

Federal Court



Cour fédérale

**Date: 20230908**

**Docket: IMM-3099-22**

**Citation: 2023 FC 1217**

**Ottawa, Ontario, September 8, 2023**

**PRESENT: The Honourable Mr. Justice Ahmed**

**BETWEEN:**

**MOHIUDDIN SOHEL**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The Applicant, Mohiuddin Sohel, seeks judicial review of a decision of a senior immigration officer (the “Officer”) of Immigration, Refugees and Citizenship Canada dated February 1, 2022, denying the Applicant’s Pre-Removal Risk Assessment (“PRRA”) application pursuant to section 112 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (“IRPA”).

[2] The Officer found that the Applicant lacks credibility and therefore failed to demonstrate that he faces a personalized risk upon return to Bangladesh.

[3] The Applicant submits that the Officer engaged in an unreasonable analysis of the Applicant's credibility, misconstrued central aspects of the application, and breached the right to procedural fairness owed to the Applicant.

[4] For the reasons that follow, I find that the Officer's decision is unreasonable. This application for judicial review is granted.

## **II. Facts**

### *A. The Applicant*

[5] The Applicant is a 33-year-old citizen of Bangladesh.

[6] The Applicant claims that in 2012, he became a member of the Liberal Democratic Party ("LDP") while in college in Munshiganj, Bangladesh. He also claims to have been openly critical of the Awami League ("AL"), the ruling political party in the country. The Applicant allegedly attended speeches and protests as a member of the LDP.

[7] The Applicant claims that his uncle, Mujibur Rahman ("Mujibur"), and cousin, Mosiwar Rahman ("Mosiwar"), are both strong AL supporters, and Mujibur is the General Secretary of his village's AL branch. The Applicant claims that Mujibur and Mosiwar have tried to recruit the

Applicant to join the AL, but he has refused. The Applicant alleges that his refusals, coupled with disagreements around inheritance, have caused their cold treatment towards him. The Applicant claims that the AL cadre, including his cousin on occasion, would harass him for being a LDP supporter.

[8] The Applicant claims that on January 15, 2014, the LDP organized a general protest against the AL, during which cadres harassed and physically attacked protestors. The Applicant claims that police were present but did not intervene.

[9] On January 4, 2015, the Applicant was allegedly volunteering to distribute blankets in a local community when Mosiwar and a man called Amit Shah (Mr. "Shah") approached him and threatened him to join the AL.

[10] The Applicant claims that on February 8, 2015, his family's maid was raped by Mujibur. The maid was allegedly afraid of going to the police and trusted that the Applicant would help her seek justice. On February 11, 2015, the Applicant allegedly visited Mujibur's home and threatened to publicize the fact that he raped the family's maid.

[11] On February 12, 2015, the Applicant was allegedly attacked by Mosiwar, Mr. Shah, and two other masked men. The men physically assaulted the Applicant, leaving bruises and injuries to his ankle and hand, and threatened that if the Applicant did not leave the LDP, he would meet the same fate as a previous LDP member who had been critically injured. The Applicant

screamed for help, prompting passersby to intervene and escort the Applicant to the hospital. He was discharged on February 14, 2015.

[12] The Applicant claims that he travelled to Islampur to stay with a friend and remained in hiding while he was there. He claims that only his parents knew his location and he stopped communicating with family and friends, for his safety.

[13] On April 7, 2015, the Applicant travelled to Malaysia, where he completed a diploma in computer studies at Lincoln University. Attempting to further advance his career prospects, the Applicant also completed courses at a marine academy in Malaysia, in the hopes of working in the United States (“US”).

[14] The Applicant was offered a position on a cruise line in the US in December 2015, and obtained a US visa on April 13, 2016. The Applicant left Malaysia to travel to the US on April 26, 2016. He claims that he wished to make a refugee claim upon arrival to the US, but could not afford to retain a lawyer. The Applicant eventually made a refugee claim in the US on January 13, 2017.

