

Federal Court



Cour fédérale

**Date: 20191126**

**Docket: IMM-2406-19**

**Citation: 2019 FC 1511**

**Ottawa, Ontario, November 26, 2019**

**PRESENT: Madam Justice Simpson**

**BETWEEN:**

**NNAMDI ENYINNAYAEKE**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**JUDGMENT AND REASONS**

**(Delivered from the Bench in Toronto, Ontario on November 21, 2019)**

**I. Proceeding**

[1] This application is for judicial review of a decision of the Refugee Appeal Division [RAD] of the Immigration and Refugee Board dated March 25, 2019, in which the Panel Member [the Member] found that the Nigerian Applicant lacked credibility [the Decision]. This application was brought pursuant to subsection 72(1) of the *Immigration and Refugee Protection Act*, SC 2001, c 27.

[2] The Applicant is a 36-year-old citizen of Nigeria. In 2004, while he was studying at the Polytechnic Oko, the Applicant joined the Thunderbolt Sermon Preachers International [the Thunderbolt]. It is a Christian organization committed to eradicating cultism at schools and from society in general.

[3] In 2005, the Black Axe cult was fighting with the Viking cult and unbeknownst to the Applicant, his roommate [the Roommate] was a member of the Black Axe. During an incident in the school cafeteria, the Applicant was questioned at gunpoint by a member of the Vikings who was looking for his Roommate [the Cafeteria Incident]. His Roommate later threatened the Applicant's life for "snitching" on him during his exchange with the Viking cult member [the Threat]. As a result of the Threat, the Applicant left school but stayed in Nigeria living with his parents until he left to study in South Africa in 2013.

[4] On a trip home to Nigeria in December 2014, the Applicant alleges that, by chance, he met a former classmate and joined him for a drink. Two days later, on December 28, he was kidnapped [the Kidnapping] and was told that it had occurred because he had snitched on his Roommate during the Cafeteria Incident. He was released on January 3, 2015 when his father paid a ransom of approximately \$7,000 Cdn. He returned to South Africa and eventually came to Canada in 2017.

[5] The RAD upheld the RPD's decision that the Applicant was not credible and that he did not provide sufficient evidence to support his claim. However, the RAD did not agree with the

RPD that the Police Report of the Kidnapping was fraudulent. However, the RAD did find that, although genuine, it was not a material document.

II. Issue

[6] The issue is whether the negative credibility findings were reasonable. They were the following:

1. The Applicant's explanation for waiting 7 years to leave Nigeria after the Threat was not accepted. He said that he was only 22, that he could not find employment and that he lived with his parents. Yet, 7 years later, he left with their help. The RAD found it improbable that he would wait 7 years without finding a means to leave if he had a true subjective fear. In my view, that conclusion fell within the range of reasonable outcomes.
2. The Applicant gave inconsistent dates for his release after the Kidnapping and for the date he visited the Police Station following the Kidnapping. In my view, it was reasonable to question the Applicant's credibility in these circumstances.
3. The letter from the Applicant's father which purported to corroborate the Kidnapping was undated and unsworn and the Applicant's father did not testify. For this reason, his letter was found to have limited probative value. In my view, this was reasonable in the absence of testimony from the father.

4. The Police Report of the Kidnapping was entirely self-reported and therefore was found not to corroborate the Applicant's evidence. In my view, this was reasonable.

### III. Conclusion

[7] The RAD concluded that the Applicant had not been the victim of a kidnapping and that he was not pursued by the Black Axe from 2005 until 2014. In my view, these conclusions were reasonable in all the circumstances.

### IV. Certification

[8] No question was posed for certification for appeal.

**JUDGMENT IN IMM-2406-19**

**THIS COURT'S JUDGMENT is that** the application for judicial review is dismissed.

"Sandra J. Simpson"

---

Judge

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

**DOCKET:** IMM-2406-19

**STYLE OF CAUSE:** NNAMDI ENYINNAYAEKE v THE MINISTER OF  
CITIZENSHIP AND IMMIGRATION

**PLACE OF HEARING:** TORONTO, ONTARIO

**DATE OF HEARING:** NOVEMBER 21, 2019

**JUDGMENT AND REASONS:** SIMPSON J.

**DATED:** NOVEMBER 26, 2019

**APPEARANCES:**

Solomon Orjiwuru FOR THE APPLICANT

David Knapp FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Solomon Orjiwuru FOR THE APPLICANT  
Barrister and Solicitor  
Toronto, Ontario

Attorney General of Canada FOR THE RESPONDENT  
Toronto, Ontario