

Kenneth v. Canada (Citizenship and Immigration), 2026 FC 1086

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Federal Court



Cour fédérale

Date: 20260824

Docket: IMM-11181-25

Citation: 2026 FC 1086

Toronto, Ontario, August 24, 2026

PRESENT: Madam Justice Go

BETWEEN:

BLESSING ENYAM KENNETH

Applicant

and

THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

Respondent

REASONS AND JUDGMENT

I. Overview

[1] Blessing Enyam Kenneth [Applicant], a citizen of Nigeria, made a refugee claim in Canada on the basis that she fears returning to Nigeria due to her family's political opinion.

[2] The Applicant alleges that her father formerly worked as Chief Photographer in the Nigerian Presidential Villa during the administrations of the People's Democratic Party [PDP].

The Applicant's father was compelled to show public support for the ruling All Progressives Congress [APC] after the PDP's loss of power in 2015. Following the 2023 general elections, the Applicant's father was abducted and left for death in July 2023. Meanwhile, the Applicant became a target on a "government-aligned watchlist."

[3] By a decision dated April 8, 2025 [Decision], the Refugee Protection Division [RPD] found the Applicant is not a Convention Refugee nor a person in need of protection. The RPD also found that there is no trustworthy or credible evidence to support the Applicant's claim. As such, the RPD found there is no credible basis in the Applicant's claim, pursuant to subsection 107(2) of the *Immigration and Refugee Protection Act* (SC 2001, c.27).

[4] The Applicant seeks a judicial review of the Decision, arguing that the RPD erred in its credibility assessment and failed to consider the Applicant's trauma.

[5] The parties jointly request that this application for judicial review be determined in writing, pursuant to paragraph 68 of the *Consolidated Practice Guidelines for Citizenship, Immigration, and Refugee Protection Proceedings* (August 12, 2026).

[6] For the reasons set out below, I dismiss the application.

II. Preliminary Issues

[7] The Applicant filed fresh evidence before the Court which consists of the following: a) a June 30, 2025 psychologist report which asserts the Applicant's conditions and the impact the

trauma has had on her; and b) an affidavit sworn by the Applicant's uncle on July 3, 2025 in which he recounts witnessing the attack on the Applicant's family and provides details on the attack.

[8] As a general rule, evidence that could have been placed before the decision-maker is inadmissible before a reviewing Court: *Bernard v Canada (Revenue Agency)*, 2015 FCA 263 [Bernard], at para 13. This is so because the reviewing court's role is to review overall legality, not to re-decide the merits of the decision reached: *Bernard*, at para 17, citing *Association of Universities and Colleges of Canada v Canadian Copyright Licensing Agency (Access Copyright)*, 2012 FCA 22 [Access Copyright], at paras 17-19.

[9] There are exceptions to this general rule allowing the Court to admit: a) affidavits that provide general background in circumstances where that information might assist it in understanding the issues relevant to the judicial review; b) affidavits that are necessary to bring to the attention of the reviewing court procedural defects that cannot be found in the evidentiary record; and c) affidavits that highlight the complete absence of evidence before the administrative decision-maker when it made a particular finding: *Access Copyright* at para 20.

[10] The Applicant argues that the fresh evidence was not and could not have been made available during the RPD proceedings because the Applicant only got a referral from her doctor for a psychological assessment after the RPD hearing, and that all attempts made by the Applicant to get contact with her family members had proven futile until recently. The Applicant submits the fresh evidence is relevant to the case as it addresses the central issue of credibility

and provides a medical explanation for the inconsistencies in her narrative. Finally, the fresh evidence ensures the Decision is reviewed with full awareness of the Applicant's capacity to testify.

[11] The Applicant's arguments reflect a lack of understanding of the nature of a judicial review. Her arguments are more appropriately made in the context of an appeal of the RPD decision to the Refugee Appeal Division, but not in a judicial review of a RPD decision.

[12] By her own admission, the fresh evidence did not become available until after the RPD hearing. As such, I find that the fresh evidence does not bring to the Court's attention any procedural defects during the RPD proceedings. The Applicant is also not presenting the fresh evidence as general background information. Rather, the Applicant is seeking to submit the evidence to challenge the credibility findings of the RPD, which is a direct violation of the demarcation of the roles between the administrative decision-maker and the Court. As such, I conclude the Applicant's new evidence does not meet the test for admitting new evidence as set out under *Access Copyright* and *Bernard*.

