Federal Court  Cour fédérale

Date: 20250704

Docket: IMM-8420-24

Citation: 2025 FC 1189

Ottawa, Ontario, July 4, 2025

PRESENT: The Hon Mr. Justice Henry S. Brown

BETWEEN:

SANTIGIE LAWRENCE SESAY

Applicant

and

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

I. Nature of the matter

[1] This is an application for judicial review of a decision by a Senior Immigration Officer [Officer], dated February 5, 2024 [Decision], rejecting the Applicant's Pre-Removal Risk Assessment [PRRA]. After a mandatory hearing at which the Applicant was represented by counsel, and having post-hearing submissions, the Officer determined the Applicant would not

be subject to risk of persecution or danger of torture, risk to life, or risk of cruel and unusual treatment or punishment under ss 96 or 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*] if returned to his country of nationality. Therefore the PRRA was dismissed.

[2] Briefly, the Applicant (and his two daughters) are from Sierra Leone, which suffered a civil war ending in 2001. In 2001 the Applicant co-founded and started work with a United Nations non-governmental organization [NGO] from 2006 to 2014 in Liberia. He says he was attacked in 2008, 2010, and 2014 and received a threatening telephone call in 2014. He travelled to the US in 2014 where he made an asylum claim that was found ineligible in July 2019 because he had not established past or future persecution. He crossed into Canada unlawfully and claimed refugee protection the next month. He was entitled to a mandatory PRRA hearing which took place four years or so later in 2024 and which was refused.

[3] In essence, and in my respectful view, the Applicant asks the Court to reweigh and reassess the record in this case and set aside the PRRA Officer's decision. However, this is possible only in exceptional cases or where there is fundamental error, according to binding jurisprudence from the Supreme Court of Canada and Federal Court of Appeal. I am not persuaded the PRRA is unreasonable or should be set aside. Indeed, it seems to me this case not only lacked sufficient evidence to succeed but appears seriously tainted by false documentation to which the Officer properly gave no weight. The present application will be dismissed for the reasons that follow.

II. Facts

[4] The Applicant and his two minor daughters are citizens of Sierra Leone. They entered Canada at Lacolle, Québec from the United States on August 21, 2019. They were found ineligible to be referred to the Refugee Protection Division of the Immigration and Refugee Board pursuant to s 101(1)(c.1) of *IRPA* because they had already made a claim for refugee protection in the United States. In fact, while the Applicant says he moved to Canada from the United States before his refugee claim was determined due to growing anti-refugee sentiment, they in fact made a claim in the US which was deemed ineligible a month or so before they entered Canada — a material omission.

[5] In any event, their mandatory PRRA oral hearing was held January 15, 2024 under s 113.01 of *IRPA.* The Applicant was represented by counsel, many questions were asked, and post-hearing material and submissions were filed.

[6] The Applicant seeks protection in Canada based on an alleged fear of persecution and severe risks he says he and his family would face if returned to Sierra Leone. He says this is due to his work as a founding member of the non-governmental organization Post-Conflict Reintegration Initiative for Development and Empowerment [PRIDE] and as an employee of the United Nations in Liberia. The Applicant describes his involvement in these activities and resulting alleged risk as follows:

> …
>
> d. During the Sierra Leone civil war (1991-2005), Sesay worked with organizations assisting internally displaced people. In 2002, he co-founded the NGO Post-conflict Reintegration Initiatives for

Development and Empowerment (PRIDE) to help reintegrate ex-combatants and improve their socio-economic conditions. PRIDE's initiatives included human rights education, vocational training, and job creation. Their work aimed to integrate ex-combatants back into society and counter the marginalization they faced.

e. PRIDE collaborated with the International Center for Transitional Justice (ICTJ) to produce reports revealing that many ex-combatants were victims themselves, having been forcibly conscripted. These reports informed policies and contributed to the success of the Truth and Reconciliation Commission (TRC) and the Special Court for Sierra Leone. PRIDE's efforts included consulting ex-combatants and advocating for their inclusion in the peace process, despite the stigma they faced.

