Federal Court  Cour fédérale

Date: 20180124

Docket: IMM-2726-17

Citation: 2018 FC 67

Ottawa, Ontario, January 24, 2018

PRESENT: The Honourable Madam Justice Kane

BETWEEN:

LINDA OMONO IYERE
STEPHEN IRASEGHOYA IYERE (MINOR)
FAVOUR AKOMU IYERE (MINOR)
PATRICK ONOSETALE IYERE (MINOR)

Applicants

And

THE MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

JUDGMENT AND REASONS

[1] The Applicants, citizens of Nigeria, seek judicial review of a decision of the Refugee Appeal Division of the Immigration and Refugee Board [the RAD], dated May 23, 2017 [the Decision], which found that they were neither convention refugees nor persons in need of protection pursuant to the *Immigration and Refugee Protection Act*, SC 2001, c 27, because they had a viable Internal Flight Alternative [IFA] within Nigeria.

[2] For the reasons that follow, the application is dismissed. The RAD did not err in finding that the Applicants had not met the onus on them to establish that the proposed IFA was not reasonable.

I. Background

[3] The Applicants, Linda Omono Iyere [Ms. Iyere] and her three children, recount that they fled Nigeria due to a fear of retribution from the family and kinsmen of Mr. Iyere, their husband and father, and of their community members, due to Mr. and Ms. Iyere's refusal to have their children undergo rituals traditionally performed by that community; in particular, Female Genital Mutilation [FGM] for girls over the age of thirteen and symbolic scarring for boys over the age of fifteen.

[4] Ms. Iyere recounts that she and her husband repeatedly told their relatives that they refused to have their children undergo these rituals because of their Christian faith and Mr. Iyere's own negative experiences. Ms. Iyere claims that their relatives stated that, if they continued to refuse, the children would be taken by force. The local police were not responsive to their concerns. The family then relocated to the city of Ibadan. In Ibadan, they encountered a relative who stated that he would disclose their location. The family then went into hiding in a church in Lagos. While in hiding, they were informed that Mr. Iyere's kinsmen had come looking for them there.

[5] The Applicants left Nigeria and arrived in Canada on September 9, 2016. Mr. Iyere remained in Nigeria and returned to Ibadan. Ms. Iyere recounts that she was told that Mr. Iyere's

kinsmen came looking for the children in Ibadan and that their community association members had been told to look for them everywhere in Nigeria.

[6] The Refugee Protection Division [RPD] found that Ms. Iyere's testimony was credible and that she had a subjective fear of persecution in Nigeria, but that her fear was not objectively well-founded. The RPD found that the Applicants had an IFA in Port Harcourt and that they could relocate there safely and reasonably.

[7] The RPD found that the family's encounter with a relative in Ibadan was a coincidence. The RPD further found that the encounter in Lagos did not demonstrate the ability of their community association members to locate them anywhere in Nigeria; rather, it was possible that Mr. Iyere's mother provided their location, given that she is supportive of the rituals.

[8] The RPD considered Port Harcourt's size, as a city of 2 million inhabitants, and its distance from Lagos, Ibadan, and Mr. Iyere's home town, and found it to be a valid IFA. The RPD also found that the Applicants would not be subject to undue hardship in relocating to Port Harcourt because Ms. Iyere and her husband had successful careers and were reasonably well-off.

[9] The RPD concluded that the Applicants had not established that they faced a serious possibility of persecution throughout Nigeria or that they would face a danger of torture, a risk to life, or a risk of cruel and unusual treatment or punishment throughout Nigeria.

II. The Decision under Review

[10] The RAD conducted the appeal of the RPD's decision guided by the principles set out in *Huruglica v Canada (Citizenship and Immigration)*, 2014 FC 799, [2014] 4 FCR 811, and independently assessed the evidence. The RAD dismissed the appeal and confirmed the decision of the RPD.

[11] The RAD applied the two part test to determine the reasonableness of the proposed IFA, citing *Rasaratnam v Canada (Minister of Employment and Immigration)*, [1992] 1 FC 706, [1991] FCJ No 1256 (QL) (FCA) [*Rasaratnam*], and *Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589, [1993] FCJ No 1172 (QL) (FCA) [*Thirunavukkarasu*].

