

Federal Court



Cour fédérale

Date: 20151015

Docket: IMM-8123-14

Citation: 2015 FC 1171

Toronto, Ontario, October 15, 2015

PRESENT: The Honourable Madam Justice Mactavish

BETWEEN:

**EMMANUEL CHUKWA NWOGU
(A.K.A. EMMANUEL NWOGU)**

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

ORDER AND REASONS

(Reasons delivered orally in Toronto on October 15, 2014)

[1] The applicant did not appear at the hearing of this application for judicial review because he was removed from Canada in March of this year. Consequently, the matter has been decided on the basis of the written submissions of the applicant and the respondent's oral and written submissions.

[2] Because the applicant was not provided with notice of the respondent's motion to have the application for judicial review dismissed on the basis that it is now moot as a result of the applicant's removal from Canada, I intend to deal with this matter on its merits.

[3] Essentially for the reasons cited by the respondent in his memorandum of fact and law, I am satisfied that the Board's finding that the applicant had failed to establish his identity (including his identity as a citizen of Nigeria) was entirely reasonable based upon the record that was before the Board.

[4] Having found that the applicant had failed to establish his identity as a citizen of Nigeria it follows that the Board's "no credible basis" finding was also reasonable: *Behary v. Canada (Minister of Citizenship and Immigration)*, 2015 FC 794; *Naeem v. Canada (Minister of Citizenship and Immigration)*, 2014 FC 1134.

[5] Consequently, the application for judicial review is dismissed. I agree with counsel for the respondent that the case does not raise a question for certification.

ORDER

THIS COURT ORDERS that the application for judicial review is dismissed.

“Anne L. Mactavish”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-8123-14

STYLE OF CAUSE: EMMANUEL CHUKWA NWOGU (A.K.A. EMMANUEL NWOGU) v THE MINISTER OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 15, 2015

ORDER AND REASONS: MACTAVISH J.

DATED: OCTOBER 15, 2015

APPEARANCES:

No appearance

FOR THE APPLICANT

Rafeena Rashid

FOR THE RESPONDENT

SOLICITORS OF RECORD:

William F. Pentney
Deputy Attorney General of
Canada

FOR THE RESPONDENT