[15] The Applicant married Moshamats Salina Akhter (Ms. “Akhter”), a US citizen of Bangladeshi origin, on June 8, 2018. The Applicant claims that he worked two jobs to support himself and Ms. Akhter, who was allegedly abusive towards the Applicant and routinely threaten to harm him or report him to immigration authorities to have him deported. A few months into their marriage, the Applicant learned that Ms. Akhter was having an affair, when he arrived

home one day to find Ms. Akhter with a man. Ms. Akhter and the man threatened the Applicant that if he told anyone about the affair, they would report him to the police for domestic violence, and he would be deported to Bangladesh.

[16] The Applicant claims that this situation caused him significant stress and he became ill as a result. He claims that this culminated in January 2020, when he fainted while at work. He was allegedly taken to the hospital and eventually diagnosed with a gastric condition, for which he is still taking medication. The Applicant decided to leave his wife and travelled to New York City in January 2020.

[17] The Applicant claims that while in New York City, he continued to fear that if Ms. Akhter reported him to the police, he would be returned to Bangladesh. The Applicant claims that his wife continued to send him threatening messages during this time. On February 2, 2020, the Applicant travelled from New York City to Plattsburgh, whereby he entered Quebec by foot on February 3, 2020. The Applicant claims that immigration officials at the Canadian border did not allow him to make a refugee claim because he had made a claim in the US, and therefore offered him a PRRA application.

[18] The Applicant claims that on February 8, 2020, he learned that Ms. Akhter had contacted his mother in Bangladesh, asked for the Applicant's whereabouts, and threatened to call the police on him. When Ms. Akhter called again, the Applicant's mother allegedly recorded the call and reported Ms. Akhter and her family, who reside in Bangladesh, to the police. The

Applicant alleges that Ms. Akhter's family is influential in Munshiganj, connected to the AL, and that Ms. Akhter's uncle is an AL official who is connected to his uncle, Mujibur.

[19] On February 13, 2020, AL cadres allegedly visited the Applicant's parents' home in Munshiganj and upon learning that they were not home, set fire to the house. The Applicant's aunt was in the house at the time and allegedly sustained serious burns and injuries. Fearing for their lives, the Applicant's parents allegedly went to stay with a relative in another village.

[20] The Applicant claims that he cannot return to Bangladesh due to the risk of harm at the hands of Mosiwar, Mujibur, and Ms. Akhter, all of whom are connected to the AL. He alleges that he cannot obtain adequate state protection since the Bangladeshi government and police are heavily influenced by the AL.

B. *Decision under Review*

[21] In a decision dated February 1, 2022, the Officer denied the Applicant's PRRA application on the basis that he lacks credibility.

[22] The Officer found that during the PRRA hearing, the Applicant demonstrated a significant lack of knowledge of the LDP and failed to answer several questions about the LDP. The Officer found that the Applicant could not detail specific LDP policies, was unable to respond to questions about the LDP's stance on foreign policy, could not explain the LDP's position on healthcare, could not explain the organizational structure of the LDP, could not provide details about the AL or their specific policies, and was unable to provide details on the

BNP or their policies. The Officer found that the Applicant's vague responses were not reasonable in light of his claim that he organized LDP protests and gave speeches regarding the AL before large crowds. The Officer therefore drew a negative credibility finding from the Applicant's lack of knowledge of his own political party and other major parties that he was allegedly protesting against while in Bangladesh.

[23] The Officer also drew a negative credibility finding from the Applicant's failure to inquire about the process for making a refugee claim while in Malaysia and his delay in claiming refugee protection in the US. The Officer noted the Applicant's testimony that although he felt safe in Malaysia, he never researched the process for making a refugee claim in Malaysia because anyone from Bangladesh could travel to Malaysia at any time. The Officer did not find this explanation to be reasonable in light of the Applicant's claim that he escaped to Malaysia after being attacked in Bangladesh, lived there for a year, and felt safe there.

[24] On the issue of the Applicant's delay to seek refugee protection in the US, the Officer noted that he submitted his claim over eight months after arriving in the US and when asked for the reason for this delay, the Applicant testified that he needed time to save up money for a lawyer. The Officer did not find this to be a reasonable explanation, noting that the US immigration website clearly states that there is no fee for making a refugee claim in the US and that the Applicant could have filed a claim and hired a lawyer when he had more funds. The Officer did not find it reasonable that the Applicant would not take action to seek protection in the US upon arrival given that he allegedly feared for his life.