f. The Applicant played a crucial role in the TRC, training statement takers and facilitating ex-combatants' participation. This involvement extended to the Special Court for Sierra Leone, where PRIDE assisted in identifying witnesses for prosecution and defense. This work made the Applicant and his colleagues targets for retaliation from ex-combatants and their supporters, leading to harassment and threats.

g. The Applicant's persecution began after AFRC members were indicted by the Special Court. His involvement in witness identification led to continuous harassment, threats, and physical attacks. Despite reporting these incidents to the police, no substantial action was taken. After returning to Sierra Leone in 2014, the threats intensified. Sesay received threatening phone calls, was attacked, and faced several attempts on his life. He believes these threats are linked to his work with the Special Court and the resentment from ex-combatants' families.

h. The Applicant is also concerned about the current political climate in Sierra Leone, characterized by corruption, impunity, and political reprisals. He described the promotion of former fighters to key security positions and the violent actions of politically affiliated gangs. The police and security forces target opponents of the ruling party which exacerbates his fears.

i. Given the prevailing dangers, the Applicant fears for his life and the lives of his family members if they are forced to return to Sierra Leone. He submitted that the threats had torn his family apart and requested protection from the ongoing persecution and political violence in Sierra Leone.

> j. The Applicant's ex-wife, Ngozi Obi Sesay also arrived in Canada and made a refugee protection claim based on the similar reasons with the Applicant.

III. Decision under review

[7] The Officer accepted on a balance of probabilities the Applicant established his identity and previously worked for the NGO and the UN, but found there were "multiple issues with respect to credibility." Overall, the Officer found "there is insufficient evidence of probative value to support the applicants' fears of persecution, a danger of torture, a risk to life, or of cruel and unusual treatment or punishment." Therefore his claim was rejected.

A. *Credibility findings*

[8] The Officer drew a negative credibility inferences from the Applicant's evidence of his divorce because:

- There were issues with his correct name. The Applicant submitted multiple documents allegedly from the High Court of Sierra Leone state "Lawrence Santigie Sesay", while the Applicant confirmed at the hearing his name is "Santigie Lawrence Sesay", which is the name on his passport. The Decision states "one would reasonably expect that a genuine document from a high court would accurately state an individual's legal name in the correct order, and that it would match the stated name in that person's passport";

- There were issues with his alleged divorce. Those documents state the divorce was finalized on May 20, 2015, while the Applicant stated at the hearing they divorced on May 28, 2015;

- The Applicant's alleged ex-spouse stated in her own Basis of Claim form, submitted as evidence for the Applicant's PRRA, that she had completely disassociated herself from the Applicant. However, she and the Applicant retained the same

> legal counsel, which in the circumstances made this "more unlikely than not" in the Officer's view;
>
> - The alleged ex-spouse also stated she departed Sierra Leone on December 15, 2022 and the Officer found, "the three children listed in the Refugee Protection Claimant Documents are the children of the primary applicant and his alleged ex-spouse. This would indicate that his alleged ex-spouse was in the United States at the same time as the Applicant, which is confirmed in that she gave birth to their son, Lawrence-David Obinna Ketimah Sesay in May of 2014", that is, eight years earlier than she said she arrived in the US, and when the Applicant was in the US also.

[9] The Officer did not accept the Applicant was divorced.

[10] The Court will not go through the record and negative credibility findings exhaustively, but will note additional issues.

[11] The Officer found credibility issues with respect to the genuineness of an undated and incomplete declaration and alleged web post from an alleged Sierra Leonean lawyer allegedly specializing in international human rights and criminal justice in Africa:

> The applicants have also submitted an undated declaration from an individual named Alpha Sesay. In it, it states that this person is a Sierra Leonean lawyer specializing in international human rights and criminal justice in Africa. I note that the document states "[insert relevant perjury code for Canada]" at the beginning, suggesting it is a template that has, at least in part, been copied and pasted. The document includes multiple bullet points, which discuss various issues including the history of Sierra Leone's government, the history of the Special Court and TRC, and the threats to persons associated with the court. It also discusses the Conflict Mapping Exercise, and states that the primary applicant was one of three leaders at PRIDE that managed the exercise. In addition, it states that the primary applicant remains exposed to the risks posed by police and military abuse, and that his work in assisting the Special Court and TRC has exposed him to threats,