[12] The RAD agreed with the RPD that there was less than a mere possibility that Ms. Iyere and her children would be found if they relocated to Port Harcourt. The RAD considered, among other things, the overall population of Nigeria (180 million) and of Port Harcourt (2 million), the distance between Port Harcourt and the Applicants' home, and the information in the National Documentation Package [NDP] indicating that the communications infrastructure in Nigeria is generally poor.

[13] The RAD considered the prevalence of FGM in Nigeria, with reference to the country condition documents. The RAD found that Ms. Iyere's fear that her daughter would be taken by force and subjected to FGM was not well-founded in light of the more recent country condition

documents that established, among other things, that the practice is contrary to national law and the law is being enforced. The RAD found nothing to support the Applicants' contention that the children would be taken by force if their parents refuse to have them undergo FGM.

[14] The RAD considered the Applicants' allegations that the RPD's analysis of the reasonableness of the proposed relocation was too brief, lacked detail, and failed to address their personal circumstances including Ms. Iyere's mental health. However, the RAD ultimately agreed with the RPD that, given the particular profile of Ms. Iyere and her husband, who both had careers, had travelled and were well-off, relocation to Port Harcourt was not unreasonable. The RAD concluded that the Applicants were not Convention refugees or persons in need of protection, either individually or collectively.

III. The Issues

[15] The only issue is whether the RAD erred in finding that the IFA is reasonable, as this was the determinative finding of both the RPD and the RAD.

IV. The Standard of Review

[16] The determination of the RAD regarding an IFA analysis is reviewed on the standard of reasonableness: *Ugbekile v Canada (Citizenship and Immigration)*, 2016 FC 1397 at paras 12-14, 275 ACWS (3d) 360.

[17] Where the reasonableness standard applies, the Court considers "the existence of justification, transparency and intelligibility within the decision-making process" and "whether the decision falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law": *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47, [2008] 1 SCR 190.

V. The Applicants' Submissions

[18] The Applicants submit that the RAD erred in its application of the two part test to determine the reasonableness of an IFA as established in *Rasaratnam*. The Applicants submit that the RAD erred both in its analysis of the whether there was a serious risk of persecution throughout the country and in its analysis of whether the proposed IFA was reasonable in their personal circumstances.

[19] With respect to the first part of the test, the Applicants submit that the RAD disregarded Ms. Iyere's testimony about the breadth of her husband's family's network and how they could use this network and their community association meetings to find her children. The Applicants submit that the RPD and RAD found Ms. Iyere to be credible and should have accepted this testimony without additional evidence.

[20] The Applicants also argue that the RAD was selective in its use of the NDP evidence relating to FGM. The Applicants note that they provided evidence that FGM is prevalent throughout Nigeria, including in the Port Harcourt region, and that the newspaper article submitted demonstrates that the community can use force when parents do not consent to FGM.

[21] With respect to the second part of the test, the Applicants submit that the RAD made factual errors which demonstrate that the RAD did not fully analyze their particular circumstances. For example, the RAD inaccurately stated that Ms. Iyere had a post-secondary education and that she claimed not to speak the Esan/Ishan language.

[22] The Applicants also argue that the RAD erred in rejecting Ms. Iyere's psychotherapist's report, which noted the risks to her mental health, a relevant personal circumstance.

[23] In addition, the Applicants submit that the RAD did not consider their risk of kidnapping in Port Harcourt. They now argue that they would be more visible as strangers in Port Harcourt and more vulnerable to kidnapping given their wealth.

VI. The Respondent's Submissions

[24] The Respondent submits that the RAD applied the correct two part test and its finding is reasonable.

[25] The RAD did not ignore the Applicants' fear that Mr. Iyere's family, community members, or kinsmen would find them in Port Harcourt but, rather, found that there was little objective evidence regarding the size, reach, and power of this community and that, given the size and location of Port Harcourt combined with the poor communications infrastructure in Nigeria, this fear was unlikely to materialize.

[26] The Respondent notes that the RAD, like the RPD, did not make any negative credibility findings, but rather found that the evidence was not sufficient or probative. The Respondent further notes the distinction between the Applicants' subjective fear, which the RAD accepted, and whether it is well-founded, which requires objective evidence.