[25] The Officer further noted that the Applicant's testimony at the hearing demonstrated several inconsistencies that were not sufficiently explained. For instance, the Applicant stated that his ankle was injured during the February 2015 attack against him, but his mother stated that his knee was injured. The Applicant also indicated that he only left the house in Islampur for necessities but later testified that he did not leave the house except to apply for a visa and meet with a travel agent. The Officer ultimately drew a negative credibility finding from these inconsistencies and the Applicant's failure to explain them.

[26] On the basis of these numerous credibility concerns, the Officer concluded that the alleged attacks against the Applicant did not occur as described, that he was not targeted by his cousin or uncle in Bangladesh, and was not a member of the LDP, the most significant factor leading to this finding being the Applicant's lack of knowledge of the LDP and other political parties in Bangladesh. The Officer noted that while the Applicant's delay in claiming refugee protection is not determinative, it attracts negative weight as it relates to the Applicant's credibility, and further favours rejecting his PRRA application.

[27] With respect to the Applicant's allegations regarding Ms. Akhter, specifically the claim that Ms. Akhter's family is connected to the AL and therefore a threat to his safety, the Officer found that the Applicant did not credibly establish that he was a member of the LDP as alleged and therefore, there is no information to support the finding that Ms. Akhter's family would target him solely on the basis of his membership. The Officer also concluded that the text messages from Ms. Akhter do not speak to targeting the Applicant in Bangladesh. The Officer ultimately granted little weight to this risk factor.



[28] The Officer considered the several pieces of documentary evidence provided by the Applicant in support of his PRRA application, including pictures, medical reports, affidavits, membership cards, text messages, and country condition documents. However, the Officer found that the photos are undated, unidentified, and lack context; the membership card does not align with the country condition evidence stating that the LDP does not issue membership cards; there is little evidence to connect the Applicants' family members' medical treatments with the Applicant's membership in the LDP; and the affidavits largely recount the Applicant's own narrative. The Officer ultimately concluded that none of this evidence sufficiently overcame the numerous credibility concerns surrounding the Applicant's claim. For these reasons, the Officer found that the Applicant failed to demonstrate that he is at risk in Bangladesh.

### **III. Issues and Standard of Review**

[29] This application for judicial review raises the following issues:

- A. *Whether the Officer's decision is reasonable.*
- B. *Whether there was a breach of procedural fairness.*

[30] The parties agree that the first issue is to be reviewed on the reasonableness standard (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25) (“*Vavilov*”). I agree. This is also consistent with this Court's review of PRRA determinations: *Lai v Canada (Minister of Citizenship and Immigration) (F.C.)*, 2007 FC 361 at para 55, and *Figurado v Canada (Solicitor General) (F.C.)*, 2005 FC 347.

[31] The issue of procedural fairness is to be reviewed on the correctness standard (*Mission Institution v Khela*, 2014 SCC 24 at para 79; *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 (“*Canadian Pacific Railway Company*”) at paras 37-56; *Canadian Association of Refugee Lawyers v Canada (Immigration, Refugees and Citizenship)*, 2020 FCA 196 at para 35).

[32] Reasonableness is a deferential, but robust, standard of review (*Vavilov* at paras 12-13; 75; 85). 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 decision that is reasonable as a whole 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).

[33] For a decision to be unreasonable, the applicant must establish the decision contains flaws that are sufficiently central or significant (*Vavilov* at para 100). Not all errors or concerns about a decision will warrant intervention. A reviewing court must refrain from reweighing evidence before the decision-maker, and it should not interfere with factual findings absent exceptional circumstances (*Vavilov* at para 125). Flaws or shortcomings must be more than superficial or peripheral to the merits of the decision, or a “minor misstep” (*Vavilov* at para 100; *Canada (Citizenship and Immigration) v Mason*, 2021 FCA 156 at para 36).

[34] Correctness, in contrast, is a non-deferential standard of review. The central question for issues of procedural fairness is whether the procedure was fair having regard to all of the circumstances, including the factors enumerated in *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at paragraphs 21-28 (*Canadian Pacific Railway Company* at para 54).

#### IV. Analysis

[35] The Applicant submits that the Officer engaged in an unreasonable credibility analysis, improperly assessed the Applicant's evidence, and misconstrued the basis of the Applicant's claims. The Applicant also submits that the Officer's decision breached principles of natural justice by making credibility findings on the basis of concerns to which the Applicant was not afforded the opportunity to respond, and because there is no recording of the hearing.

