

Federal Court



Cour fédérale

**Date: 20220614**

**Docket: IMM-3742-22**

**Citation: 2022 FC 895**

**Vancouver, British Columbia, June 14, 2022**

**PRESENT: Mr. Justice Sébastien Grammond**

**BETWEEN:**

**OLAYEMI RUTH ADEOYE**

**Applicant**

**and**

**MINISTER OF CITIZENSHIP  
AND IMMIGRATION AND  
MINISTER OF PUBLIC SAFETY AND  
EMERGENCY PREPAREDNESS**

**Respondents**

**ORDER AND REASONS**

[1] Ms. Adeoye seeks a stay of her removal to Nigeria, scheduled for June 16, 2022. I am denying her motion, as there is no serious issue as to the reasonableness of the PRRA decision that found that she would not be exposed to any risk upon returning to Nigeria.

I. Background

[2] Ms. Adeoye is a citizen of Nigeria. She alleges that in 2010, she left her home village because members of her father's family intended to subject her to a ritual of human sacrifice.

[3] After travelling to other countries, Ms. Adeoye came to Canada in 2017 and claimed refugee status. The Refugee Protection Division [RPD] of the Immigration and Refugee Board [IRB] denied her claim, because she had an internal flight alternative [IFA] in Lagos or Abuja. The RPD noted that during the last five years, Ms. Adeoye had lived primarily in a neighbouring state in Nigeria, at the same address, without being approached by the alleged agents of persecution. The RPD also gave little weight to Ms. Adeoye's allegation that the agents of persecution visited her mother twice, because she was unable to provide details and did not mention this in her Basis of Claim [BOC] form.

[4] Ms. Adeoye appealed to the Refugee Appeal Division [RAD] of the IRB. The RAD dismissed her appeal, agreeing with the RPD that there was an IFA in Lagos. The RAD noted that Ms. Adeoye had resided at the same address in Nigeria for a period of five years, after the alleged threats took place, the lack of credible evidence of any efforts by the agents of persecution to locate her and the lack of evidence that they had anything to do with the death of Ms. Adeoye's employer. The RAD also found that there was insufficient evidence of the agents of persecution's alleged visits to Ms. Adeoye's mother. Leave to begin an application for judicial review in this Court was denied.

[5] Ms. Adeoye then applied for a pre-removal risk assessment [PRRA]. She provided recent emails from her mother and brother in Nigeria, who expressed the view that her life would be in danger should she return to her home country. A senior immigration officer denied her application. The officer found that Ms. Adeoye merely restated the same facts as before the RPD and RAD. Moreover, the officer noted that emails from Ms. Adeoye's mother and brother did not overcome the findings of the RPD and RAD nor provided objective evidence of new risks personal to Ms. Adeoye.

[6] Ms. Adeoye brought an application for leave and judicial review of the negative PRRA decision. In the context of this application, she brought a motion for a stay of her removal to Nigeria.

## II. Analysis

### A. *Analytical Framework*

[7] Motions for stay of removal are decided according to the well-known three-part test for interlocutory injunctions: *RJR – Macdonald Inc v Canada (Attorney General)*, [1994] 1 SCR 311 [*RJR*], and *R v Canadian Broadcasting Corp*, 2018 SCC 5, [2018] 1 SCR 196. The Court must determine whether: (1) the applicant has shown that the underlying application raises a serious issue; (2) the applicant will suffer irreparable harm if the stay is not granted; and (3) whether the balance of convenience favours the applicant.

B. *Serious Issue*

[8] In *RJR*, at 337, the Supreme Court of Canada held that the serious issue prong of the test is a low threshold, which is met as long as the issue raised by the applicant is not frivolous. Nevertheless, in applying this test, one must bear in mind that to succeed on the underlying application for judicial review, Ms. Adeoye must show that the PRRA decision is unreasonable. This is particularly significant where the alleged errors in the underlying decisions pertain to the assessment of evidence, matters about which courts usually show deference towards administrative decision-makers: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paragraphs 125–126.

[9] Ms. Adeoye's main submission is that the PRRA officer erred in not giving any weight to the emails written by her mother and brother. The reality, however, is that these emails are extremely brief. They identify the father's family as the agents of persecution. The mother's email mentions that they want to kill Ms. Adeoye and are "looking for her everywhere in Nigeria." Yet, no explanation whatsoever is provided regarding the capacity of the father's family to find Ms. Adeoye anywhere in Nigeria. While the mother mentions that members of the father's family came to her house, there are no details as to the timing and frequency of these visits. Bare statements such as these are insufficient to ground a claim: *Azzam v Canada (Citizenship and Immigration)*, 2019 FC 549 at paragraph 31. The immigration consultant who prepared Ms. Adeoye's PRRA application could have asked for additional details.

[10] Moreover, the officer was under no duty to convene a hearing to determine whether the emails were genuine. The officer did not find that the emails were forged, but that they were insufficient to establish risk. This is not a credibility finding that could only be made after hearing Ms. Adeoye.

[11] Ms. Adeoye also challenges the IFA finding that is at the root of the RPD, RAD and PRRA decisions. Relying on this Court's decision in *AB v Canada (Citizenship and Immigration)*, 2020 FC 915, she submits that she would need to isolate herself from her own family and effectively live in hiding in the IFA. She also submits that unmarried women like her face heightened risks in Nigeria. However, allegations that the PRRA officer made errors must be grounded in the evidence, not only on general propositions. In this case, Ms. Adeoye lived for five years at the same address in Nigeria, without isolating herself from her family, and the alleged agents of persecution did not find her. Moreover, Ms. Adeoye failed to raise the issue of the risk facing unmarried women before the PRRA officer. She cannot fault the officer for failing to address an argument that was never made.

C. *Irreparable Harm and Balance of Convenience*

[12] As I find that the underlying application for judicial review does not raise a serious issue, I do not need to consider the two other prongs of the *RJR* test, namely, irreparable harm and balance of convenience.

[13] Suffice it to say that three decision-makers have found that Ms. Adeoye would not be exposed to any significant risk upon returning to Nigeria. I have not been persuaded that there is

any reason to doubt the validity of these assessments. Where that is the case, a motion for stay of removal is not the appropriate forum to obtain a further risk assessment: *Pierre v Canada (Public Safety and Emergency Preparedness)*, 2020 FC 887; *Medina Cerrato v Canada (Public Safety and Emergency Preparedness)*, 2018 FC 1231 at paragraph 23; *Ledshumanan v Canada (Public Safety and Emergency Preparedness)*, 2021 FC 1463 at paragraphs 62–64; *Garrick v Canada (Citizenship and Immigration)*, 2022 FC 317 at paragraph 17.

### III. Disposition

[14] For these reasons, Ms. Adeoye’s motion for a stay of her removal to Nigeria will be dismissed.

**ORDER in IMM-3742-22**

**THIS COURT ORDERS that:**

1. The motion for a stay of the removal of the Applicant is denied.
2. The “Minister of Public Safety and Emergency Preparedness” is added as a Respondent for the purposes of this motion.

"Sébastien Grammond"

Judge

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

**DOCKETS:** IMM-3742-22

**STYLE OF CAUSE:** OLAYEMI RUTH ADEOYE v MINISTER OF  
CITIZENSHIP AND IMMIGRATION AND MINISTER  
OF PUBLIC SAFETY AND EMERGENCY  
PREPAREDNESS

**PLACE OF HEARING:** HELD BY VIDEOCONFERENCE

**DATE OF HEARING:** JUNE 14, 2022

**ORDER AND REASONS:** GRAMMOND J.

**DATED:** JUNE 14, 2022

**APPEARANCES:**

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