[27] The Respondent acknowledges that the RAD erred in stating Ms. Iyere's level of education and language spoken, but submits that this does not impact the reasonableness of the decision. The evidence revealed that Ms. Iyere had a clothes-trading and tailoring business, her husband was an engineer, the family had travelled outside Nigeria, and they were considered to be well-off.

[28] The Respondent further submits that the RAD did not err in its treatment of the psychotherapist's report. The Respondent points out that the Applicants did not raise any specific errors on the part of the RPD regarding its treatment of the report in their appeal to the RAD. The Respondent also notes that the report does not address the impact on Ms. Iyere's mental health in the proposed IFA location. Moreover, there is no evidence that Ms. Iyere's general anxiety and depression would rise to the level of being a significant hardship such that the IFA is unreasonable.

[29] With respect to the claimed risk of kidnapping, the Respondent submits that the Applicants did not provide sufficient evidence of conditions that would jeopardize their lives or safety in the proposed IFA, as required by *Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] FCR 164 at para 15, 266 NR 380 (FCA) [*Ranganathan*].

VII. Did the RAD err in finding that the proposed IFA is reasonable?

A. *The jurisprudence*

[30] The two part test for an IFA was set out in *Thirunavukkarasu* and reflects the principles previously established in *Rasaratnam*. First, the decision-maker must be satisfied, on a balance of probabilities, that there is no serious possibility of the claimant being persecuted in the proposed IFA. Second, the conditions in the proposed IFA must be such that it would not be unreasonable, upon consideration of all the circumstances, including the personal circumstances of the claimant(s), for the claimant(s) to seek refuge there.

[31] As noted in *Thirunavukkarasu* at paragraph 14:

> [14] An IFA cannot be speculative or theoretical only; it must be a realistic, attainable option. Essentially, this means that the alternative place of safety must be realistically accessible to the claimant. Any barriers to getting there should be reasonably surmountable. The claimant cannot be required to encounter great physical danger or to undergo undue hardship in travelling there or in staying there. For example, claimants should not be required to cross battle lines where fighting is going on at great risk to their lives in order to reach a place of safety. Similarly, claimants should not be compelled to hide out in an isolated region of their country, like a cave in the mountains, or in a desert or a jungle, if those are the only areas of internal safety available. But neither is it enough for refugee claimants to say that they do not like the weather in a safe area, or that they have no friends or relatives there, or that they may not be able to find suitable work there. If it is objectively reasonable in these latter cases to live in these places, without fear of persecution, then IFA exists and the claimant is not a refugee.
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> [Emphasis added]

[32] There is a high onus on a refugee claimant to demonstrate that a proposed IFA is unreasonable: *Ranganathan* at para 15. In *Ranganathan*, the Court of Appeal reaffirmed the passage in *Thirunavukkarasu* set out above, adding at paragraphs 15-17 the rationale for the high threshold:

> [15] We read the decision of Linden J.A. for this Court as setting up a very high threshold for the unreasonableness test. It requires nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area. In addition, it requires actual and concrete evidence of such conditions. The absence of relatives in a safe place, whether taken alone or in conjunction with other factors, can only amount to such condition if it meets that threshold, that is to say if it establishes that, as a result, a claimant's life or safety would be jeopardized. This is in sharp contrast with undue hardship resulting from loss of employment, loss of status, reduction in quality of life, loss of aspirations, loss of beloved ones and frustration of one's wishes and expectations.
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> [16] There are at least two reasons why it is important not to lower that threshold. First, as this Court said in *Thirunavukkarasu*, the definition of refugee under the Convention "requires claimants to be unable or unwilling by reason of fear of persecution to claim the protection of their home country in any part of that country". Put another way, what makes a person a refugee under the Convention is his fear of persecution by his home country in any part of that country. To expand and lower the standard for assessing reasonableness of the IFA is to fundamentally denature the definition of refugee: one becomes a refugee who has no fear of persecution and who would be better off in Canada physically, economically and emotionally than in a safe place in his own country.
>
> [17] Second, it creates confusion by blurring the distinction between refugee claims and humanitarian and compassionate applications. These are two procedures governed by different objectives and considerations […]

[33] In *Argote v Canada (Minister of Citizenship and Immigration)*, 2009 FC 128 at para 12, [2009] FCJ No 153 (QL), the Court reiterated that the onus is on an applicant to establish with objective evidence that the relocation to the IFA is unreasonable, noting at paragraph 12:

> […] Whether the relocation to the IFA is unreasonable is an objective test and the onus is on the applicants to establish on objective evidence that the relocation to the IFA is unreasonable. It is not for the Board to prove that it is reasonable, as the applicants suggest. [...]