> thus making it impossible for him to seek protection from the current government administration and security forces. Furthermore, the declaration states the primary applicant and others are at risk from one group in particular, because of their work assisting the Special Court. In the primary applicant's written narrative, he has stated that he was at particular risk from the Civil Defence Forces (CDF). He was specifically asked during the hearing which group Sesay was referring to in his declaration. The primary applicant stated "the ex-combatants who joined the military and the police" without elaborating further; the CDF was not mentioned. I note that the aforesaid declaration does not describe how Alpha Sesay and the primary applicant met. Lastly, in one of the bullet points of the declaration, it states:
>
> > In April 2018, the SLPP, with the leadership of J.E Rtd. Brig. Julius Maada Bio won the national elections after having been in opposition for 10 years. Before this time, the APC government led by Ernest Bai Koroma led the country for 11 years (2007-2018). Both administrations have been marred by threats and attacks against persons with little or no accountability for said attacks.
>
> As part of the January 31, 2024 submissions package, the primary applicant has included screenshots of social media interactions and posts, including one dated July 28, 2023, from an individual named Alphonze Sesay. In the post, it thanks H.E President Julius Maada Bio for appointing him to be his Deputy Minister of Justice. Ultimately, I find it more unlikely than not that a person alleged to be Alpha Sesay – who stated in the submitted declaration that President Bio's administration has "been marred by threats and attacks against persons with little or no accountability for said attacks" – would be accepting and thanking President Maada Bio for his appointment as Deputy Minister of Justice in the president's administration. Consequently, I find there to be credibility issues with respect to the genuineness of this declaration.
>
> [Emphasis added]

[12] Notably, while the alleged legal specialist opined in this undated and incomplete "declaration" that the Applicant was at risk from the CDF, when asked at the hearing — with counsel present — the Applicant did not mention CDF.

[13] This is almost fatal to the Applicant's case, I should note at this point. It also seems to me this document is quite false, perhaps purchased or forged, which taints the Applicant's application.

[14] The Applicant also relied on material filed by a Stanford University professor Jeremy Weinstein who discussed a joint project with Stanford University in partnership with PRIDE and the Applicant. Professor Weinstein acknowledges, as the PRRA Officer found, "that it is his understanding that Lawrence Sesay was hired by the United Nations [UN] following his work at PRIDE, and that he relocated to the United States in 2014 after his time at the UN."

[15] Notwithstanding this academic's alleged expertise and personal relationship with the Applicant, his letter does not provide any reason why the Applicant relocated to the USA in 2014, nor does he provide any evidence of risks faced by the Applicant. Nor for that matter does the professor provide any evidence of risk to any of the Applicant's colleagues in this connection.

[16] Notably, the Applicant does not point to any objective country condition evidence naming him or his colleagues or those similarly situated as being at risk on return to Sierra Leone.

[17] The Officer concludes:

> I have read and considered the applicants' submissions describing the events that led to their departure from Sierra Leone. While I accept that the primary applicant was previously working for PRIDE and the UN, based on the information that has been

> presented and for the reasons I have given, I find there to be multiple issues with respect to credibility.
>
> In sum, I find that the applicants have not established on a balance of probabilities their fear is by reason of their perceived race, religion, nationality, membership in a particular social group, or political opinion. As a result, I find that there is no nexus to a Convention ground. Since there is no nexus to a Convention ground, I find that the applicants face no more than a mere possibility of risk under section 96 of the IRPA.
>
> As per section 97 of the IRPA, a person in need of protection must demonstrate, on a balance of probabilities, that removal to their country of origin will subject them personally to the harm feared. Based on the information that has been provided, I find the applicants have provided insufficient evidence of probative value to establish they are more likely than not personally at risk of torture, face a risk to their lives, or a risk of cruel and unusual treatment or punishment on a forward-looking basis.

