

Federal Court



Cour fédérale

**Date: 20190305**

**Docket: IMM-2178-18**

**Citation: 2019 FC 273**

**Toronto, Ontario, March 5, 2019**

**PRESENT: The Honourable Madam Justice Walker**

**BETWEEN:**

**ROLANDE PIERRE MEFEUSSOM TAGNE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

[1] The Applicant, Ms Rolande Pierre Mefeussom Tagne, is a citizen of Cameroon. In the matter before me, she seeks judicial review of a decision (Decision) of the Refugee Appeal Division (RAD) of the Immigration and Refugee Board of Canada. The RAD dismissed the Applicant's appeal of a decision of the Refugee Protection Division (RPD) and confirmed the RPD's decision that she was neither a Convention refugee nor a person in need of protection

pursuant to sections 96 and 97 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 (IRPA). The application for judicial review is brought pursuant to subsection 72(1) of the IRPA.

[2] The determinative issue before the RAD was the availability of an internal flight alternative (IFA). The panel considered at length the evidence before it and concluded that the Applicant had a viable IFA in Yaoundé, the capital city of Cameroon. For the reasons that follow, I find that the Decision was reasonable and that this application must be dismissed.

#### I. Background

[3] The Applicant came as a student to Canada in 2013. She alleges that, while she was studying in Canada, her father arranged a marriage for her to an influential advisor (called a “Notable”) to the Chief of Bahouan, her family’s village in Cameroon. As part of the arrangement, her father accepted a significant amount of money from the Notable who has refused any return of the funds.

[4] The Applicant states that the Notable exercises significant power over the traditional and police authorities all over Cameroon and that her family is being persecuted for her refusal to marry him. Her family has been banished from Bahouan and now live in Douala and Yaoundé, both major cities in Cameroon. The Applicant alleges that family members have been subject to threats and harassment from the Notable and other traditional authorities. She states that her mother is the only family member who supports her decision not to marry the Notable.

[5] The Applicant submits that, if she returns to Cameroon, she will be forced to marry the Notable and will be subjected to female genital mutilation (FGM). The Applicant alleges that she will be killed upon her return if she continues to refuse the marriage and will not be safe anywhere in the country.

## II. RPD Decision

[6] The Applicant's claim for protection was heard by the RPD on May 12, 2016. The RPD determined that the Applicant was not credible and concluded that she was neither a Convention refugee nor a person in need of protection. The RPD analyzed the evidence submitted by the Applicant and found that she had failed to establish the essential elements of her claim, namely: that her family had been seriously threatened by the Notable and the Chief of Bahouan; that her family was pressuring her to marry the Notable; and, that the Notable and the Chief had influence over the police in Bamendjou, a nearby village, Douala or Yaoundé or over public officials.

[7] The Applicant appealed the RPD's decision to the RAD.

## III. Decision under review

[8] The Decision is dated April 18, 2018. The RAD found that the Applicant had a viable IFA in Yaoundé and dismissed her appeal.

[9] The RAD admitted certain new evidence tendered by the Applicant and, as the new evidence raised serious issues with respect to her credibility, held an oral hearing on January 31, 2018. On March 27, 2018, the RAD invited the Applicant to make submissions regarding an IFA in Yaoundé. Neither the Applicant nor her counsel responded to the invitation.

[10] The RAD first considered whether the Applicant's family had been threatened by the Notable and the Chief of Bahouan. The panel considered the evidence before the RPD, the RPD's negative findings and two letters the RAD admitted into evidence, namely a letter from the Applicant's mother regarding the receipt by her husband of a bride price from the Notable and a letter from the Chief of Bahouan banishing the Applicant's family from the village. On the basis of this new evidence, the RAD found that the Applicant's family was in conflict with the traditional authorities in Bahouan.

[11] As stated above, the determinative issue before the RAD was the availability of an IFA to the Applicant in Yaoundé. The panel concluded that she could live safely in Yaoundé, citing the two-step IFA test established in the jurisprudence: on a balance of probabilities, there was no serious possibility of the Applicant being persecuted in Yaoundé and conditions in Yaoundé were such that it would not be unreasonable in all circumstances, including those particular to the Applicant, for her to seek refuge there.

[12] The Applicant feared that the Notable could find her anywhere in Cameroon using black magic, his personal influence over police and politicians, and his network of connections within

their ethnic group. The RAD found that the Applicant's subjective fear of persecution was not well-founded because she had failed to prove that:

- her sister, Sandrine, was called to a police station in Yaoundé in 2015;
- the Notable has looked, is looking, or will look for her in Yaoundé;
- the Notable has a store, or any business or other interests in Yaoundé;
- the Notable would be able to find her in Yaoundé;
- she could be forced to marry in Yaoundé.