[34] In *Valasquez v Canada (Minister of Citizenship and Immigration)*, 2010 FC 1201, [2010] FCJ No 1496 (QL), relied on by the Applicants, Justice O'Reilly summarized the approach and principles from the jurisprudence at paragraph 15:

> [15] The concept of an IFA is an inherent part of the Convention refugee definition because a claimant must be a refugee from a country, not from a particular region of a country (*Rasaratnam v Canada (Minister of Employment and Immigration*), [1992] 1 FC 706 at para 6). Once an IFA has been proposed by the Board, it must consider the viability of the IFA according to the disjunctive two part test set out in *Rasaratnam*. The claimant bears the onus and must demonstrate that the IFA does not exist or is unreasonable in the circumstances. That is, the claimant must persuade the Board on a balance of probabilities either that there is a serious possibility that he or she will be persecuted in the location proposed by the Board as an IFA, or that it would be unreasonable to seek refugee in the proposed IFA given his or her particular circumstances.
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> [Emphasis added]

[35] As highlighted in *Ranganathan* and subsequent jurisprudence, a refugee claimant cannot seek the refugee protection of another country where there is a place within their own country - even if it may not be ideal or their personal preference - which offers safety from the risk they claim and is not unreasonable in all the circumstances. The refugee claimant bears the onus of

establishing with objective evidence that the IFA is unreasonable; i.e., that there is a serious possibility of the claimant being persecuted in the proposed IFA or that the conditions in the proposed IFA make it unreasonable, taking into consideration all the circumstances, including their personal circumstances, for them to relocate to the proposed IFA. The high threshold set in *Ranganathan* ("nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area") applies to both parts of the test.

B. *The RAD did not err in finding that the IFA is reasonable*

[36] The RAD applied the correct test and did not err in finding that the Applicants had not met the onus on them to establish on a balance of probabilities that the IFA in Port Harcourt is not reasonable.

[37] With respect to the first part of the test, the RAD's analysis of whether the family was at a serious risk of persecution throughout the country focused on whether it was likely they would be found in the proposed IFA. At the RPD hearing, Ms. Iyere estimated the size of their community (i.e., those that would be tracking them down), saying that there were "more than about 10 thousand because it is a big community," and made general statements that the community is "all over the place." However, Ms. Iyere did not provide any objective evidence to establish the reach or authority of Mr. Iyere's family or kinsmen or how they could use their community association meetings and members to find the Applicants. Contrary to the Applicants' submissions, the fact that their testimony was found to be credible with respect to their fear does not alleviate the need to provide sufficient objective evidence. As noted in

Figueroa v Canada (Minister of Citizenship and Immigration) 2016 FC 521 at paragraph 54, 266 ACWS (3d) 435:

> [54] In this matter the Applicants were found to be credible, however, this does not overcome the need for objective evidence that the proposed IFA is not viable. In *Alvarez*, the applicants were also found to be credible, but the Court said:
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> > This sets a very high threshold for the unreasonableness test, as Létourneau J.A. observed in *Ranganathan* at paragraph 15: "It requires nothing less than the existence of conditions which would jeopardize the life and safety of a claimant in travelling or temporarily relocating to a safe area. In addition, it requires actual and concrete evidence of such conditions." To accept anything less would be to allow persons to seek protection in Canada simply because they would be better off physically, economically and emotionally here than in a safe place in their own country: *Ranganathan*, at paragraph 16.

[38] The RAD reasonably found that the encounters in Ibadan and Lagos were coincidental and/or due to information provided by Mr. Iyere's mother and that these encounters did not establish that the Applicants' community had the capacity to locate them throughout Nigeria.

[39] The RAD reasonably concluded, based on the geographic factors and the country condition documents and the other evidence provided, that there was less than a mere possibility of the Applicants being found in Port Harcourt and facing the risks they claimed.