B. *Evidence of personalized risk*

[18] In short, other that the Applicant's testimony, there is no evidence of personal risk to the Applicant. The Officer considered the following evidence and found it was not of sufficient probative value to support the Applicant's claim. In my view, these findings are reasonable as supported by the record:

- Documentation from the Special Court for Sierra Leone's Office of the Prosecutor, dated April 29, 2003, pertaining to the prosecution of Alex Tamba Brima was found "not probative as it does not speak specifically to the applicants' risk";
- A letter dated January 27, 2024 from Stanford University professor Jeremy Weinstein, identifying "Lawrence Sesay" as one of the founders of PRIDE was given "lessened" probative value because it "does not speak to the primary applicant's risk or his reasons for relocating to the United States in 2014";
- An interim report by PRIDE dated July 2004 and titled *What the Fighters Say*, which "discusses the survey that the primary applicant has referenced" was given low weight because it

> "does not speak specifically to any risks the primary applicant has alleged";
>
> - A report from the Sierra Leone Truth and Reconciliation Commission was similarly given little weight as it "does not speak specifically to risks put forth by the applicants";
> - The evidence of the Applicant's divorce and the declaration from Alpha Sesay were given no weight due to the credibility issues outlined above;
> - A Letter of Authorization from the Applicant's alleged ex-spouse was given little weight as it does not allege any risk. Attached copies of Refugee Protection Claimant Documents for the children were found not probative as they "are simply refugee protection claimant documents issued by the Government of Canada and do not speak to any risk put forth by the applicants";
> - Two Declarations from the Special Court of Sierra Leone noting risks to witnesses were given little weight because they do not speak to specific risks to the applicants;
> - Country condition evidence, including articles about political violence, delays in justice, and gang activity, were given little weight because "generalized risk is not covered by either section 96 or section 97 of the IRPA".

[19] In my view all of these findings are based on the record and reasonable.

[20] The Decision also summarizes the Applicant's testimony at the PRRA hearing, including his descriptions of the alleged attacks. In this regard the Decision notes the Applicant had no corroborative evidence of the attacks (medical records, phone records, police reports, photographs, etc.):

> As noted previously, the primary applicant stated that "his affliction" began after the indictments and arrests of the AFRC soldiers. When the primary applicant was asked in the hearing specifically about when the alleged *persecution* against him began, he stated that it was after he went home. He added that, "when

thieves came to my house, I didn't know it was related to my work. It was after I left UN, August, I got a phone call around August." The primary applicant was asked during the hearing if he had any photographic evidence pertaining to alleged home attacks by armed burglars. He stated that he would ask his wife, but that he did not think so. He was also asked if the identities of the callers were ever discovered, and he stated "no." The primary applicant has also alleged in his written narrative that he and his family had been covertly surveilled. He was asked about this, including when this occurred and how he knew this was happening. He stated that it had been ongoing, and that he did not know what was happening until he got the phone call. He then stated that after the phone call, he "put two and two together" about why his family's house was being targeted. He was then asked when this surveillance began, and he stated "let's say 2008." The primary applicant was also asked if he and his family had all been living together at the time of the alleged surveillance, and he stated "yeah."

…

The primary applicant was also asked during the hearing about personal attacks he experienced by men in army uniform. He stated that the first attack occurred in 2008 at a checkpoint when he was returning home. He stated that "these guys jumped on me and beat me up for no reason." He then stated that the next incident happened in 2010, in which "these guys followed me, they didn't take anything, they just harassed me and beat me up." He then stated that the last attack occurred in 2014, whereby he was beaten and then a week later, he got the phone call.

The primary applicant has asserted that he reported the personal attacks against him to the police, and was asked in the hearing if he has copies of any police reports in his possession. He stated "no." He was also asked if he had gone to a hospital after any of the attacks. He stated that he did, and was subsequently asked if he had any documentation from the hospital to help substantiate this. The primary applicant stated that "Sierra Leone hospitals are not like here, they don't give you documents."