[13] The RAD considered each of the foregoing allegations in detail. The panel found that the Applicant's allegation that Sandrine had been summoned to a police station in Yaoundé was unsubstantiated by any documentary evidence and had only been raised by the Applicant at the RPD hearing. The panel drew a negative inference from the lateness of the allegation and the absence of documentary evidence. The RAD accepted that the Applicant's sister, Judith, had been harassed in an incident at her home in Douala and that the incident related to the arranged marriage, but no harassment had occurred in Yaoundé where Sandrine had lived safely for some time. The panel concluded that there was no evidence of any pursuit of the Applicant's family by the Notable in Yaoundé.

[14] In assessing the Notable's alleged reach and influence in Yaoundé, the RAD noted that the Applicant had provided no documentary evidence of any business or corporate presence of the Notable in the city and no evidence the Notable could find or pursue her in Yaoundé, a city of over 2.5 million people. The panel was not persuaded that the Bahouan community in

Yaoundé would actively seek to persecute the Applicant by abetting a forced marriage. The RAD also found that there was no evidence in the record establishing that the Notable or the Chief of Bahouan exerted influence over the police in Yaoundé.

[15] The Applicant asserted that she would be forced to marry if she returned to Cameroon and lived in Yaoundé. The RAD considered the documentary evidence for Cameroon regarding the profile of women who were subjected to forced marriage and FGM. The panel stated that forced marriages were more prevalent in rural areas among less educated and poor families but were increasingly uncommon in urban centres. The RAD stated that the Applicant was well-educated and middle class and did not fit the profile of a woman at risk of forced marriage.

While there remained a danger to urban women who are taken back to their villages, the Applicant had never resided in Bahouan and the family no longer returned to the village due to the Chief's ban. The RAD found that traditional leaders in Cameroon were losing their influence and legitimacy, particularly in the cities, and that the Notable's reach would not extend to Yaoundé.

[16] With respect to whether Yaoundé was a reasonable IFA for the Applicant, the RAD stated that she is well-educated, holding a diploma in international trade, a bachelor's degree in quality management and postgraduate qualifications in human resources. The Applicant also had work experience in Cameroon and Canada. While Cameroonian women faced challenges in employment, Yaoundé boasted the second-highest percentage of women in non-agricultural paid employment at 34%. The Applicant argued that she would not be able to work in Yaoundé due to the influence of the Chief and Notable but the RAD found this argument was not supported by

the evidence. The panel stated that the Applicant would not endure undue hardship in travelling to the international airport in Yaoundé from Canada. The RAD also noted that the Applicant speaks English and French fluently and had not asserted any impediment to the practice of her Catholic faith in Yaoundé.

[17] In conclusion, the RAD found that Yaoundé presented a safe and reasonable IFA for the Applicant and confirmed the RPD's decision.

#### IV. Issue and Standard of review

[18] The issue in this application is whether the IFA assessment of the RAD was reasonable.

[19] It is well-established that a decision-maker's assessment of an IFA involves questions of mixed fact and law and is subject to review by this Court for reasonableness (*Singh v Canada (Citizenship and Immigration)*, 2017 FC 719 at paras 8-10; *Figueroa v Canada (Citizenship and Immigration)*, 2016 FC 521 at para 13; *Kamburona v Canada (Citizenship and Immigration)*, 2013 FC 1052 at para 18). As a result, the RAD's assessment of the availability of an IFA to the Applicant in Yaoundé attracts deference (*Figueroa* at para 13). In *Tariq v Canada (Citizenship and Immigration)*, 2017 FC 1017 at paragraph 14, Justice Boswell explained the reason for the Court's deference:

[14] [...] Moreover, as the Court noted in *Lebedeva v Canada (Minister of Citizenship and Immigration)*, 2011 FC 1165 at para 32, [2011] FCJ No 1439, determinations concerning an IFA “warrant deference because they involve not only the evaluation of the applicant's circumstances, as related by their testimony, but also an expert understanding of the country conditions involved.”

V. Analysis

[20] The concept of an IFA is integral to the definition of a Convention refugee. If a claimant can seek refuge within their own country, there is no basis for finding that they are unable or unwilling to avail themselves of the protection of that country. The two-pronged test for determining if there is a viable IFA was set out by the Federal Court of Appeal (FCA) in

*Rasaratnam v Canada (Minister of Employment and Immigration)*, [1992] 1 FC 706 (CA):

1. The RAD must be satisfied on a balance of probabilities that there is no serious possibility of the applicant being persecuted in the proposed IFA;
2. Conditions in the part of the country proposed as an IFA must be such that it would not be unreasonable, in all the circumstances, including those particular to the applicant, to seek refuge there.