[40] The RAD acknowledged that the country condition documents reveal that FGM remains prevalent throughout Nigeria, including the Port Harcourt region. However, the RAD found that the documents relied on by the Applicants did not demonstrate that girls would be taken by force

for FGM if both of their parents opposed the practice. The RAD reasonably gave little weight to the newspaper article submitted by the Applicants, which it found to be more of an opinion piece than objective reporting and which referred to practices in another state. Moreover, the article did not support the Applicants' submission that children are forced to undergo rituals against their parents' wishes.

[41] The Applicants raised additional arguments at the hearing of the judicial review, which were not made to the RAD, including that the poor communications infrastructure in Nigeria would pose other risks because the Applicants would not be able to contact the police if needed and that because Ms. Iyere works in the public as a tailor and clothes-trader, it is more probable that people from her community will find her. The RPD and RAD were not provided with any evidence by the Applicants which would have objectively supported these new submissions or those previously made, that the IFA in Port Harcourt was unreasonable because they would remain at risk, because their family is so powerful that they will use other means to find them, or that they face a higher risk of kidnapping in Port Harcourt.

[42] With respect to the second prong of the test, which focuses on whether relocation to the proposed IFA would be reasonable in all the circumstances, including the personal circumstances of the Applicants, the same high threshold applies. The onus is on the Applicants to provide objective evidence to establish that the IFA is not reasonable for them.

[43] As the Respondent notes, the factual errors made by the RAD regarding Ms. Iyere's education and language spoken are not material to its assessment of the IFA. The RAD's

reference to Ms. Iyere's post-secondary education was made in relation to whether it would be unreasonable for the family to relocate to Port Harcourt. Although the RAD misstated Ms. Iyere's level of education, the RAD's analysis of Ms. Iyere's career as a tailor and clothes-trader, her husband's career as an engineer, and the couple's financial status were factually accurate. The RAD's analysis demonstrates that it considered the family's personal circumstances.

[44] With respect to the psychotherapist's report regarding Ms. Iyere, the Applicants did not make submissions to the RAD about how the RPD erred in its treatment of this evidence. Nonetheless, the RAD considered the report, albeit briefly.

[45] The RAD found that the psychotherapist's opinion with respect to Ms. Iyere returning to Nigeria overstepped the psychotherapist's jurisdiction and commented that the Report should be a summary of Ms. Iyere's condition and not opinions beyond the jurisdiction of the psychotherapist.

[46] In my view, this is not an entirely accurate or fair statement of the contents or purpose of the psychotherapist's report. The Report did summarize Ms. Iyere's condition as of November, 2016. However, it is the role of the RAD to attach the appropriate weight to this and other evidence. The RAD did not err in its treatment of the report or in its conclusion that the IFA was reasonable in all the circumstances.

[47] The jurisprudence has cautioned that the recounting of events to a psychologist or a psychiatrist does not make these events more credible and that an expert report cannot confirm allegations made by a claimant. For example, in *Rokni v Canada (Minister of Citizenship and Immigration)*, [1995] FCJ No 182 (QL), 53 ACWS (3d) 371 (FCTD), and *Danailov v Canada (Minister of Employment and Immigration)*, [1993] FCJ No 1019 (QL), 44 ACWS (3d) 766 (FCTD), the Court noted that opinion evidence is only as valid as the truth of the facts upon which it is based. The same caution was noted by Justice Phelan in *Saha v Canada (Minister of Citizenship and Immigration)*, 2009 FC 304 at para 16, 176 ACWS (3d) 499: "It is within the RPD's mandate to discount psychological evidence when the doctor merely regurgitates what the patient says are the reasons for his stress and then reaches a medical conclusion that the patient suffers stress because of those reasons."

[48] In *Czesak v Canada (Minister of Citizenship and Immigration)*, 2013 FC 1149 at paragraphs 37-40, 235 ACWS (3d) 1054, Justice Annis noted concerns about psychological reports that advocate in the guise of an opinion and "propose to settle important issues to be decided by the tribunal." Justice Annis found that in such cases, without some way to probe the opinion, little weight should be attached to it.

[49] The RAD is entitled to scrutinize psychological reports and discount opinions on the issues that it or the RPD, as the decision-maker, should make and to consider that the account provided by a refugee claimant to their psychologist or psychiatrist is their own account.

[50] In the present case, the psychotherapist's report was not offered to buttress the credibility of the Applicants' allegations, but to describe Ms. Iyere's mental health to support the Applicants' argument that this personal circumstance is relevant to the second prong of the assessment of the IFA.

