

Federal Court



Cour fédérale

**Date: 20220518**

**Docket: IMM-4066-21**

**Citation: 2022 FC 742**

**St. John's, Newfoundland and Labrador, May 18, 2022**

**PRESENT: The Honourable Madam Justice Heneghan**

**BETWEEN:**

**SALIU SHOLA SAHEED**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS AND JUDGMENT**

[1] Mr. Saliu Shola Saheed (the “Applicant”) seeks judicial review of the decision of the Immigration and Refugee Board, Refugee Appeal Division (the “RAD”), dismissing his appeal from the Immigration and Refugee Board, Refugee Protection Division (the “RPD”).

[2] The Applicant is a citizen of Nigeria, from Kwara State. He fears persecution from the Eiyeye Confraternity. The RAD found that the determinative issue is the availability of an Internal Flight Alternative (“IFA”) in Port Harcourt or Abuja.

[3] The Applicant argues that the finding about an IFA is unreasonable.

[4] The Minister of Citizenship and Immigration (the “Respondent”) submits that the finding is supported by the evidence and is reasonable.

[5] 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.).

[6] 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.

[7] The legal test for an IFA is addressed in *Rasaratnam v. Canada (Minister of Employment and Immigration)* (1991), 140 N.R. 138.

[8] The Applicant takes issue with the RAD’s treatment of the second prong of this test.

[9] Upon review of the materials filed and the written and oral submissions of the parties, I am not persuaded that the IFA finding of the RAD is unreasonable.

[10] In the result, the application for judicial review will be dismissed. There is no question for certification.

**JUDGMENT in IMM-4066-21**

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

There is no question for certification.

"E. Heneghan"

---

Judge

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

**DOCKET:** IMM-4066-21

**STYLE OF CAUSE:** SALIU SHOLA SAHEED v MINISTER OF  
CITIZENSHIP AND IMMIGRATION

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

**DATE OF HEARING:** MAY 10, 2022

**REASONS AND JUDGMENT:** HENEGHAN J.

**DATED:** MAY 18, 2022

**APPEARANCES:**

Sunday O. Adeyemi FOR THE APPLICANT

Laura Christodoulides FOR THE RESPONDENT

**SOLICITORS OF RECORD:**

Law Office of Sunday Adeyemi FOR THE APPLICANT

Barrister & Solicitor

Toronto, Ontario

Attorney General of Canada

Toronto, Ontario

FOR THE RESPONDENT