[36] In my view, the Officer's decision is unreasonable on several grounds. Finding that these errors are sufficient to render the decision unreasonable in its entirety and warrant this Court's intervention on review, I do not find it necessary to address the procedural fairness issue.

[37] The Applicant submits that the Officer unreasonably engaged in backwards reasoning in the credibility analysis by first concluding that the Applicant lacked credibility and then dismissing the Applicant's evidence based on the credibility conclusion. The Applicant submits that this Court has found this approach to raise a reviewable error, citing *George v Canada (Citizenship and Immigration)*, 2019 FC 1385 ("*George*") at para 62. The Applicant notes that the Officer also dismissed the Applicant's affidavit evidence on the erroneous basis that it

recounts the Applicant's narrative, noting that this Court has established that dismissing affidavit evidence simply as "self-serving" is unreasonable (*George* at para 61).

[38] The Applicant submits that the Officer's treatment of the LDP membership card and photographs proffered in support of his claim that he is a member of the LDP is unreasonable. The Applicant submits that the Officer relied on a misstatement of the National Documentation Package ("NDP") for Bangladesh by stating that "it is clear" that the LDP does not issue membership cards and that rather, the NDP states that political parties in Bangladesh do not issue membership cards and the LDP is "probably" no exception, but there is no information to corroborate this fact.

[39] The Applicant submits that the Officer unreasonably disregarded the letter from the LDP provided in support of his application, which is from the General Secretary of the LDP and confirms the Applicant's volunteer work for the party. He submits that given the probative value of this letter and its relevance to the core elements of his application, the Officer's failure to consider this letter, which directly contradicts the Officer's assessment, is unreasonable.

[40] The Applicant further submits that the Officer's assessment of his lack of knowledge of the LDP's policies reflects a Western perspective of what the supporter of a political party would be concerned with. The Applicant submits that unlike the Canadian context, political supporters in Bangladesh often lack basic freedoms and are therefore less concerned with discrete issues like foreign policy. The Applicant argues that the Officer ought to have accounted for cultural differences in this assessment.

[41] The Applicant submits that the Officer conducted an unduly microscopic assessment of the inconsistencies in the Applicant's application and testimony, noting that the Officer found two inconsistencies in the hundreds of pages of evidence and hours of oral testimony the Applicant provided. The Applicant submits that both of these discrepancies are overly microscopic and are insufficient to justify a negative credibility finding, noting this Court's finding that adverse credibility findings must be based on contradictions in the evidence that are "sufficiently serious and concern matters that are of adequate relevance" (*Navarrete Menjivar v Canada (Minister of Citizenship and Immigration)*, 2006 FC 11 ("*Menjivar*") at para 26).

[42] The Applicant submits that the Officer's findings regarding his failure to seek protection in Malaysia and delay in claiming refugee protection in the US are unreasonable. The Applicant submits that Malaysia is not a signatory of the *United Nations Convention Relating to the Status of Refugees*, 189 U.N.T.S. 150 (the "*Refugee Convention*"), and therefore does not offer such protection. The Applicant further submits that the Officer erroneously rejected the Applicant's explanation that he feared people from Bangladesh could easily travel there, despite accepting that it is easier for Bangladeshi citizens to travel to Malaysia than the US or Canada. Similarly, with respect to the Applicant's delay in making a claim in the US, he submits that the Officer unreasonably rejected his explanation that he did not make a claim because he did not have money for a lawyer on the basis that a lawyer is not necessary to make a claim, despite the Officer accepting that a lawyer may be viewed as advantageous in filing a refugee claim.

[43] Lastly, the Applicant submits that the Officer misconstrued his risk of harm from Ms. Akhter as it pertains to his return to Bangladesh. The Applicant submits that the Officer

erroneously conflated the risk faced for his membership in the LDP with the risk resulting from Ms. Akhter and her family in Bangladesh. The Applicant contends that he never alleged that the latter risk was connected to his membership in the LDP, and it is therefore unreasonable for the Officer to discount this central element of the PRRA application on the sole basis that he is not found to be a member of the LDP.