…

Towards the end of the hearing, the primary applicant was asked about the last time he was threatened. He stated that it was the phone call in August of 2014. He was then asked if he had any documentary evidence, such as text messages, emails, or other communications, showing the alleged threats against him. He stated "No, because it was a phone call." Following this, he was

> asked how many times he went to the police in Sierra Leone, to report threats and attacks. He stated three times, adding that "I went there and they sent me to the military police. My wife was calling the police for burglary and things like that." Finally, he was asked if he had any documentary evidence, such as police reports, showing he went to the police to report threats. He stated "no, I don't know, they never gave me anything."

IV. Issues

[21] The Applicant asks:

> 1. Whether the Officer erred in assessing the Applicant's hearing testimony and documentary evidence?

[22] Respectfully, the issue is whether the Decision is reasonable.

V. Standard of review

[23] The parties agree, and I concur, the standard of review is reasonableness. With regard to reasonableness, in *Canada Post Corp v Canadian Union of Postal Workers*, 2019 SCC 67 [*Canada Post*], issued contemporaneously with the Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, [2019] 4 SCR 653 [*Vavilov*], the majority per Justice Rowe explains what is required for a reasonable decision, and what is required of a court reviewing on the reasonableness standard:

> [31] 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). Accordingly, when conducting reasonableness review "[a] reviewing court must begin its inquiry into the reasonableness of a decision by examining the reasons provided with 'respectful attention' and seeking to understand the reasoning process followed by the decision maker to arrive at [the]

> conclusion" (*Vavilov*, at para. 84, quoting *Dunsmuir*, at para. 48). The reasons should be read holistically and contextually in order to understand "the basis on which a decision was made" (*Vavilov*, at para. 97, citing *Newfoundland Nurses*).
>
> [32] A reviewing court should consider whether the decision as a whole is reasonable: "what is reasonable in a given situation will always depend on the constraints imposed by the legal and factual context of the particular decision under review" (*Vavilov*, at para. 90). The reviewing court must ask "whether the decision 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" (*Vavilov*, at para. 99, citing *Dunsmuir*, at paras. 47 and 74, and *Catalyst Paper Corp. v. North Cowichan (District)*, 2012 SCC 2, [2012] 1 S.C.R. 5, at para. 13).
>
> [33] Under reasonableness review, "[t]he burden is on the party challenging the decision to show that it is unreasonable" (*Vavilov*, at para. 100). The challenging party must satisfy the court "that any shortcomings or flaws relied on ... are sufficiently central or significant to render the decision unreasonable" (*Vavilov*, at para. 100).
>
> [Emphasis added]

[24] *Vavilov* makes it clear the role of this Court is not to reweigh and reassess the evidence unless there are "exceptional circumstances." The Supreme Court of Canada instructs:

> [125] It is trite law that the decision maker may assess and evaluate the evidence before it and that, absent exceptional circumstances, a reviewing court will not interfere with its factual findings. The reviewing court must refrain from "reweighing and reassessing the evidence considered by the decision maker": *CHRC*, at para. 55; see also *Khosa*, at para. 64; *Dr. Q*, at paras. 41-42. Indeed, many of the same reasons that support an appellate court's deferring to a lower court's factual findings, including the need for judicial efficiency, the importance of preserving certainty and public confidence, and the relatively advantageous position of the first instance decision maker, apply equally in the context of judicial review: see *Housen*, at paras. 15-18; *Dr. Q*, at para. 38; *Dunsmuir*, at para. 53.
>
> [Emphasis added]

[25] The Federal Court of Appeal held in *Doyle v Canada (Attorney General)*, 2021 FCA 237 that the role of this Court is not to reweigh and reassess the evidence unless there is a fundamental error:

> [3] In doing that, the Federal Court was quite right. Under this legislative scheme, the administrative decision-maker, here the Director, alone considers the evidence, decides on issues of admissibility and weight, assesses whether inferences should be drawn, and makes a decision. In conducting reasonableness review of the Director's decision, the reviewing court, here the Federal Court, can interfere only where the Director has committed fundamental errors in fact-finding that undermine the acceptability of the decision. Reweighing and second-guessing the evidence is no part of its role. Sticking to its role, the Federal Court did not find any fundamental errors.
>
> [4] On appeal, in essence, the appellant invites us in his written and oral submissions to reweigh and second-guess the evidence. We decline the invitation.
>
> [Emphasis added]

