

Federal Court



Cour fédérale

Date: 20220207

Docket: IMM-1312-21

Citation: 2022 FC 151

St. John's, Newfoundland and Labrador, February 7, 2022

PRESENT: The Honourable Madam Justice Heneghan

BETWEEN:

**OLUWATOYIN GBEMISOLA OLASUPO
AMEERAH OLAMIDE OLASUPO
ABDRAHMAN OLABODE OLASUPO**

Applicants

and

**THE MINISTER OF CITIZENSHIP
AND IMMIGRATION CANADA**

Respondent

REASONS AND JUDGMENT

[1] Ms. Oluwatoyin Gbemisola Olasupo (the “Principal Applicant”) and her children Ameerah Olamide Olasupo and Abdrahman Olabode Olasupo (collectively “the Applicants”) seek judicial review of the decision of the Immigration and Refugee Board, Refugee Appeal Division (the “RAD”), dismissing their appeal from a decision of the Immigration and Refugee Board, Refugee Protection Division (the “RPD”) for protection.

[2] The Applicants are citizens of Nigeria. They base their claim for protection upon fear of persecution resulting from the political activities of the Principal Applicant's husband. He has fled Nigeria.

[3] The RPD found that an Internal Flight Alternative ("IFA") is available to the Applicants in Port Harcourt, Nigeria.

[4] The test for a viable IFA is addressed in *Rasaratnam v. Canada (Minister of Employment & Immigration)* (1991), [1992] 1 F.C. 706 (Fed. C.A.), at 710-711. The test is two pronged and provides as follows:

- First, the Board must be satisfied that there is no serious possibility of a claimant being persecuted in the IFA and
- Second, it must be objectively reasonable to expect a claimant to seek safety in a different part of the country before seeking protection in Canada.

[5] In order to show that an IFA is unreasonable, an applicant must show that conditions in the proposed IFA would jeopardize life and safety in travelling or relocating to that IFA; see *Thirunavukkarasu v. Canada (Minister of Employment & Immigration)* (1993), [1994] 1 F.C. 589 (Fed. C.A.), at 596-598.

[6] The decision of the RAD is reviewable on the standard of reasonableness; see the decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov* (2019), 441 D.L.R. (4th) 1 (S.C.C.).

[7] In considering reasonableness, the Court is to ask if the decision under review “bears the hallmarks of reasonableness – justification, transparency and intelligibility – and whether it is justified in relation to the relevant factual and legal constraints that bear on that decision”; see *Vavilov, supra* at paragraph 99.

[8] On the basis of the materials contained in the Certified Tribunal Record, I am satisfied that the RAD reasonably concluded that an IFA is available to the Applicants.

[9] The reasons of the RAD show that it considered the evidence before it and considered the circumstances of the Applicants. The RAD applied the relevant legal test. I am not persuaded that the Applicants have shown any error that requires judicial intervention and the application for judicial review will be dismissed.

[10] There is no question for certification proposed.

JUDGMENT in IMM-1312-21

THIS COURT'S JUDGMENT is that the application for judicial review is dismissed,
there is no question for certification proposed.

“E. Heneghan”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-1312-21

STYLE OF CAUSE: OLUWATOYIN GBEMISOLA OLASUPO, AMEERAH
OLAMIDE OLASUPO, ABDRAHMAN OLABODE
OLASUPO v THE MINISTER OF CITIZENSHIP AND
IMMIGRATION CANADA

PLACE OF HEARING: HELD BY WAY OF VIDEOCONFERENCE
BETWEEN TORONTO, ONTARIO AND ST. JOHN'S,
NEWFOUNDLAND AND LABRADOR

DATE OF HEARING: FEBRUARY 3, 2022

REASONS AND JUDGMENT: HENEGHAN J.

DATED: FEBRUARY 7, 2022

APPEARANCES:

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