

Federal Court



Cour fédérale

Date: 20210224

Docket: IMM-2988-20

Citation: 2021 FC 179

Ottawa, Ontario, February 24, 2021

PRESENT: Mr. Justice Sébastien Grammond

BETWEEN:

**CHINOMSO BRUNO UNEGBU
FIDELIA ONYEGE UNEGBU
DANIEL CHUCKWUMEREZE UNEGBU
SOMTOCHUKWU OWEN UNEGBU
KOBICHIDI JAYDEN UNEGBU**

Applicants

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

(delivered orally from the bench on February 24, 2021)

[1] The applicants, who are citizens of Nigeria, seek judicial review of the dismissal of their claim for refugee protection. The Refugee Protection Division [RPD] of the Immigration and Refugee Board [IRB] dismissed their claim due to credibility issues and the availability of an

internal flight alternative [IFA]. The Refugee Appeal Division [RAD] considered that the IFA was the determinative issue and confirmed the RPD's decision on this basis alone. For the reasons that follow, I find that the RAD's decision was reasonable.

[2] The applicants argue that the RAD should have assessed their fear of persecution in their home region in Nigeria. I disagree. Since *Kanagaratnam v Canada (Minister of Employment and Citizenship)* (1994), 194 NR 46 (FCA), it is well established that a claim for refugee protection may be dismissed on the sole basis of an IFA. See also the more recent cases of *Khan v Canada (Citizenship and Immigration)*, 2020 FC 1101, at paragraph 24; *Senadheerage v Canada (Citizenship and Immigration)*, 2020 FC 968, at paragraphs 48-49; *Kazeem v Canada (Citizenship and Immigration)*, 2020 FC 185, at paragraphs 23-35. The RAD's finding that the applicants had a viable IFA in either Lagos or Benin City was sufficient to dispose of the claim.

[3] On the issue of IFAs, the applicants reiterate the same arguments they made before the IRB, and dispute the conclusions reached by the RAD. Essentially, they are asking me to reweigh the evidence, which is not the role of this Court on judicial review: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65, at paragraph 125. The applicants' disagreement with the RAD's assessment is insufficient to render its conclusions unreasonable.

[4] At the hearing, the applicants drew my attention on certain specific items which they say were disregarded by the RAD, in particular a Response to an Information Request, being item 13.1 of the National Documentation Package for Nigeria, dealing with the difficulties encountered by non-indigenes in large cities Nigeria and a document issued by the *Office Suisse*

d'aide aux réfugiés about mental health care in Nigeria. The applicants suggest that the RAD made a selective reading of these documents, contrary to *Magonza v Canada (Citizenship and Immigration)*, 2019 FC 14 at paragraphs 91-93. I disagree. I have reviewed these documents and I find that the RAD's conclusions were open to it on the basis of the evidence.

[5] Lastly, the applicants argue that the RAD should have conducted a personalized evaluation of the consequences of the applicant's return to Nigeria, in particular taking into account the psychological condition of the principal applicant. I believe the RAD did so. Contrary to the applicants' submissions, it did not overlook their personal circumstances. It gave due consideration to a psychiatrist's report filed by the applicants and to the availability of mental health care in Nigeria: *Feboke v Canada (Citizenship and Immigration)*, 2020 FC 155, at paragraph 59. As the threshold for establishing the unreasonableness of an IFA is very high, the RAD reasonably concluded that, in light of all the evidence, this did not make the proposed IFA unreasonable: *Ranganathan v Canada (Minister of Citizenship and Immigration)*, [2001] 2 FC 164 (CA), at paragraph 15. Again, the applicants are asking for a new evaluation of their claim, without effectively demonstrating in what respect the RAD's determination was unreasonable.

[6] Accordingly, the application for judicial review is dismissed.

JUDGMENT in file IMM-2988-20

THIS COURT'S JUDGMENT is that:

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

"Sébastien Grammond"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-2988-20

STYLE OF CAUSE: CHINOMSO BRUNO UNEGBU, FIDELIA ONYEGE
UNEGBU, DANIEL CHUCKWUMEREZE UNEGBU,
SOMTOCHUKWU OWEN UNEGBU AND
KOBICHIDI JAYDEN UNEGBU v THE MINISTER OF
CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: BY VIDEOCONFERENCE BETWEEN OTTAWA,
ONTARIO AND MONTREAL, QUEBEC

DATE OF HEARING: FEBRUARY 24, 2021

JUDGMENT AND REASONS: GRAMMOND J.

DATED: FEBRUARY 24, 2021

APPEARANCES:

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