[21] The test has been cited many times in the jurisprudence of this Court. In

*Thirunavukkarasu v Canada (Minister of Employment and Immigration)*, [1994] 1 FC 589 (CA)

(*Thirunavukkarasu*), the FCA confirmed that the onus rests on the claimant to demonstrate that there is a serious possibility of persecution in the IFA and that the conditions in the IFA would make it unreasonable to seek refuge there. As Justice Linden stated in *Thirunavukkarasu*:

In conclusion, it is not a matter of a claimant's convenience or the attractiveness of the IFA, but whether one should be expected to make do in that location, before travelling half-way around the world to seek a safe haven, in another country. Thus, the objective standard of reasonableness which I have suggested for an IFA is the one that best conforms to the definition of Convention refugee. That definition 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. The prerequisites of that definition can only be met if it is not reasonable for the claimant to seek and obtain safety from persecution elsewhere in the country.



[22] The Applicant concedes the second part of the IFA test, acknowledging that she could reasonably settle in Yaoundé in light of her background and education. Her contention is that she would face a serious possibility of persecution in Yaoundé at the hands of the Notable or those subject to his influence. The Applicant submits that the RAD's conclusion that the Notable's reach does not extend to the capital city was speculative and that the panel failed to consider all of the Applicant's evidence. The Applicant also submits that the distinctions the panel drew between Yaoundé and Douala, Cameroon's other large urban centre, were unreasonable and that there is no significant difference between the two cities. She argues that, if the Notable is able to exert influence in Douala by targeting her sister, he is equally able to do so in Yaoundé. Finally, the Applicant submits that the RAD placed a higher burden on her than that required at law by requiring her to substantiate her claim with documentary evidence.

[23] The Respondent submits that the RAD's analysis of Yaoundé as a viable IFA was thorough and reasonable. The panel identified the correct test and made no error in determining that the Applicant had provided insufficient evidence to establish that the Notable had an ongoing motivation and ability to pursue her to Yaoundé. The Respondent emphasizes that the Applicant bears the burden of demonstrating that she would face a serious risk of persecution in Yaoundé and argues that her submissions attempt to reverse the onus. The Respondent submits that the issues raised by the Applicant in this application are merely an invitation to the Court to reweigh the evidence.

[24] While I have carefully considered the Applicant's arguments, I find that the Decision was reasonable. The RAD did not err in concluding that there was insufficient evidence to establish

that the Applicant faced a serious possibility of persecution in Yaoundé. The panel's review of the evidence submitted by the Applicant and the documentary evidence regarding Cameroon was detailed. Despite the Applicant's submission to the contrary, the RAD considered all of her evidence and explained, in each instance, its conclusions against the possibility that the Notable could or would find and harm the Applicant in Yaoundé.

[25] In large measure, the Applicant's arguments are based on the incorrect premise that the RAD was required to demonstrate that she would not face persecution in Yaoundé. However, it is clear that the RAD properly raised the possibility of an IFA in Yaoundé and invited the Applicant to make submissions. Once notified of a possible IFA, she was required to establish, on a balance of probabilities, a serious possibility of persecution. The Applicant did not respond to the invitation to provide submissions and the RAD was left to consider the Notable's alleged influence in Yaoundé based on the evidence before it. The Applicant's reliance on *Chaudry v Canada (Citizenship and Immigration)*, [1998] FCJ 1169, and her argument that the Decision was based on speculation are not persuasive. There was evidence before the RAD regarding her sister's experience living in Yaoundé, her family's experience elsewhere in the country, the waning influence of traditional authorities, and the incidence of forced marriage in urban centres in Cameroon. The RAD's conclusion was simply that the evidence available to it was insufficient to discharge the Applicant's burden.

[26] The Applicant challenges three aspects of the RAD's findings. First, she disputes the panel's conclusion that the Notable did not exert sufficient influence in Yaoundé to be able to find and harm her. Second, the Applicant argues that the RAD's analysis of Yaoundé as a large

urban area in which traditional authorities such as the Notable and the Chief have diminished power was speculative and was contradicted by the documentary evidence. Third, she states that the distinction drawn by the panel between her family's experiences in Yaoundé and Douala was unreasonable.

[27] The Applicant's evidence that she would not be safe from the Notable in Yaoundé was limited to one alleged incident in which Sandrine was summoned to a police station in the city and her general assertion that the Notable's power extended to Yaoundé.