[44] The Respondent maintains that the Officer's decision is reasonable. The Respondent submits that the Applicant requests that this Court reweigh the evidence before the Officer, which is not this Court's role on review, and that the Officer provided clear justification for his assessment. The Respondent further submits that it is open to the Officer to draw negative credibility findings from inconsistencies in the Applicant's evidence and testimony.

[45] The Respondent contends that the Officer reasonably found that the Applicant's knowledge of the LDP is of central importance to his claim that he is an active member of the LDP who has organized speeches and protests against the AL. The Respondent submits that the Applicant's lack of knowledge of the LDP is central to the Applicant's claim and is therefore a reasonable ground upon which to draw a negative credibility finding, for which the documentary evidence could not compensate. The Respondent further submits that the Officer did not misstate the NDP evidence regarding the LDP membership cards and that rather, this is an accurate reflection of the evidence.

[46] The Respondent submits that the Officer reasonably assessed the Applicant's failure to seek refugee protection in Malaysia and delay in making his claim in the US. Concerning his

time in Malaysia, the Respondent submits that the Officer's finding is not that the Applicant did not make a claim there, but that he did not make any efforts to research or learn about the immigration system of Malaysia, even after living there for one year. Regarding his claim in the US, the Respondent submits that the Officer reasonably found that the Applicant's lack of funds for a lawyer was not a reasonable explanation for the eight-month delay in seeking refugee protection, given that a lawyer is not required to file an application.

[47] In my view, the Applicant has raised several reviewable errors in the Officer's decision. Firstly, and perhaps most significantly, I agree with the Applicant that the Officer unreasonably relied on negative credibility findings to discount the significant evidence provided by the Applicant in support of his application. Had this evidence been considered *within* the Officer's credibility assessment, rather than summarily dismissed *after* the credibility conclusion was made, the Officer's conclusion regarding the credibility of the Applicant's claim that he is a member of the LDP and was attacked by members of the AL may have been different. This Court's decision in *George* is instructive on this manner of circular reasoning:

[37] The RPD gave no apparent consideration to this evidence when assessing the plausibility of Mr. George's continued fear of persecution notwithstanding the passage of time. Rather, as discussed further below, the RPD dismissed all of this evidence, giving it no probative value, on the basis of "the claimant's overall lack of credibility." There is no small element of circular reasoning in this, as the RPD found Mr. George's primary assertion implausible without consideration of the evidence that might affect that plausibility finding, and then disregarded that evidence on the basis of the credibility finding. Justice Rennie, then of this Court, explained in *Chen v Canada (Citizenship and Immigration)*, 2013 FC 311 at paragraph 20, that "[i]t is impermissible to reach a conclusion on the claim based on certain evidence and dismiss the remaining evidence as inconsistent with that conclusion": see also

*Momanyi v Canada (Citizenship and Immigration)*, 2018 FC 431 at paras 34-35.

[Emphasis added]

[48] The Officer engages in the same unreasonably circular reasoning in the case at hand. In the assessment of the Applicant's evidence, the Officer repeatedly mentions and appears to rely on the previous credibility findings in dismissing the evidence, despite it going directly to central elements of the Applicant's claim. The decision found the Applicant's central claim to lack credibility without a fulsome consideration of the very evidence provided to establish that claim, and then unreasonably disregards that evidence on the basis of the negative credibility finding (see also *Li v Canada (Citizenship and Immigration)*, 2019 FC 307 at para 18; *Yu v Canada (Citizenship and Immigration)*, 2015 FC 1138 at paras 31-37).

[49] I further agree with the Applicant that the Officer's dismissal of the affidavits provided in support of his application on the basis that their content is "self-serving" is an unreasonable basis upon which to discount this evidence. As the Court affirmed in *George*, citing *Nagarasa v Canada (Citizenship and Immigration)*, 2018 FC 313, "any letter written in support of an applicant could be characterized as self-serving, and evidence is not to be attributed little weight on this basis alone" (at para 24). The purpose of the affidavits provided by the Applicant was to support and corroborate his claims. They are therefore self-serving in that they parallel the Applicant's narrative—that is what they are intended to do. It is not only unreasonable for the Officer to discount the Applicant's voluminous evidence on the basis of previous negative credibility findings, but also unreasonable to dismiss the supporting affidavits, which corroborate central aspects of the Applicant's claim, simply on the basis that their contents are self-serving.