[26] With respect to credibility determinations and deference upon review, I follow Justice Rochester (as she was then) in *Onwuasoanya v Canada (Citizenship and Immigration)*, 2022 FC 1765 at paragraph 10 who noted among other things that "credibility lies at the heartland of the discretion of triers of fact":

> [10] Credibility determinations are part of the fact-finding process, and are afforded significant deference upon review (*Fageir v Canada (Citizenship and Immigration)*, 2021 FC 966 at para 29 [*Fageir*]; *Tran v Canada (Citizenship and Immigration)*, 2021 FC 721 at para 35 [*Tran*]; A*zenabor v Canada (Citizenship and Immigration)*, 2020 FC 1160 at para 6). … Credibility determinations have been described as lying within "the heartland of the discretion of triers of fact […] and cannot be overturned unless they are perverse, capricious or made without regard to the evidence" (*Fageir* at para 29; *Tran* at para 35; *Edmond v Canada (Citizenship and Immigration)*, 2017 FC 644 at para 22, citing *Gong v Canada (Citizenship and Immigration)*, 2017 FC 165 at para 9).

VI. Submissions of the parties

[27] The Applicant submits the Officer's credibility assessment was unreasonable.

[28] The Respondent submits the Applicant's evidence was considered and reasonably found to be insufficient.

[29] The Applicant points out it is a fundamental principle of refugee law that "[w]hen an applicant swears to the truth of certain allegations, this creates a presumption that those allegations are true unless there be reason to doubt their truthfulness": *Maldonado v Minister of Employment and Immigration*, 1979 CanLII 4098 (FCA) at 305.

[30] No one disagrees but the jurisprudence has significantly advanced since then as noted below.

[31] The Applicant submits this presumption extends to documentary evidence, namely the divorce documents, and the Officer unreasonably applied Western standards in assessing authenticity (*Manka v Canada (Minister of Citizenship and Immigration)*, 2007 FC 522 at para 8). The Applicant submits there is no reason to doubt the authenticity of the documents and "the PRRA Officer is not an expert to decide whether this document was not authentic, and he did not cite or rely on any objective sources or information in reaching to this credibility finding."

[32] The Applicant submits the Officer's credibility assessment of the statements from Alpha Sesay were speculative and the Officer erred in not contacting the writer even though "communication channels with the writers of the letters were available": see e.g. *Nugent v Canada (Citizenship and Immigration)*, 2019 FC 1380 at paragraph 17, citing *Paxi v Canada (Citizenship and Immigration)*, 2016 FC 905 at paragraph 52. I note in these cases corroborative evidence was discounted for being unsworn and because the writers have a vested interest in the outcome, rather than for contradictions in the evidence.

[33] With respect, it seems to me the Applicant is simply asking this Court to review, reweigh and reassess the evidence, which and with respect I decline to do because it is not part of the Court's job on judicial review unless there are exceptional circumstances or fundamental error which are simply not present in this case.

[34] I should emphasize that PRRA applicants bear the onus of providing all necessary evidence to establish they would be subject to a risk upon return: *Nhengu v Canada (Citizenship and Immigration)*, 2018 FC 913 at paragraphs 6-7, 12, 14 citing *Ferguson v Canada (Citizenship and Immigration)*, 2008 FC 1067 at paragraph 22 and *Ikeji v Canada (Citizenship and Immigration)*, 2016 FC 1422 at paragraphs 33, 47 and 50.

[35] In my respectful view, the Officer was not required to clarify concerns with the material filed by the Applicant and had no obligation to inform the Applicant his evidence was insufficient or flawed (that being obvious in my view), citing *Lupsa v Canada (Citizenship and*

Immigration), 2007 FC 311 at paragraphs 12-13, cited in *Mohammed v Canada (Citizenship and Immigration)*, 2024 FC 1942 at paragraph 27.

