

Federal Court



Cour fédérale

**Date: 20250919**

**Docket: IMM-15516-24**

**Citation: 2025 FC 1539**

**Ottawa, Ontario, September 19, 2025**

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

**BETWEEN:**

**GLORIA NALUKENGE KASULE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant is a citizen of Uganda and claims to be a bisexual woman. She made a refugee claim pursuant to sections 96 and 97(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [IRPA]. She claims that she fears persecution from homophobic members of Ugandan society and the Ugandan authorities on the basis of her sexual orientation.

[2] She is seeking judicial review of a decision made by the Immigration and Refugee Board of Canada's Refugee Appeal Division [the RAD] on August 9, 2024 [the Decision] that

dismissed her appeal from the Immigration and Refugee Board of Canada's Refugee Protection Division's [the RPD] decision made on April 3, 2024, that dismissed her claim.

[3] The Decision confirmed the RPD decision and rejected the Applicant's claims because she had not established that she faces a serious possibility of persecution on a Convention ground, or, on a balance of probabilities, a risk to life, risk of cruel and unusual treatment or punishment, or a danger of torture should she be returned to Uganda. The Decision also confirmed that the Applicant was not a Convention refugee and was not a person in need of protection.

[4] Both the Decision and the RPD's decision turned on the Applicant's lack of credibility. The RAD found that the Applicant had made "baldly outlandish" fabrications of some facts, had evolving testimony, had claimed matters that were not included in her Basis of Claim, and had simply lied about facts that go to the core of her claim. These fabrications and lies relate to the Applicant's claimed same-sex relationships and their timing, the circumstances surrounding her alleged unlawful detention commencing in December 2018, and the alleged detention itself.

[5] The Applicant does not argue that the Decision is unreasonable in its credibility findings regarding her testimony or its findings on the core allegations that comprise her claim. Rather, the Applicant argues that the Decision is unreasonable because the RAD:

- a) unreasonably assessed the authenticity and reliability of the government-issued evidence filed in support of the claim that is critical to corroborating central

events underpinning the claim and the Applicant's fear of persecution in Uganda;  
and,

- b) did not address the extensive country condition evidence regarding persecution faced by the lesbian, gay, bisexual, transgender, intersex, and queer ('LGBTIQ+') community in Uganda.

[6] The parties agree, and I agree with them, that the applicable standard of review is the standard of reasonableness (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [*Vavilov*]). Pursuant to *Vavilov*, reasonableness review requires the reviewing court to assess the reasons given by the administrative decision maker and determine whether the decision is based on an internally coherent chain of reasoning and is justified in light of the relevant legal and factual constraints (*Vavilov* at para 85). The onus is on the Applicants to demonstrate that "any shortcomings or flaws ... are sufficiently central or significant to render the decision unreasonable" (*Vavilov* at para 100). Absent exceptional circumstances, reviewing courts must not interfere with the decision-maker's factual findings and cannot reweigh and reassess evidence considered by the decision-maker (*Vavilov* at para 125).

[7] The government-issued documents at issue are two letters from the "Bunga Local Council" that serve as eviction notices by which the Applicant was expelled from the village in which she had been residing, a partially typed and partially hand-written police form, and two different police release bonds.

[8] The RAD determined that the RPD unnecessarily made the finding that the police forms and release bonds were not credible. The RAD accepted the police forms and release bonds as documents led into evidence. The RAD also considered the Bunga Local Council documents without any negative assessment. The RAD noted that some of the documents produced by the Applicant contradicted each other and her evolving narrative on core allegations, such as the number of times she had been arrested.

[9] The RAD found that the Applicant had not reliably established her core allegations after weighing all of the evidence, including the government-issued documents and the Applicant's testimony, against the Applicant's lack of credibility on those same core allegations of her claim. The RAD did not discount or ignore the government-issued documents as the Applicant suggests. The RAD's reasons contradict that assertion.

[10] The RAD's consideration of the government-issued documents was reasonable, intelligible and justified in light of the documents, their content, and the applicable jurisprudence. The police documents provide minimal information pertaining to the Applicant and her involvement with the Bunga Police Department and the Kireka Police Station. The same can be said of the Bunga Local Council documents and the limited information they provide about the ostracization the Applicant suffered from the villagers represented by the Bunga Local Council. The RAD determined that the documents "are not particularly strong documents on their own that outweigh the serious credibility problems". The Applicant's argument must therefore be rejected.

[11] The RAD was not required to engage in or assess extensive country-related evidence regarding persecution faced by the lesbian, gay, bisexual, transgender, intersex, and queer ('LGBTIQ+') community in Uganda because the core allegations asserted by the Applicant were not established, and because the content of those documents were not argued before the RPD. As was held by this Court in *Gebrewlidi v Canada (Citizenship and Immigration)*, 2017 FC 621 at para 27:

[27] The burden of proof rested upon the applicants to substantiate their claim (*Alakozai v Canada (Citizenship and Immigration)*, 2009 FC 266 at para 33). In my opinion, they have not done so. Where an officer has determined that general credibility is lacking, country condition documents alone cannot provide an adequate basis for a positive determination. The applicants would still have to demonstrate a link between their personal situation and the situation in their country of origin (*Alakozai*, above at para 35). Since the applicants did not provide credible evidence concerning their situation, their application could not precede on the basis of country condition documents alone.

[12] The Applicant has not established that the RAD's decision is unreasonable and has therefore not met her burden in this proceeding.

[13] The Applicant's application is therefore dismissed.

[14] No certified question was proposed by the parties, and none arises on the facts of this matter.

**JUDGMENT in IMM-15516-24**

**THIS COURT’S JUDGMENT is that:**

1. This application for judicial review is dismissed.
2. There is no certified question.
3. Costs are not awarded to any party.

“Benoit M. Duchesne”

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Judge

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

**DOCKET:** IMM-15516-24

**STYLE OF CAUSE:** GLORIA NALUKENGE KASULE v. MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** SEPTEMBER 17, 2025

**JUDGMENT AND REASONS:** DUCHESNE, J.

**DATED:** SEPTEMBER 19, 2025

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Leila Jawando	FOR THE RESPONDENT

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