[50] At the heart of the Applicant's PRRA application is that he is a member of the LDP in Bangladesh and has been targeted as such. As part of his evidence to support his application, the Applicant provided a LDP membership card, to which the Officer assigned little evidentiary weight on the basis of an item in the NDP stating, "the LDP does not normally issue membership cards." The NDP item cites a professor who stated that political parties do not issue membership cards and that, "in the source's opinion," the LDP "is probably no exception." The item also cites a PhD candidate's statement "LDP members do not receive membership cards," but also states that the party issues official documentation in some forms. The item states that corroborative information could not be found to support these statements. Despite the uncertain and unspecific nature of this NDP evidence, the Officer selectively relies on this singular NDP item to express, in unequivocal terms, that "it is clear" that the LDP does not usually issue membership cards to its members.

[51] This Court's recent decision in *Ahmed v Canada (Citizenship and Immigration)*, 2023 FC 72 ("*Ahmed*") is highly analogous to the Applicant's case. In *Ahmed*, the applicant also claimed to be a member of the LDP and targeted for his membership (at para 2). The Court found, in part, that the Refugee Appeal Division ("RAD") erred in relying on the same select information in the NDP for Bangladesh regarding LDP membership cards as is relied on by the Officer in the Applicant's case (*Ahmed* at para 17). In assessing the RAD's reliance on this evidence, my colleague Justice Pallotta found as follows:

[17] The information in NDP Item 4.13 regarding membership cards was derived from three sources—a professor of South Asian studies at the University of Oslo, a senior researcher with the Christian Michelsen Institute, and a PhD candidate at the University of Ottawa's School of International Development and

Global Studies. Only the PhD candidate expressed the seemingly unqualified opinion that “LDP members do not receive membership cards”, and Item 4.13 does not state the basis for this opinion [...]

[Emphasis added]

[52] I therefore find that the Officer’s dismissal of the LDP membership card is unreasonable. The Officer’s reliance on a selective and uncertain excerpt from a single NDP item does not support the conclusion that this evidence is entirely irrelevant or fails to afford credibility to the Applicant’s claim.

[53] Lastly, I find that the Officer’s adverse credibility finding on the basis of two inconsistencies in the Applicant’s evidence and testimony is unduly microscopic and reflects an overzealous hunt for errors in the application. First, the Officer found that the Applicant stated that his ankle was injured during the February 2015 attack against him, while his mother stated that his knee was injured. Second, the Applicant stated that he left the house in Islampur for necessities but later testified that he did not leave the house except to apply for a visa and meet with a travel agent.

[54] This Court has found that “inconsistencies in the evidence must be sufficiently serious and must concern matters sufficiently relevant to the issues being adjudicated to warrant an adverse credibility finding” (*Sun v Canada (Citizenship and Immigration)*, 2015 FC 387 at para 22, citing *Djama v Canada (Minister of Employment and Immigration)*, [1992] FCJ No 531; *Menjivar* at para 26). In my view, these inconsistencies are insufficient to ground a negative credibility finding. The discrepancy between a knee injury and an ankle injury, and the slight

variation between going out for necessities and going out for two specific reasons—which the Applicant may have considered to be necessities, given his circumstances—are not sufficiently serious or central to the claim such that they warrant a negative credibility finding.

[55] For these reasons, I find that the Applicant has raised several reviewable errors in the Officer's decision that together are sufficient to render the decision unreasonable in its entirety.

**V. Conclusion**

[56] This application for judicial review is granted. The Officer engaged in an unreasonable assessment of the Applicant's credibility and failed to properly consider the Applicant's evidence. No questions for certification were raised, and I agree that none arise.

**JUDGMENT in IMM-3099-22**

**THIS COURT'S JUDGMENT is that:**

1. This application for judicial review is granted and the matter is remitted back for redetermination by a different officer.
2. There is no question to certify.

\_\_\_\_\_  
"Shirzad A."

Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-3099-22

**STYLE OF CAUSE:** MOHIUDDIN SOHEL v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** MAY 31, 2023

**JUDGMENT AND REASONS:** AHMED J.

**DATED:** SEPTEMBER 8, 2023

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