[36] There is no merit in the notion officers are obliged to interview every letter-writer, affiant and declarant to ascertain evidence that, and with respect, should have been but was not put on the record when their documents were prepared. Nor is it necessary to inform an applicant that undated, incomplete, alleged specialized legal material the Applicant could or would not support in his testimony, would be at risk of rejection as occurred here.

[37] The Applicant further submits the Officer failed to assess the evidence in totality rather than in isolated parts, per *Seda Amiragova v Canada (Citizenship and Immigration)*, 2006 FC 882 at paragraph 49. Instead, he claims, the Officer unreasonably assigned little or no weight to key documents corroborating the Applicant's allegations based on "some putative shortcomings or subjective assessment of these documents" (Applicant's Memorandum at para 19). The Applicant submits he "had no control over the supporting documents received from the third parties and these documents could not be expected to specifically address the threats and attacks that the Applicants suffered in his country" (Applicant's Memorandum at para 25). He submits supporting documents must be considered for what they say, not for what they do not say: *Mahmud v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 8019 (FC).

[38] On this stitched together submission and in connection with the Respondent's submissions on sufficiency of evidence above, I prefer to adopt the following paragraphs in

Adeleye v Canada (Citizenship and Immigration), 2020 FC 640, per Grammond J (thought not cited by either party):

> [9] The prohibition on discounting evidence for what it does not say arises in the context of the assessment of credibility. It is impermissible to disbelieve one witness's evidence simply because another witness corroborated only part of that evidence and remained silent as to another part: *Magonza v Canada (Citizenship and Immigration)*, 2019 FC 14 at paragraphs 48–52 [*Magonza*]. In such a situation, there is no contradiction affecting credibility. At most, the issue is simply a lack of corroboration.
>
> [10] This prohibition, however, does not detract from the general requirement that there be sufficient evidence to ground a finding of a well-founded fear of persecution. Insufficiency should not be confused with a lack of credibility: *Magonza*, at paragraphs 32–35; *Olusola v Canada (Immigration, Refugees and Citizenship)*, 2019 FC 46 at paragraphs 17–18. I discussed the concept of sufficiency of the evidence in *Azzam v Canada (Citizenship and Immigration)*, 2019 FC 549 [*Azzam*]. I noted that "[a] mere conclusory statement offered in evidence will often be insufficient" (at paragraph 31) and that evidence may be insufficient "where it does not contain enough detail to persuade the decision-maker of the existence of the facts necessary to trigger the application of a legal rule" (at paragraph 33).
>
> [11] One might be forgiven for thinking that there is no meaningful difference between insufficiency and lack of credibility. In this regard, counsel for the applicants argued that a conclusion that the applicants have brought insufficient evidence practically means that the Court does not believe them. Even though both situations may lead to the rejection of the claim, there is nonetheless a significant distinction. As counsel for the Minister noted, the applicants may well have a sincere belief in the power and influence of the agent of persecution. Without sufficient evidence, however, a decision-maker is unable to ascertain that this belief is objectively grounded. Thus, a conclusion of insufficiency is logically distinct from a negative credibility finding.

[39] In this case the Applicant failed to meet the burden on him to show he was entitled to relief. He had the benefit and *Charter*-protected right to a hearing before an impartial decision-maker.

[40] The PRRA Officer had the inestimable benefit in making credibility assessments that arises from actually watching, seeing, and hearing the Applicant testify and respond to questions. Counsel was present throughout. It seems to me his documentary evidence failed to stand up to scrutiny and/or completely failed to address risk to himself and or or his colleagues (the central issue). His own evidence was weak, failing even to mention the agent of alleged persecution identified by his chosen ‘specialist.’ I see no basis for judicial intervention.

[41] In my view the Officer’s reasons are detailed and careful, and the Decision is intelligible, transparent and justified per *Vavilov* and *Canada Post*.

VII. Conclusion

[42] This application for judicial review will be dismissed.

VIII. Certified question

[43] Neither party proposes a question for certification, and I agree none arises.

JUDGMENT in IMM-8420-24

THIS COURT'S JUDGMENT is that this application is dismissed, no question is certified and there is no order as to costs.

"Henry S. Brown"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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