[51] The psychotherapist's report did not support this argument. The Report is dated November 28, 2016, shortly after Ms. Iyere arrived in Canada. The Report did not focus on the IFA because it had not been proposed at that time. The psychotherapist describes Ms. Iyere's condition and symptoms based on the tests and interview conducted. The Report notes that she has anxiety and depression and that she reports sleeplessness and other cognitive impacts due to worrying about her children. In the conclusion, under the title "Clinical Impressions," the psychotherapist states:

> Based on my observations and evaluations Mrs. Iyere is exhibiting symptoms consistent with generalized anxiety disorder and major depressive disorder. I believe that Mrs. Iyere's return to Nigeria could cause her mental and physical stress symptoms to increase considerably, and her psychological and emotional state to deteriorate.

[52] The psychotherapist's opinion does not overstep the role of the psychotherapist as a mental health professional. As the decision-maker, it is the role of the RAD to consider the Report and determine the extent to which it is relevant to the reasonableness of the proposed IFA.

[53] In *Olalere v Canada (Minister of Citizenship and Immigration)*, 2017 FC 385, 279 ACWS (3d) 615, Justice Russell found that a proposed IFA was not reasonable based on the RAD's failure to consider the psychological evidence in assessing the reasonableness of the IFA.

[54] Justice Russell noted at paragraph 52 that the preponderance of the jurisprudence of this Court is that psychological evidence must be considered in assessing whether the IFA is reasonable. He added the following at paragraph 54:

> 54 However, in addition to *Okafor*, above, which says that "psychological evidence is central to the question of whether the IFA is reasonable and cannot be disregarded," Justice Brown found in *Asif v Canada (Citizenship and Immigration)*, 2016 FC 1323 at para 33 [*Asif*] that the determinative issue in the IFA analysis was dependent on the assessment of the psychologist report, indicating that psychologist reports are relevant in an IFA analysis. Justice Brown ultimately dismissed the application because the RAD was reasonable in finding various issues with the report including that it had: crossed the line separating expert opinion from advocacy; made findings of credibility that should have been reserved for the panel; made very serious conclusions regarding the applicant's psychological health after only one interview; and spoke to the lack of available resources in Pakistan without providing any evidence. However, in the present case, the RAD fails to engage the report at all, let alone provide reasonable reasons for its dismissal. *Asif* was also decided after *Okechukwu* and thus also after *Kanthasamy*.

[55] Justice Russell also acknowledged that the jurisprudence has noted the need for caution in assessing psychological reports which are based on accounts provided by an applicant, but found, on the facts of the case before him, that the error of the RAD was in failing to deal with the psychologist's report.

[56] In the present case, the RAD did not fail to deal with the psychotherapist's report, despite the lack of submissions made by the Applicants on this issue. Rather, the RAD quickly concluded that the Report was not sufficient to establish that the proposed IFA was unreasonable.

[57] The jurisprudence has established that for an IFA to be found to be unreasonable there must be actual and concrete evidence of conditions which would jeopardize the life and safety of the claimant (see *Ranganathan* at para 15). The psychotherapist's report does not address the extent to which Ms. Iyere's anxiety and depression would worsen if relocated to Port Harcourt. This was not even an issue at the time the Report was prepared. The Report more generally spoke of the impact on Ms. Iyere's if returned to Nigeria, due to her worry about her children being subjected to FGM and other rituals.

[58] With respect to the fear of being kidnapped, the RAD reasonably concluded that the Applicants had not provided clear and concrete evidence of conditions which would jeopardize their life and safety as required by *Ranganathan*. The country condition documents about the prevalence of kidnappings in the Niger Delta, including Port Harcourt, do not constitute concrete evidence. Their assertion at the hearing that they would stand out in Port Harcourt as new arrivals and be targets for kidnapping is unsupported by any evidence. Moreover, the risk of kidnapping they now assert is not different from their past circumstances, given that they claim that it is their wealth which makes them vulnerable.

JUDGMENT IN IMM-2726-17

THIS COURT'S JUDGMENT is that:

1. The Application for Judicial Review is dismissed.

2. No question arises for certification.

"Catherine M. Kane"
Judge

FEDERAL COURT

SOLICITORS OF RECORD

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