III. Issues and Standard of Review

[13] The Applicant raises the following issues to challenge the reasonableness of the Decision:

- a. The RPD misapplied the no credible basis test; and
- b. The RPD failed to consider the Applicant's trauma when conducting its credibility assessment.

[14] The parties agree that the standard of review is reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov]. The Court's role is to determine whether the Decision bears the requisite hallmarks of justification, transparency and intelligibility: *Vavilov* at para 99.

IV. Analysis

A. *The RPD did not misapply the no credible basis test*

[15] The Applicant raises two points to argue the RPD misapplied the no credible basis test. First, the Applicant contends that the RPD failed to grapple with the volume and weight of corroborative evidence including a sworn affidavit of an eyewitness, country condition evidence, photographic records, and hospital chart, which forms the central pillars of the Applicant's narrative. Second, by rejecting these materials in isolation for lacking extraneous details (e.g., naming masked attackers, attributing motive in a medical chart) the Applicant submits the RPD distorts the very purpose of refugee evidence and fails to assess evidence holistically.

[16] I reject the Applicant's submissions for the following reasons.

[17] The Applicant's argument goes to the RPD's assessment of the evidence, and not its application of the no credible basis test. In any event, as the Respondent points out, and I agree, the RPD cited the applicable legislation for a finding of no credible basis and acknowledged the serious consequences that arose from such a finding.

[18] I am unable to locate the case of *Nasir* cited by the Applicant: *Nasir v Canada (Citizenship and Immigration)*, 2016 FC 1144. The neutral citation provided for the case refers to *Vashakidze v. Canada (Minister of Citizenship and Immigration)*, 2016 FC 1144, a case dealing with inadmissibility on criminal grounds, and not a refugee claim assessment. The Applicant's reliance on a non-existent case raises the spectre of the use of AI. Having said that, I acknowledge that the Court has found, in some cases, that the RPD commits reviewable errors by assessing evidence in isolation. However, this is not one of those cases.

[19] Contrary to the Applicant's argument, the RPD did assess the Applicant's corroborating evidence but found it could not establish the incidents of persecution. Moreover, the RPD did not reject the corroborating evidence based on extraneous reasons.

[20] Specifically, the RPD noted that the photographs of injured individuals did not establish how or when the injuries occurred; the hospital letter confirmed the Applicant's father was treated, but did not establish what happened to him or who was responsible; the uncle's affidavit and police report did not identify the agents of persecution or the cause of incident; the father's identity cards established his employment with the government but not that he was persecuted; and the Applicant's APC party membership card did not establish her allegations of persecution.

[21] I also note that the RPD assessed the corroborative evidence, as it should, after it made serious credibility findings with respect to the Applicant's testimony and evidence. The RPD noted numerous credibility concerns including, but not limited to, the following:

- Inconsistencies as to what happened to the Applicant's father: The Applicant stated in her Basis of Claim [BOC] that her father was "attacked, beaten to death and other family

members misplaced.” At the hearing, the Applicant testified that her father is alive, and she made a mistake when writing about that. The RAD did not find this explanation to be credible;

- Inconsistencies about the agent of persecution: In her BOC, the Applicant stated that she fears she would be kidnapped by unknown gunmen because her family has been a strong supporter of the government in power. In her narrative, the Applicant expanded on her allegations and indicated that her father had been a PDP supporter but was forced to join the APC which led to his problem because the PDP felt he had betrayed them. By contrast, the Applicant testified that she feared the APC, the government in power. The RPD found the Applicant’s testimony is not consistent with her BOC or her narrative. The RPD found the Applicant failed to explain the discrepancy and did not find it credible that the Applicant would fail to mention that her family is being targeted by the APC given her allegation that the APC is the main agent of persecution;
- Reason for the persecution was convoluted and based on assumptions: The Applicant was asked to explain why the APC was targeting her father. The RPD found her response convoluted and based on assumptions and speculation, including the assumption that her father has secret information even though her father has never told her that he has any such information;
- APC membership was not credible: The Applicant said she speculated that her father joined the APC in 2015 because he was still going to work even though he was retired. The RPD did not find the Applicant’s testimony in this regard credible and found that it was based on assumptions. The RPD also rejected the Applicant’s own reason for joining the APC because she did not mention this in her BOC or narrative. The RPD rejected the Applicant’s explanation that she was not in the right state of mind at the time. Since the only allegation of the Applicant’s involvement in this story was because she failed to meet the APC’s expectations, the RPD did not find it credible that the Applicant would forget to mention this alleged incident; and
- Omissions of alleged events after the July 2023 attack on her father: the Applicant testified that in December 2023, she saw a post indicating her uncle’s wife had been killed; that her parents had gone to hide at her uncle’s house, and then at a colleague’s house and that the same people targeting her father were targeting them, which resulted in the death the colleague’s daughter. The RPD noted the Applicant did not mention the incident with her uncle’s wife in her BOC and noted the discrepancies between the Applicant’s testimony and the BOC of the details of the attack on the colleague’s house and the reasons for the attack.

