidence, pursuant to *IRPA*. Nonetheless, its reasons for finding that the Applicant failed to meet this onus bear the hallmarks of reasonableness.

VI. Conclusion

[57] This application for judicial review is dismissed. The RAD's decision to reject the Applicant's new evidence on appeal and uphold the RPD's determination that the Applicant failed to establish her identity is reasonable. No questions for certification were raised, and I agree that none arise.

JUDGMENT in IMM-8159-21

THIS COURT'S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. There is no question to certify.

“Shirzad A.”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

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