[28] The Applicant's narrative regarding the incident involving Sandrine was rejected by the RAD as not credible. She provided no other evidence that her family had been pursued in Yaoundé by the Notable or by individuals acting on his behalf, or that the Notable had looked for her in the city.

[29] The purported reach and influence of the Notable in Yaoundé generally was central to the Applicant's case. The RAD reasonably observed that the Applicant provided no documentary evidence regarding the Notable's business holdings, residence or other connections in the city. The Applicant states that, in requiring such evidence, the RAD placed an unduly onerous evidentiary burden on her. I disagree. The Applicant was required to substantiate her fear of persecution in Yaoundé and chose not to.

[30] The Applicant also questions the RAD's analysis of Yaoundé as a large urban centre in which the Notable's traditional influence was diminished and in which forced marriage and

FGM were not prevalent. She states that the panel's conclusions were based only on the size and urbanization of the city. The Applicant refers to documentary evidence that indicates adult, educated women continue to be subject to forced marriage.

[31] The RAD reviewed the documentary evidence for Cameroon in the Decision. The panel acknowledged that forced marriages and FGM continue to occur and that the documentary evidence in this regard was mixed. The panel concluded that such traditions were diminishing in Cameroon particularly vis-à-vis adult, educated women living in urban areas. This conclusion is supported by the documentary evidence. The Response to Information Request relied on by the Applicant states that educated women older than 18 may be forced to marry if they are the subject of an arranged marriage well beforehand but then continues as follows:

However, the representative of the Ministry of Women's Empowerment and the Family stated that, in her opinion, forced marriages are "common" in Yaoundé and Douala, but that "[g]enerally, it is impossible for women aged 18 years and over who are well educated and/or have a good economic situation to be forced into marriage... because she has acquired a minimum of [life] skills necessary for survival."

[32] The Applicant is approximately 30 years old and has significant post-secondary education. She has always lived in Douala and Yaoundé and has worked in Cameroon and Canada. In my opinion, the RAD's conclusion that the Applicant had failed to demonstrate that she could be forced into marriage and subjected to FMG if she lived in Yaoundé was reasonable.

[33] The Applicant also submits that the RAD's findings with respect to the diminishing influence of individuals such as the Notable in urban centres were speculative and based on generalizations. However, the RAD's observations regarding the waning power of traditional

authorities in Cameroon are consistent with the country documentation in the record. With respect to the Notable himself, the Applicant has not pointed to any evidence that he had or continued to wield influence in the city. As the RAD noted, she provided no names, media reports or specific anecdotes that would indicate the Notable had any power over the police or politicians throughout Cameroon.

[34] Finally, the Applicant submits that the RAD drew an unsubstantiated distinction between Yaoundé and Douala. She argues that the two cities are indistinguishable in their urban makeup. The Applicant notes the panel accepted that Judith had been harassed in Douala on one occasion by individuals acting on the Notable's behalf. She argues that this evidence of the Notable's ability to pursue her family outside of Bahouan and into a metropolitan centre meant that it was equally likely she would be subject to harassment in Yaoundé.

[35] While the RAD accepted the Applicant's evidence regarding her sister's experience in Douala, there was no evidence that the Notable had made any approach to members of the Applicant's family in Yaoundé. In my view, this is the critical distinction in the RAD's assessment of the two cities. The panel specifically discounted the Applicant's allegation that Sandrine had been required to appear at a police station in the city as a result of the Notable's influence. In addition, the RAD noted that Sandrine had lived safely in the same house in Yaoundé since the Applicant's departure from Cameroon in 2013.

[36] The RAD's conclusion that the Applicant could live safely in Yaoundé is not contradicted by the evidence in the record. Her sister's experience in Douala does not render the

RAD's findings regarding the lack of any activity, presence or influence on the part of the Notable in Yaoundé unreasonable. In my view, the RAD's conclusion that the Applicant failed to establish a serious possibility that she would face persecution in Yaoundé from the Notable was consistent with the evidence and reasonable.

VI. Conclusion

[37] The application will be dismissed.

[38] No question for certification was proposed by the parties and none arises in this case.

**JUDGMENT in IMM-2178-18**

**THIS COURT'S JUDGMENT is that:**

1. The application for judicial review is dismissed.
2. No question of general importance is certified.

"Elizabeth Walker"

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Judge

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

**DOCKET:** IMM-2178-18

**STYLE OF CAUSE:** ROLANDE PIERRE MEFEUSSOM TAGNE v THE  
MINISTER OF CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** CALGARY, ALBERTA

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