[22] Other than challenging the RPD’s findings on the basis that the RPD failed to account for her trauma—which I will address below—the Applicant did not make any argument with respect to any of the above noted credibility findings. In conclusion, I find the RPD reasonably assessed

the Applicant's corroborating evidence and reasonably found the evidence insufficient to overcome the considerable credibility concerns in this case.

B. *The RPD did not err in its credibility assessment by ignoring the Applicant's trauma*

[23] The Applicant submits that although counsel on record at the time raised the issue of the Applicant's trauma based on her experiences with persecution, the RPD member turned a deaf ear to the issue.

[24] The Applicant points to the Applicant's stated error while filling up her BOC form about her father's death as indicative of the Applicant's "inability to narrate with absolute coherence, events of the past." The Applicant also relies on the fresh evidence, i.e., the June 30, 2025 psychologist report, to argue that her psychological diagnosis is not hypothetical. Further, despite the fact this diagnosis was only available after the Decision, the Applicant submits the RPD's approach was rigid, insensitive, and blind to the Applicant's mental health realities.

[25] I find the Applicant's arguments are without merits.

[26] In the Decision, the RPD noted that it considered the *Chairperson's Guideline 4: Gender Considerations in Proceedings Before the Immigration and Refugee Board*. The RPD also acknowledged counsel's submissions that the Applicant's discrepancies should not undermine her credibility when considered in the context of her personal circumstances. The RPD noted that counsel on record argued that trauma can impair memory and affect a person's ability to provide consistent testimony. Counsel further submitted that that in the Applicant's case, her experiences

of persecution have left lasting psychological scars, and that the lasting effects of torture further contributed to her struggle to recall precise details. The RPD also noted counsel's submission that the passage of time made exact recall difficult.

[27] The Respondent argues, and I agree, that the RPD accurately captured the Applicant's submissions regarding the effect of trauma on her ability to testify.

[28] The RPD however disagreed with counsel's submissions, noting there is insufficient evidence to establish that the Applicant has experienced persecution and torture to such a degree that these factors would contribute to the Applicant's struggles to recall precise details. The RPD also noted there was no medical evidence to suggest that the Applicant's memory was affected. The RPD also noted that the persecutory events occurred in July 2023, less than two years before the Applicant's refugee hearing, which was not a lengthy period of time. The RPD concluded that the concerns with the Applicant's credibility were "so severe that they cannot be explained simply by the passage of time, or by alleged trauma."

[29] Thus, contrary to the Applicant's submission, the RPD did consider counsel's submissions on the impact of trauma on the Applicant but rejected these submissions due to insufficient evidence.

[30] Finally, the Applicant cannot rely on fresh evidence, which I have declined to admit, to undermine the reasonableness of the RPD's finding. Indeed, the Applicant's reliance on fresh

evidence only reinforces the point that there was no medical evidence about her psychological state at the time of her refugee hearing, as the RPD noted.

[31] For these reasons, I find the Applicant fails to discharge her burden of demonstrating that the Decision was unreasonable.

V. Conclusion

[32] The application for judicial review is dismissed.

[33] There is no question for certification.

JUDGMENT in IMM-11181-25

THIS COURT'S JUDGMENT is that:

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

"Avvy Yao-Yao Go"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-11181-25

STYLE OF CAUSE: BLESSING ENYAM KENNETH v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

**UPON JOINT REQUEST FROM THE PARTIES, MATTER CONSIDERED SOLELY
ON WRITTEN REPRESENTATIONS WITHOUT THE NEED FOR AN ORAL
HEARING AT OTTAWA, ONTARIO**

REASONS AND JUDGMENT: GO J.

DATED: AUGUST 24, 2026

WRITTEN REPRESENTATIONS BY:

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